have contributed to many of our successes as a nation. Yet as they saw their brethren on Cyprus being driven out mercilessly, they became despondent about why the U.S. Government would not even attempt to bring about a cessation in the fighting.

We in the Congress must now turn to attempting to rebuild the war ravaged nation of Cyprus. I intend to offer an amendment to the Foreign Assistance Act which will provide $25 million in emergency assistance to Cyprus to try and help restore economic stability to the island.

The destruction and devastation on Cyprus which has occurred as a result of the war, is staggering and dictates the urgent need for this Nation to come to her rescue.

In addition to the problem of the 200,000 refugees Turkey, controls close to 70 percent of the island's productive resources. The tourism trade which is so critical to a healthy Cypriot economy has been reduced to virtually nothing. Cyprus has been forced to forfeit some $3 million worth of factory production daily, with rampant unemployment accompanying this reduced production. It is further estimated that without a quick solution to the Cyprus question, the average income of a Cypriot citizen will be cut in half in 6 months.

All of these facts, as well as the prospect for additional economic hardships, clearly demonstrates the need for the U.S. Government to come immediately to the aid of Cyprus. The $25 million I am proposing could provide housing, medical services, and other equally important services to the Cypriot people.

We have a moral obligation to assist Cyprus when we consider that it was our military aid to Turkey which was used to both kill her citizens and ruin her land. We must place our entire aid policies under closer scrutiny, and by providing aid to Cyprus we will be better fulfilling the mandate of the Foreign Assistance Act.

These past 2 months have represented a sorry chapter in the history of U.S. foreign policy. We have allowed an unprovoked and illegal invasion by a nation using our military aid to go virtually unnoticed. We have alienated millions of loyal Greek-American citizens who have viewed with justifiable bitterness the seeming indifference and callousness of this Nation to the plight of the Greek Cypriot citizens as well as our failure to react to Turkey's invasion.

We have allowed the security of NATO as well as the entire Western Alliance to be placed in a most precarious position. We have turned our backs to the suffering and misery being endured by the Cypriot people. And we have even placed the security as well as the morale of our own diplomatic personnel in jeopardy by attempting to make them the scapegoats for their superiors' failure to act in this crisis.

We cannot afford a continuation of our present policies with respect to Cyprus. Unless we respond and take the lead in establishing the road to peace, grave doubts are bound to be raised about how those same persons who chose to remain silent can be expected to bring about a meaningful peace in Cyprus. Historically political solutions to crises by the United States have resulted in years of unrest as we see in Korea and Vietnam. We must work to restore the territorial independence of Cyprus, we must free her from the bonds of oppression currently being practiced by the illegal Turkish invaders. We must work to regain the friendship of the Greek people. These are challenges which will require a great deal more action than has thus far been evident from the administration. I fervently hope that our past errors can be eradicated, and the establishment of peace for Cyprus can be its replacement.

SENATE—*Tuesday, October 1, 1974*

The Senate met at 9 a.m., and was called to order by Hon. HAROLD E. HUGHES, a Senator from the State of Iowa.

PRAYER

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

Almighty God, unto whom all hearts are open and all desires known, our need is our prayer. Our weakness seeks Thy strength. Our humanity longs for divinity. Thou has put within us a hunger for righteousness and truth. Assure us of Thy presence while we pray and as we work. Take this day unto Thy keeping. Overrule our mistakes. Control our thoughts and feelings. Direct our energies. Instruct our minds. Conform our wills to Thy will. Make this a day of service to Thee, a day of joy and peace, a day when the kingdoms of this world become more nearly Thy kingdom.

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., October 1, 1974.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. HAROLD E. HUGHES, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, September 30, 1974, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

CONSIDERATION OF CERTAIN MATTERS ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 1124, 1128, and 1130.

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

TRANSFER OF CERTAIN ARCHIVES AND RECORDS TO THE STATE OF ALASKA

The joint resolution (S.J. Res. 234) transferring to the State of Alaska certain archives and records in the custody of the National Archives of the United States, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

Whereas the archives and records of the Office of the Territorial Governors of Alaska, 1884–1958, were transferred to the Federal Archives and Records Center, Seattle, Washington, in 1958 as part of a records management improvement program and because of a lack of proper archival facilities in Alaska; and

Whereas it was agreed by officials of the General Services Administration and the State of Alaska at that time that legislation would be requested to return these archives and records to the custody of the State of Alaska at such time as a State archival agency should be prepared to receive them; and

Whereas the State of Alaska will complete construction of a State archival facility in the near future; and

Whereas Federal records created by territorial governments pertaining to territorial activities have traditionally been transferred to the successor State government when a State enters the Union: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the official archives and records of the Territorial Governors of Alaska, 1884–1958, now deposited with the National Archives of the United

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

States at the Federal Archives and Records Center, Seattle, Washington, shall be transferred to the State of Alaska at the expense of the United States: *Provided*, That the State of Alaska makes provisions for the safekeeping, repair, and preservation of such archives and records in fireproof, air-conditioned storage space under professional archival direction: *Provided further*, That the Administrator of General Services shall determine that the condition imposed above has been met prior to his release of such archives and records for transfer to the State of Alaska.

DISPOSITION OF OFFICE EQUIPMENT AND FURNISHINGS

The Senate proceeded to consider the bill (H.R. 9075) to authorize the disposition of certain office equipment and furnishings, and for other purposes, which had been reported from the Committee on Government Operations with amendments on page 1, in line 8, strike out "the office space" and insert in lieu thereof "an office".

On page 2, in line 8, after "such", strike out "regulations." and insert "regulations, but in no instance less than the fair market value of such items.".

On page 3, in line 6, strike out "the office space" and insert in lieu thereof "an office".

On page 3, in line 20, after "such", strike out "regulations." and insert "regulations, but in no instance less than the fair market value of such items.".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GOLDEN GATE NATIONAL RECREATIONAL AREA

The Senate proceeded to consider the bill (H.R. 10834) to amend the act of October 27, 1973, establishing the Golden Gate National Recreation Area in San Francisco and Marin Counties, Calif., and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments as follows:

On page 1, in line 9, strike out "003 D" and insert in lieu thereof "003-F".

On page 1, in line 9, strike out "1973" and insert in lieu thereof "1974".

On page 2, at the end of line 10, strike out "287.47 acres: *Provided*, That the Secretary is authorized to acquire such interest as he deems reasonably necessary to preserve the scenic quality of the 9.47 acres designated for scenic protection," and insert in lieu thereof "235.14 acres".

On page 2, beginning in line 16, strike out "(8) Leonard property, Stinson Beach, 8.25 acres,".

On page 2, in line 17, strike out "(9)" and insert in lieu thereof "(8)".

On page 2, in line 17, after the comma, strike out "4" and insert in lieu thereof "3.94".

On page 2, beginning with line 18, strike out "(10) State of California, Department of Transportation, 120 acres".

On page 2, in line 22, strike out "10" and insert in lieu thereof "10.03".

On page 2, at the end of line 23, strike out "40" and insert in lieu thereof "40.65".

On page 3, beginning with line 1, strike out:

"SEC. 2. Section 5(b) of the Act of October 27, 1972 (86 Stat. 1299), is amended to read as follows:

"'(b) The Commission shall be composed of sixteen members appointed by the Secretary for terms of three years each. At least one of the members appointed to the Commission shall be a member of the Marin County Planning Commission, Marin County, California, who is familiar with the purposes and facilities of the Golden Gate National Recreation Area and the Point Reyes National Seashore and is a resident of the area known as West Marin located in Marin County, California."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 10834) was read the third time, and passed.

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.

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

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

VETERANS' ADMINISTRATION

The second assistant legislative clerk read the nomination of Richard L. Roudebush, of Indiana, to be Administrator.

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

Mr. THURMOND. Mr. President, I am pleased to rise in support of the confirmation of my good friend, Richard L. Roudebush, to be Administrator of Veterans' Affairs.

First of all, I want to congratulate Mr. Roudebush on the honor which the President has paid him. This nomination was the first major agency appointment which President Ford made after assuming the Presidency.

Mr. President, for many years, Richard Roudebush has been an outstanding leader in the field of veterans' affairs. He represented the 6th, 10th, and 5th Districts of Indiana for 10 years in the U.S. House of Representatives. During this time, he served on the House Veterans' Affairs Committee.

Prior to his election to the Congress, he served as chairman of the Indiana Veterans Commission, and for 7 years as Veterans of Foreign Wars service officer in Indiana. He has been commander of the VFW in Indiana, and in 1957 was chosen national commander in chief of the Veterans of Foreign Wars of the United States.

Since January 1971, he has served in the Veterans' Administration, first as Assistant Deputy Administrator, and since January 18 of this year, as Deputy Administrator.

Mr. President, Richard Roudebush has always worked hard for our veterans both in his official capacity and through his membership and active participation in the veterans' service organizations. He has shown his courage in speaking up for our veterans.

As a combat veteran of World War II, he knows the problems of our veterans and their families. He has committed himself to a course of action as chief spokesman and advocate for veterans of all periods of service.

Mr. President, I am satisfied that Richard Roudebush will be an excellent Administrator of Veterans' Affairs, and urge my colleagues to support his nomination.

Mr. HANSEN. Mr. President, I rise in support of confirmation of Mr. Richard L. Roudebush as Administrator of the Veterans Affairs Administration.

He is one of the most competent individuals in the field of veterans' activities that it has been my privilege to know. He has an excellent background and many years of dedicated service.

Serving his Nation honorably during World War II, and returning home with multiple injuries, he was employed by the Veterans of Foreign Wars. From there, he sought nomination in that organization at both the State level in Indiana and the national level, and served as National VFW Commander in Chief in 1957.

He was then nominated and elected as a U.S. Representative from the State of Indiana and, because of reapportionment, served several congressional districts.

He was appointed Administrative Assistant at the Veterans Administration and was later elevated to Deputy Administrator.

I urge my colleagues to join in confirming Mr. Roudebush to this position of responsibility. I am satisfied he will continue to represent the veterans of this country in a forthright and diligent manner.

It is my privilege to endorse Richard Roudebush wholeheartedly and to urge his confirmation as VA Administrator.

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 the consideration of legislative business.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

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

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken from the time to be assigned, to the Senator from West Virginia (Mr. ROBERT C. BYRD).

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

DEVELOPMENTALLY DISABLED ASSISTANCE AND BILL OF RIGHTS ACT

Mr. MANSFIELD. Mr. President, before the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) is recognized, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1117, S. 3378.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3378) to provide assistance for the developmentally disabled, establish a bill of rights for the developmentally disabled, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Developmentally Disabled Assistance and Bill of Rights Act".

DEFINITIONS

SEC. 2. For purposes of title I of this Act—

(1) "Construction" means the construction of new buildings, the acquisition, expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of any such buildings (including medical transportation facilities).

(2) "Cost of construction" means the amount found by the Secretary to be necessary for the construction of a project, including architect's fees, but excluding the cost of offsite improvements and the cost of the acquisition of land.

(3) "Design for implementation" means a document prepared by the appropriate State agency or agencies outlining the implementation of the State plan as developed by the State planning council. The design for implementation shall include details on the methodology of implementation, priorities for spending, a detailed plan for the use of funds provided under this Act, specific objectives to be achieved, a listing of those programs and resources to be utilized, and a method for periodic evaluation of its effectiveness in meeting State plan objectives.

(4) "Developmental disability" means a disability which is—

(A) attributable to mental retardation, cerebral palsy, epilepsy, autism, or to a specific learning disability; or

(B) attributable to any other condition of an individual found to be closely related to mental retardation as it refers to general intellectual functioning or impairment in adaptive behavior or to require treatment similar to that required for mentally retarded individuals, which disability (i) originates before such individual attains age 18, (ii) has continued or can be expected to continue indefinitely, and (iii) constitutes a substantial handicap to such individual's ability to function normally in society.

(5) "Institution of higher education" has the meaning given it in section 122(c) of the Education Amendments of 1972.

(6) "Nonprofit facility for persons with developmental disabilities", or "nonprofit private institution of higher learning" mean a facility for persons with developmental disabilities, and an institution of higher learning which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(7) "Nonprofit private agency or organization" means an agency or organization which is a nonprofit corporation or association or which is owned and operated by one or more of such corporations or associations.

(8) "Poverty area" has the meaning given it in regulations of the Secretary.

(9) "Satellite center" means a facility of an agency or agencies associated with a university affiliated facility that functions as a community or regional extension of such university affiliated facility in the delivery of training, services, and programs to the consumers or their representatives, the designated State delivery system agency, and other service or program delivery units.

(10) "Secretary" means the Secretary of Health, Education, and Welfare.

(11) "Services for persons with developmental disabilities" means specialized service or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with such a disability, and such term includes diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with such disability and of his family, protective and other social and legal services, information and referral services, follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

(12) "Specific learning disability" means a disorder in one or more of the basic processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, and such disorder may include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, or developmental aphasia, but such term does not include learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, or emotional disturbance, or of environmental disadvantage.

(13) "State" includes the several States, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

(14) "State planning council" means a council established in a State pursuant to section 115 of this Act.

(15) "Title", when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the annual rental does not exceed 4 percent of the value of the land) as the Secretary finds sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purposes of construction and operation of the project.

AUDIT

SEC. 3. Each recipient of a grant or contract under this Act shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is made or funds thereunder used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant or contract under this Act which are pertinent to such grant or contract.

OFFICE OF DEVELOPMENTAL DISABILITIES

SEC. 4. There is established in the Office of Secretary an Office of Developmental Disabilities headed by a Director to carry out the purposes of this Act.

ADVANCE FUNDING

SEC. 5. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the authority provided by subsection (a) of this section shall apply notwithstanding that its initial application will result in the enactment in the same year (whether the same appropriation Act or otherwise) of two separate appropriations one for the then current fiscal year and one for the succeeding fiscal year.

EMPLOYMENT OF HANDICAPPED INDIVIDUALS

SEC. 6. As a condition of providing financial assistance under this Act, the Secretary shall insure that each recipient of such assistance shall take affirmative action to employ and advance in employment qualified handicapped individuals covered under, and on the same terms and conditions as set forth in, the applicable provisions of the Rehabilitation Act of 1973 (87 Stat. 355) relating to employment of handicapped individuals by State rehabilitation agencies and rehabilitation facilities and under Federal contracts and subcontracts.

TITLE I—ASSISTANCE FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

DECLARATION OF PURPOSE AND FEDERAL SHARE

SEC. 100. (a) The purpose of this title is to improve and coordinate the provision of services to persons with developmental disabilities through (A) grants to assist the several States in developing and implementing a comprehensive and continuing plan for meeting the current and future needs of persons with developmental disabilities; (B) the renovation and modernization of university-affiliated facilities which aid in demonstrating the provision of specialized services for persons with developmental disabilities, through support of demonstration and training programs at institutions of higher education; (C) the development of regional community programs for services to persons with developmental disabilities; (D) the support of activities which will contribute to improving the condition of persons with developmental disabilities, including but not limited to grants for demonstrating exemplary services to persons with developmental disabilities who are especially disadvantaged; (E) technical assistance in the establishment of services and facilities for persons with developmental disabilities, including assistance in State and local planning or administration; (F) training of specialized personnel needed for the provision of services for persons with developmental disabilities; and (G) developing or demonstrating new or improved techniques for the provision of services to persons with developmental disabilities.

(b) The Federal share with respect to any project assisted under part A of this title may not exceed 70 percent of the necessary cost thereof as determined by the Secretary.

(c) The Federal share with respect to any project assisted under part B of this title may not exceed 70 percent of the necessary cost thereof as determined by the Secretary, except that with respect to a project of any facility or agency which provides, or will upon completion of a project assisted under such part B provide, services to a poverty area, the Federal share may not exceed 90 percent of the necessary cost thereof.

(d) (1) The non-Federal share of the cost of any project assisted under this title shall be provided in cash and not in kind.

(2) Payments of grants under this title shall be made in advance or by way of reimbursement, and on such conditions as the Secretary may determine.

(3) For the purpose of determining the Federal share with respect to any State, expenditures by a political subdivision thereof or by nonprofit private agencies, organizations, and groups shall, subject to such limitations and conditions the Secretary may by regulation prescribe, be deemed to be expenditures by such State.

PART A—DEMONSTRATION AND TRAINING GRANTS FOR UNIVERSITY AFFILIATED FACILITIES AND RENOVATION AND CONSTRUCTION OF FACILITIES

RENOVATION AND CONSTRUCTION

SEC. 101. (a) For the purpose of making grants under subsection (b) there is authorized to be appropriated $6,500,000 for the fiscal year ending June 30, 1975, and for each of the next four succeeding fiscal years.

(b) Amounts appropriated pursuant to subsection (a) shall be used only for project grants for (1) renovation or modernization of a university affiliated facility which is carrying out a program under section 102(a) or (2) renovation and modernization of a facility to be operated as a satellite center (as defined in section 2(9)) of a university affiliated facility. Amounts appropriated pursuant to subsection (a) shall be used only with respect to facilities which after renovation and modernization meet standards adopted pursuant to the Architectural Barriers Act of 1968 (82 Stat. 718).

(c) The Secretary in making grants for the purposes of subsection (b)(2) of this section shall give a priority to those applicants utilizing existing facilities.

DEMONSTRATION, TRAINING, AND OPERATIONAL GRANTS

SEC. 102. (a)(1) The Secretary shall, in accordance with the provisions of this part, make grants to university affiliated facilities to pay part of the cost of administering and operating demonstration facilities and interdisciplinary training programs for personnel needed to render specialized services to persons with developmental disabilities, with emphasis upon the ability and commitment of such programs to provide services not otherwise available under other laws to persons with developmental disabilities in programs of community care as alternatives to such services being provided in institutional settings.

(2) Each recipient of a grant made under paragraph (1) (if funds are available in accordance with paragraph (3)) shall conduct a study and submit to the Secretary (not later than six months after the date of receipt of such grant) a full report which includes—

(A) an assessment of the need for the provision of alternative community care services for persons with developmental disabilities in each State not now served by such recipient in the general geographical area in which such institution is located, and

(B) a feasibility study of ways in which such recipients, singly or together with other such recipients, could establish and operate satellite centers in areas described in subparagraph (A) to provide such services in accordance with demonstration facilities and interdisciplinary training programs assisted under paragraph (1).

(3) Assessments and studies required under the provisions of paragraph (2) shall be carried out in consultation with the State planning council for the State where the recipient is located and where the satellite center would be established, and may be carried out jointly with one or more recipients under paragraph (1). The Secretary, subject to the availability of funds, shall include in the grant made under paragraph (1) an additional amount (not in excess of $25,000) necessary to pay all of the cost of any such assessment and study.

(b)(1) The Secretary may, in accordance with the provisions of this part, make grants to university affiliated facilities to pay part of the costs of establishing, administering, and operating satellite centers meeting the specifications developed in the assessments and studies carried out under paragraph (2) of subsection (a) of this section. Any recipient of assistance under this subsection may provide, by contract, for the operation of any satellite center assisted under this subsection by a qualified public or nonprofit private agency or organization. The non-Federal share for a grant under this subsection shall be provided by the State in which the satellite center will be located.

(2) For the purposes of this subsection only, the term "university affiliated facility" means a facility constructed under funds authorized by Public Law 88-164 to promote interdisciplinary training of personnel to serve developmentally disabled individuals, or a successor facility as designated by the Secretary to perform the functions of such facility.

(c) For the purpose of making grants pursuant to this section, there is authorized to be appropriated for the fiscal year ending June 30, 1975, and for each of the four succeeding fiscal years, $25,000,000, of which in the fiscal year ending June 30, 1975, amounts appropriated in excess of $4,250,000 and not in excess of $4,975,000 (or such lesser amount as the Secretary may determine to be necessary) shall be made available only for the purposes of carrying out assessments and studies under paragraph (2) of subsection (a) of this section. With respect to amounts appropriated for the fiscal year ending June 30, 1976, and for the subsequent fiscal years, $4,250,000 shall be available only for grants under paragraph (1) of subsection (a) of this section, and of amounts appropriated in excess of $4,250,000 for each such year, 50 per centum shall be available only for grants under subsection (b) of this section.

APPLICATIONS

SEC. 103. (a) The Secretary may approve an application for a grant under this part only if the application contains or is supported by reasonable assurances that—

(1) the proposal for such renovation or modernization is consistent with the appropriate State plan established pursuant to section 114, and that the applicant will provide the services and training required by such State plan or plans as appropriate;

(2) the facility is associated, to the extent prescribed in regulations by the Secretary, with an institution of higher learning medical center (including affiliated health or education facilities), or with part of such an institution of higher education;

(3) the plans and specifications for such renovation or modernization are in accord with regulations prescribed by the Secretary under section 119;

(4) title to the site for the project is or will be vested in the State in which it is located, or in one or more of the agencies or institutions making the application, or in a public or nonprofit agency or institution which is to operate the facility;

(5) the non-Federal share will be available for renovation or modernization of the project and adequate funds will be available for its maintenance and operation when completed;

(6) the facility will comply with regulations of the Secretary relating to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with standards adopted pursuant to the Architectural Barriers Act of 1968 and with regulations of the Secretary of Labor relating to occupational health and safety standards); and

(7) any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5); and the Secretary of Labor shall have, with respect to the labor standard specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(b)(1) In considering applications for such grants under this part, the Secretary shall require that such applications demonstrate that the grant application has been reviewed and commented on by the State planning councils established under section 115, and with respect to grants to university affiliated facilities, give priority to any application which shows that the applicant has made arrangements, in accordance with regulations of the Secretary, for a junior college or other community-based educational or health facility to participate in the programs for which the application is made.

(2) In the event that a State planning council fails to complete its review and comment within 30 calendar days after the submission of such application to the council under this subsection, the applicant may submit directly to the Secretary a request to approve its application. If the Secretary finds that the failure by such council is arbitrary, capricious, or unwararnted, he may approve such application without further action by such council. In a case where the findings of the Secretary do not meet the criteria of the preceding sentence he shall return such application to the State planning council for action.

(c) Applications for assistance under this part shall establish as priority goals—

(1) deinstitutionalization of persons with developmental disabilities including prevention of institutionalization, normalization outside of institutions, development of community-based programs including placement, and follow-up services;

(2) early screening, diagnosis, and evaluation of developmentally disabled infants and preschool children (including maternal care, developmental screening, home care, infant and preschool stimulation programs, and parent counseling and training);

(3) counseling, client program coordination, follow-along services, protective services, and personal advocacy on behalf of developmentally disabled adults; and

(4) normalization of institutional life.

RECOVERY

SEC. 104. If any facility with respect to which Federal assistance has been provided under this part shall, at any time within 20 years after the completion of construction, renovation or modernization—

(1) be sold or transferred to any person, agency, or organization which is not qualified to file an application under this part, or

(2) cease to be a public or other nonprofit facility for persons with developmental disabilities,

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility which has ceased to be a public or other nonprofit facility for persons with developmental disabilities, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) of so much of the facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. The Secretary, in accordance with regulations prescribed by him, may, upon finding good cause therefor, release the applicant or other owner from the obligation to continue such facility as a public or other nonprofit facility for persons with developmental disabilities.

MAINTENANCE OF EFFORT

SEC. 105. Applications for grants under this part may be approved by the Secretary only if the application contains or is supported by reasonable assurances that the grants will not result in any decrease in the level of State, local, and other non-Federal funds for services for persons with developmental disabilities and training of persons to provide such services which would (except for such grant) be available to the applicant, but that such grants will be used to supplement, and, to the extent practicable, to increase the level of such funds.

PART B—GRANTS FOR PLANNING, PROVISION OF SERVICES, AND CONSTRUCTION AND OPERATION OF FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

AUTHORIZATION OF APPROPRIATION

SEC. 111. For the purpose of making grants to carry out this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1975, $85,000,000 for the fiscal year ending June 30, 1976, $95,000,000 for the fiscal year ending June 30, 1977, $100,000,000 for the fiscal year ending June 30, 1978, and $110,000,000 for the fiscal year ending June 30, 1979; and there is further authorized to be appropriated for such purpose for each such fiscal year such additional sums as the Congress may deem necessary.

STATE ALLOTMENTS

SEC. 112. (a) (1) From the sums appropriated pursuant to section 111 for each fiscal year, other than amounts reserved by the Secretary for projects under subsection (e) of this section, the several States shall be entitled to allotments determined, in accordance with regulations, on the basis of (A) the population, (B) the extent of need for services and facilities for persons with developmental disabilities, and (C) the financial need, of the respective States; except that the allotment of any State (other than the Virgin Islands, American Samoa, Guam, and Trust Territory of the Pacific Islands) for any such fiscal year shall be not less than $200,000 (except that no State shall receive less than the amount such State received for the fiscal year ending June 30, 1974, under section 132(a)(1) of the Mental Retardation Facilities Construction Act (84 Stat. 1317) and the allotment of the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands shall be not less than $50,000 plus, for each fiscal year ending after June 30, 1975, for which appropriations exceed $50,000,000, an amount which bears the same ratio to $200,000 (or in the case of the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands, $50,000) as the difference between the amount so appropriated for each fiscal year and $50,000,000 bears to $50,000,000.

(2) In determining, for purposes of paragraph (1), the extent of need in any State for services and facilities for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services specified, pursuant to section 114(b), in the State plan of such State approved under this part.

(3) Sums allotted to a State for a fiscal year and designated by it for construction, renovation, or modernization which are unobligated at the end of such year shall remain available to such State for such purpose for the next fiscal year and for such year only, in addition to the sums allotted to such State for such fiscal year.

(b) Whenever a State plan is approved in accordance with section 114 which provides for participation of more than one State agency in administering or supervising the administration of designated portions of such plan, the State may apportion its allotment among such agencies in a manner which is reasonably related to the responsibilities assigned to such agencies in carrying out the purposes of this part subject to the approval of the Secretary. Funds so apportioned to State agencies may be combined with other State or Federal funds authorized to be expended for other purposes, provided the purposes of this part will receive proportionate benefit from the combination.

(c) Whenever a State plan approved in accordance with section 114(c) provides for cooperative or joint effort between States or between or among agencies, public or private, in more than one State, portions of funds allotted to one or more such cooperating States may be combined in accordance with the agreements between the agencies and States involved.

(d) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which it is allotted shall be available for reallotment, by the Secretary on such date or dates as he may fix (but not earlier than 30 days after he has published notice of his intention to make such reallotment in the Federal Register), to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment under subsection (a) for such fiscal year.

(e) Of the sums appropriated pursuant to section 111, such amount as the Secretary may determine, but not more than 10 percent thereof, shall be available to the Secretary who, after consultation with the National Council established pursuant to section 113, may (notwithstanding the provisions of subsection (c) of section 100) make grants to States and public or nonprofit private agencies to pay up to 90 percent of the cost of projects which in his judgment are of special national significance. Such projects shall include—

(1) integrated service model projects for services to the developmentally disabled population,

(2) public awareness and public education programs to assist in the elimination of attitudinal and environmental barriers confronted by individuals with developmental disabilities, and

(3) demonstration projects to coordinate and utilize all available community resources,

in meeting the needs of persons with developmental disabilities (especially the disadvantaged), or will demonstrate new or improved techniques for the provision of services for such persons, or are otherwise specifically significant for carrying out the purposes of this part.

(f) The Secretary shall administer grants under this part in accordance with policies used generally to administer grants throughout the Department of Health, Education, and Welfare.

NATIONAL COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

SEC. 113. (a) (1) Effective 30 days after the date of enactment of this Act, there is established in the Office of the Secretary a National Council on Services and Facilities for the Developmentally Disabled (herein referred to as the "National Council"), whose membership shall include the Deputy Commissioner of the Bureau of Education for the Handicapped, the Commissioner of the Rehabilitation Services Administration, the Administrator of the Social and Rehabilitation Service, the Director of the National Institute of Child Health and Human Development, the Director of the National Institute of Neurological Disease and Stroke, the Director of the National Institute of Mental Health, 3 other representatives of the Department of Health, Education, and Welfare selected by the Secretary, and 16 members, who are not full-time employees of the United States, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service.

(2) The Secretary shall from time to time designate 1 of the 16 appointed members of the National Council to serve as Chairman thereof.

(3) The 16 appointed members of the National Council shall be selected from advocates in the fields of service to persons with developmental disabilities, including leaders in State or local government, in institutions of higher education, and in organizations which have demonstrated advocacy on behalf of consumers of such services. At least 5 such members shall be representatives of State or local public or nonprofit private agencies responsible for services to persons with developmental disabilities, and at least 5 other such members shall be consumers of such services or the parents or guardians of such consumers.

(b) Each appointed member of the National Council shall hold office for a term of 4 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. A former member may only be reappointed to the National Council after a period of 1 year has elapsed from the end of his appointed term. The Secretary shall fill all vacancies resulting from the expiration of members' terms on the National Council within 10 calendar days of the occurrence of such vacancies.

(c) The National Council shall meet at least twice a year, and shall hold its initial meeting within 90 days after the date of enactment of this Act.

(d) It shall be the duty and function of the National Council to—

(1) advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of this title;

(2) study and evaluate programs authorized by this title to determine their effectiveness in carrying out the purposes for which they were established;

(3) monitor the development and execution of this title and report directly to the Secretary any delay in the rapid execution of this title;

(4) review grants made under section 112 (e) and advise the Secretary with respect thereto;

(5) review grants and contracts entered into pursuant to section 121, including re-

view of the final evaluation system and advise the Secretary with respect thereto; and

(6) submit to the Congress annually an evaluation of the efficiency of the administration of this title.

(e) The National Council is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the National Council such secretarial, clerical, and other assistance and such statistical and other pertinent data prepared by or available to the Department of Health, Education, and Welfare as it may require to carry out such functions.

(f) Members of the National Council, while attending meetings or conferences thereof or otherwise serving on the business of the National Council, shall be entitled to receive compensation at rates fixed by the Secretary, but at rates not exceeding the daily equivalent of the rate provided for GS–18 of the General Schedule for each day of such service (including traveltime), and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(g) A member of the National Council created pursuant to section 133 of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 whose term has not expired by July 1, 1974, shall continue to serve as a member of the National Council established in this section until the date such term would have expired had such Act remained in effect after July 1, 1974.

(h) There are authorized to be appropriated to carry out the purposes of this section $100,000 for the fiscal year ending June 30, 1975 and for each of the four succeeding fiscal years.

(i) The National Council shall cease to exist as of June 30, 1979.

STATE PLANS

SEC. 114. (a) For each fiscal year in which a State makes application to participate in programs under this part it shall, within 180 days after the date of enactment of this Act, develop, submit, and obtain the approval of the Secretary of, an annual State plan which is a specific goal oriented plan, which shall include provisions designed to—

(1) reduce and eventually eliminate inappropriate institutional placement of persons with developmental disabilities;

(2) improve the quality of care, habilitation, and rehabilitation of persons with developmental disabilities for whom institutional care is appropriate;

(3) provide early screening, diagnosis, and evaluation of developmentally disabled infants and preschool children (including maternal care, developmental screening, home care, infant and preschool stimulation programs, and parent counseling and training);

(4) provide counseling, client program coordination, follow-along services, protective services, and personal advocacy on behalf of developmentally disabled adults;

(5) support the establishment of commodity programs as alternatives to institutionalization, designed to provide services for the care and habilitation of persons with developmental disabilities, which programs utilize, to the maximum extent feasible, the resources and personnel in related community programs to assure full coordination with such programs and to assure the provision of appropriate supplemental health, educational or social services for persons with developmental disabilities;

(6) protect the human rights of all persons with developmental disabilities, especially those without familial protection; and

(7) provide for interdisciplinary intervention and training programs for multihandicapped individuals.

(b) Before the Secretary may approve a State plan under section (c) of this section, the appropriate state planning council shall approve the design for implementation (including its plan for expenditure of funds) contained within such State plan. A State plan for the provision of services and facilities for persons with developmental disabilities shall—

(1) designate—

A) the State agency or agencies (except as provided in clause (B)) which shall administer and supervise the administration of the State plan, and if there is more than one such agency, the portion of such plan which each will administer (or the portion the administration of which each will supervise); and

(B) a single State agency as the sole agency for administering or supervising the administration of grants for construction, renovation, or modernization under the State plan;

(2) describe the quality, extent, and scope of services being provided or to be provided to meet the goals specified in subsection (a) of this section;

(3) describe (A) the quality, extent, and scope of services being provided, or to be provided, to persons with development disabilities under such other State plans for federally assisted State programs as may be specified by the Secretary, which shall in any case include education for the handicapped, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, crippled children's services, and comprehensive health and mental health plans, and (B) how funds allotted to the State in accordance with section 112 will be used to complement and augment rather than duplicate or replace services and facilities for persons with developmental disabilities who are eligible for Federal assistance under such other State programs;

(4) provide for the maximum utilization of all available community resources including volunteers serving under the Domestic Volunteer Service Act of 1973 (87 Stat. 394) and other appropriate voluntary organizations;

(5) set forth policies and procedures for the expenditure of funds under the plan, which, in the judgment of the Secretary, are designed to assure effective continuing State planning, evaluation, and delivery of services (both public and private) for persons with developmental disabilities;

(6) contain assurances satisfactory to the Secretary that (A) the funds paid to the State under this part will be used to make a significant contribution toward strengthening services for persons with developmental disabilities in the various political subdivisions of the State in order to improve the quality, scope, and extent of such services; (B) part of such funds may be made available to other public or nonprofit private agencies, institutions, and organizations; (C) such funds will be used to supplement and, to the extent practicable, to increase the level of funds that would otherwise be made available for the purposes for which the Federal funds are provided and not to supplant such non-Federal funds; and (D) there will be reasonable State financial participation in the cost of carrying out the State plan;

(7) provide that services and facilities furnished under the plan for persons with developmental disabilities will be in accordance with standards prescribed by regulations of the Secretary pursuant to this title and title II of this Act;

(8) provide such methods of administration, including methods relating to the establishment and maintenance of personnel standards and selection and advancement of personnnel on a merit basis, as are found by the Secretary to be necessary for the proper and efficient operation of the plan (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods);

(9) provide assurances that the State planning council is assigned adequate personnel, in order to insure that such council has the capacity to fulfill its responsibilities in the areas of planning, resource development, and program evaluation;

(10) provide that the State planning council shall periodically, but not less often than annually, review and evaluate the State plan and submit appropriate modifications to the Secretary for his approval;

(11) provide that the State agencies designated pursuant to paragraph (1) of this subsection will make such reports, in such form and containing such information, as the Secretary or the State planning council may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

(12) provide that special financial and technical assistance shall be given to areas of urban or rural poverty in providing services and facilities for persons with developmental disabilities who are residents of such areas;

(13) describe the methods to be used to assess the effectiveness and accomplishments of the State in meeting the needs of persons with developmental disabilities in the State;

(14) specify the maximum amount of, and the per centum of the State's allotment under section 112 for any year which is to be devoted to construction, renovation, or modernization of facilities, which per centum shall be not more than 10 per centum of the State's allotment or such lesser per centum as the Secretary may from time to time prescribe;

(15) if Federal funds are allotted for construction, renovation, or modernization under this part, outline a program of construction, renovation, or modernization of facilities for the provision of services for persons with developmental disabilities which—

(A) is based on a statewide inventory of existing facilities and survey of need;

(B) sets forth the relative need, determined in accordance with the regulations prescribed by the Secretary for the several projects included in the construction, renovation, or modernization program; and

(C) assigns priority to the construction, renovation, or modernization of projects, to the extent that financial resources available therefor and for maintenance and operation permit such priority, in the order of relative need, taking into account the requirement that any such construction, renovation, or modernization complies with any standards prescribed pursuant to the Architectural Barriers Act of 1968;

(16) provide for an opportunity for hearing before the State agency to every applicant for a construction, renovation, or modernization project;

(17) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursements of, and accounting for, funds paid to the State under this part in accordance with regulations the Secretary shall prescribe;

(18) provide for the implementation of an evaluation system compatible with the system developed under section 121 of this Act, within 30 months after the date of enactment of this Act;

(19) provide, to the maximum extent feasible, an opportunity for prior review and comment by the State planning council of all State plans in the State which relate to programs affecting persons with developmental disabilities;

(20) provide that personnel assigned to the State planning council shall be solely responsible to such council;

(21) provide that all relevant information concerning any programs which may affect persons with developmental disabilities shall be made available by projects and State agencies to the State planning council; and

(22) contain such additional information and assurances as the Secretary may determine to be necessary to carry out the provisions and purpose of this part.

(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (b) of this section. The Secretary shall not disapprove a State plan unless he has provided reasonable notice and opportunity for a hearing to the State.

STATE PLANNING COUNCILS

SEC. 115. (a) Each State which receives assistance under this title shall establish a State Planning Council which shall serve as advocate for persons with developmental disabilities, and whose members shall be appointed by the Governor of each such State.

(b) The State Planning Council shall—

(1) develop and prepare the State plan required by section 114;

(2) approve, monitor, and evaluate the implementation of such State plan and submit to the Governor and the State legislature an annual report on such implementation;

(3) establish priorities for the distribution of funds for programs for persons with developmental disabilities within the State;

(4) review and comment on all State plans in the State which relate to programs affecting persons with developmental disabilities; and

(5) submit to the Secretary, through the Governor, such periodic reports on its activities as the Secretary may reasonably request.

(c) Each State receiving assistance under this title shall provide for the assignment to the State Planning Council of personnel adequate to insure that such council has the capacity to fulfill its responsibilities in the areas of planning, resource development, and program evaluation, except that funds provided for such council personnel shall be at least at a level of 20 per centum of the amount of the State's allotment under section 112, but no more than 30 per centum of such amount.

(d) Each State Planning Council shall at all times include in its membership representatives of the principal State agencies, local agencies, and nongovernmental agencies, and groups concerned with services to persons with developmental disabilities, including a representative of an institution of higher education receiving a grant under this title and servicing a facility within that State; and at least one-third of the membership of such council shall consist of consumers of such services, or their parents or guardians, who are not officers of any organization, or employees of any State agency, or other agency or facility, which receives funds or provides services pursuant to this Act.

(e) The State agency or agencies designated under section 114(b)(1)(A) shall submit to the State planning council for its approval the design for implementation, including a detailed plan for the disbursement of all funds under this part (except as otherwise provided by this part).

(f) The Secretary shall insure that each State planning council has access to all other State plans submitted to him under section 114, as well as any relevant statistical and fiscal information relating to persons with developmental disabilities.

APPROVAL OF PROJECTS FOR CONSTRUCTION, RENOVATION, OR MODERNIZATION

SEC. 116(a) Any State or political subdivision thereof or a public or nonprofit private agency shall, with respect to any project for construction, renovation, or modernization authorized under this part, submit an application therefor to the Secretary, through the State agency designated pursuant to section 114(b)(1)(B) (herein in this part referred to as the "State agency"). An application for a project to be completed by two or more political subdivisions or public or nonprofit private agencies, or by a combination thereof, may be submitted by one such agency on behalf of all of them. Such application shall set forth—

(1) a description of the site for such project;

(2) plans and specifications thereof, in accordance with regulations prescribed by the Secretary;

(3) satisfactory assurances that title to such site is or will be vested in one or more of the agencies filing the application or in a public or nonprofit private agency which is to operate the facility;

(4) satisfactory assurances that the non-Federal share of financial support will be available for the construction, renovation, or modernization of the project and for its maintenance and operation when completed;

(5) a certification by the State agency of the Federal share for the project;

(6) satisfactory assurances that the project, facility, or activity, in connection with which such determination is made, does, or when completed or put into operation, will serve the needs of the residents of the area;

(7) a certification by the State agency that the project will comply with any standards prescribed pursuant to the Architectural Barriers Act of 1968; and

(8) satisfactory assurances that such construction, renovation, or modernization will conform to the requirements of section 103(b)(7) of this Act.

(b) The Secretary shall approve an application under this section if sufficient funds to pay the Federal share of the cost of such project are available from the allotment to the State, and if the Secretary finds that the application—

(1) sets forth, to his satisfaction, the information required in subsection (a),

(2) is in conformity with the State plan approved under this part, and

(3) has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the State's plan for persons with developmental disabilities and in accordance with regulations prescribed by the Secretary.

(c) No application shall be disapproved until the Secretary has afforded the State agency adequate notice and an opportunity for a hearing.

(d) Amendment of any approved application shall be subject to approval in the same manner as the original application.

WITHHOLDING OF PAYMENTS

SEC. 117. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to a State planning council and a State agency or agencies designated pursuant to section 114(b)(1) finds—

(1) that any such State agency or agencies are not complying with the provisions required by section 114(b) to be included in the State plan, or with regulations of the Secretary;

(2) that a State, State agency, or State planning council are not in compliance with the provisions of section 115;

(3) that any requirement set forth in an application submitted under section 114 and approved by the Secretary is not being or cannot be carried out with respect to the project for which such application was submitted;

(4) that there is a substantial failure to carry out plans and specifications related to construction, renovation, or modernization approved by the Secretary, under section 116; or

(5) that adequate funds are not being provided annually for the direct administration of the State plan,

the Secretary may forthwith notify such State council and State agency or agencies that—

(A) no further payments will be made to the State for construction, renovation, or modernization from allotments under this part; or

(B) no further payments will be made from allotments under this part for any project or projects designated by the Secretary as being affected by the action or inaction referred to in paragraph (1), (2), (3), (4), or (5) of this subsection as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments for construction, renovation, or modernization projects may be withheld, in whole or in part, until the Secretary is satisfied that the State has corrected any deficiencies under this subsection or, if such correction is impossible, until the State repays or arranges for the repayment of Federal moneys to which the State was not entitled because of such deficiencies.

(b) Whenever the State planning council finds that a State agency administering funds pursuant to the implementation design is failing to comply with such design, the State planning council shall notify the Governor and the Secretary, who may provide notice, conduct a hearing, and withhold payments pursuant to subsection (a) of this section.

PAYMENTS TO THE STATES FOR PLANNING ADMINISTRATION AND SERVICES

SEC. 118. (a) From each State's allotment for a fiscal year under section 112, the State shall be paid the Federal share of its expenditures, other than expenditures for construction, renovation, or modernization, incurred during such year under its State plan approved under this part. Such payments shall be made from time to time in advance on the basis of estimates by the Secretary of the sums the State will expend under the State plan, except that such adjustments as may be necessary shall be made on account of previously made underpayments or overpayments under this section.

REGULATIONS

SEC. 119. (a) The Secretary, not later than 90 days after the date of enactment of this Act, shall prescribe general regulations in final form applicable to all the States to carry out the purposes of this title.

(b)(1) Regulations promulgated by the Secretary may be waived upon approval of an application submitted by a State for a project to be completed by two or more political subdivisions or public or nonprofit private agencies, or by a combination thereof, which is consistent with applicable law and regulations promulgated by the Secretary for such purposes to provide services to persons with developmental disabilities by combining funds received from other Federal, State, or local programs to the extent that such regulations would without such waiver impede the implementation of such project. Such waivers shall be reviewed annually by the Secretary and issued on a case-by-case basis and for a specified period of time, but in no case longer than thirty-six months. Renewal of such waivers may be granted only after a full evaluation of the impact of such waivers by the Secretary. The Secretary shall submit his justifications for any renewal of such waivers in a report to the appropriate committees of the Congress.

(2) The Secretary shall publish in the Federal Register the fact that an application

for waiver under paragraph (1) has been submitted by a State, and he shall not approve or disapprove such application for a period of not less than 60 nor more than 90 days after the date of such publication.

NONDUPLICATION

SEC. 120. (a) In determining the amount of any payment for the construction, renovation, or modernization of any facility under a State plan approved under this part, there shall be disregarded (1) any portion of the costs of such construction, renovation, or modernization which are financed by Federal funds provided under any provision of law other than this part, (2) the amount of any non-Federal funds provided under any provision of law other than this part, and (3) the amount of any non-Federal funds required to be expanded as a condition of receipt of such Federal funds.

(b) In determining the amount of any State's Federal share of expenditures for planning administration, and services incurred by it under a State plan approved under this part, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than this part, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

EVALUATION OF DEVELOPMENTAL DISABILITIES SERVICES

SEC. 121. (a) The Secretary, in consultation with the National Council created pursuant to section 113 of this Act, shall develop and transmit to the appropriate committees of Congress, within 18 months after the date of enactment of this section, an evaluation system and plan for implementation of such system which shall provide a model for the development of State evaluation systems for all services delivered within the States to persons with developmental disabilities.

(b) The evaluation system required by subsection (a) shall be designed to—

(1) assess the adequacy of all education and training, habilitation, rehabilitation, early childhood, diagnostic and evaluation services, and all other services or assistance to persons with developmental disabilities under laws administered by the Secretary; and

(2) develop specific criteria designed to provide objective measurement of the developmental progress of persons with developmental disabilities, which may be utilized by public agencies, residential facilities, and community-based facilities and agencies to evaluate the effectiveness of the services provided to such persons.

(c) In developing such evaluation system the Secretary shall insure that such system is consumer oriented and that the system will—

(1) evaluate the effects of services on the lives of consumers, utilizing information and data obtained from individualized written habilitation plans as required under section 211 of this Act (when applicable) or other comparable individualized data,

(2) evaluate the overall impact of State and local programs for the developmentally disabled,

(3) provide and evaluate the cost-benefit ratios of particular service alternatives, and

(4) provide that evaluation of program quality shall be performed by individuals not directly involved in the delivery of such services to the program being evaluated.

(d) The Secretary, in consultation with the National Council established pursuant to section 113, may make grants to, and enter into contracts with, private nonprofit organizations or individuals to conduct feasibility studies to assist in developing the evaluation system required under subsection (a), except that such grant or contract shall not be entered into with groups or individuals who have any financial or other direct interest in the program being evaluated.

(e) There are authorized to be appropriated to carry out the purposes of this section $1,000,000 for the fiscal year ending June 30, 1975, and $1,000,000 for the fiscal year ending June 30, 1976.

GRANTS FOR SPECIAL PRODUCTS FOR SERVICES TO PERSONS WITH DEVELOPMENTAL DISABILITIES

SEC. 122. (a) For the purpose of making grants under this section for special projects and demonstrations (and research and evaluation connected therewith), there is authorized to be appropriated $17,500,000 for the fiscal year ending June 30, 1975, $20,000,000 for the fiscal year ending June 30, 1976, $22,500,000 for the fiscal year ending June 30, 1977, $25,000,000 for the fiscal year ending June 30, 1978, and $27,500,000 for the year ending June 30, 1979.

(b) The Secretary, after consultation with the National Council established pursuant to section 113, shall make grants to States and public or nonprofit agencies and organizations to pay part or all of the cost of special projects and demonstrations (and research and evaluation in connection therewith) for establishing programs which hold promise of expanding or otherwise improving services to persons with developmental disabilities (especially those who are disadvantaged or multihandicapped). Such projects and demonstrations shall include, but not be limited to, parent counseling and training, early screening and intervention, infant and preschool programs, seizure control system, legal advocacy, and community based counseling, care, housing and other services or systems necessary to maintain a person with developmental disabilities in the community.

(c) The Secretary shall insure that any such special projects are approved by the appropriate State planning council within 30 days after such council receives the application for review.

(d) Projects, or a component of any project funded under this section, shall not be eligible for funding under section 304 of the Rehabilitation Act of 1973 (87 Stat. 381).

REPEAL

SEC. 123. Effective 90 days after enactment, parts B and C of the Developmental Disabilities Services and Facilities Construction Act are repealed.

TITLE II—BILL OF RIGHTS FOR MENTALLY RETARDED AND OTHER PERSONS WITH DEVELOPMENTAL DISABILITIES

STATEMENT OF PURPOSE

SEC. 200. The purpose of this title is to establish standards to assure the humane care, treatment, habilitation, and protection of mentally retarded and other persons with developmental disabilities who are served by residential and community facilities and agencies; to establish a method to assess compliance with such standards; and to minimize in appropriate admissions to such facilities and agencies, through the establishment of a method for assuring that the standards affecting the health, safety, personal dignity, and human and civil rights of persons with developmental disabilities are being complied with by such facilities or agencies; and through (1) (A) the use of procedural criteria set forth in part B of this title and performance based criteria developed by the Secretary pursuant to section 210 of this Act; (B) compliance and minimum standards set forth in section 215; and (C) such additional specific criteria that the Council and the Secretary may deem necessary; or (2) compliance with standards set forth in parts C and D of this title.

PART A—GENERAL PROVISIONS FOR RESIDENTIAL AND COMMUNITY FACILITIES AND AGENCIES SERVING MENTALLY RETARDED AND OTHER PERSONS WITH DEVELOPMENTAL DISABILITIES

DEFINITIONS

SEC. 201. For the purposes of this title—

(1) "adaptive behavior" means the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility which is normal in relation to his age and social and cultural environment;

(2) "agency" means a public or nonprofit organization that provides services to persons with mental retardation and other developmental disabilities, or to their families, but which need not limit its services to developmentally disabled persons, and may provide services to developmentally disabled persons as part of services provided to the general public;

(3) "body image" means the concept that each person has of his or her own body as an object in space, independent of and apart from all other objects, including one's attitudes, perceptions, and feelings toward his or her body and its parts;

(4) "client", "person", "disabled person", or "disabled" means a person or individual who is mentally retarded or otherwise developmentally disabled, and who needs some form of specialized or generic service related to his mental or physical impairment;

(5) "client program coordinator" means an individual who is responsible for the implementation of the client's individual program plan, and who participates in the regular evaluation, revision, and redirection of the individual program plan;

(6) "community" means a general population having a common interest or interdependency in the delivery of services to mentally retarded or other persons with developmental disability;

(7) "cross-disciplinary approach" means a method of delivering services in which one or two members of an interdisciplinary team serve as team facilitators to implement the program plan between regularly scheduled reevaluation sessions by the team, and in which other members of the team teach and share their specialized professional skills with, and release their intervention role to, such facilitators during such implementation, while maintaining their professional (or credentialed) accountability on behalf of the person and his family;

(8) "culturally normative" means that which is normal, typical, or usual for a given culture, including the attitudes, performances, or behavior ordinarily displayed by, or expected of, most individuals within a given culture;

(9) "family" means parents, brothers, sisters, foster parents, advocates, guardians, surrogates, and others who perform the roles and functions of natural family members in the lives of persons;

(10) "generic services" means services offered or available to the general public, as distinguished from specialized services that are intended only for mentally retarded or other developmentally disabled persons;

(11) "governing board", "board of trustees", "board of directors", or "board of governors" means the group of individuals that constitutes the governing body of an agency or facility;

(12) "governing body" means the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of an agency or facility and that establishes policies concerning its operation and the welfare of the persons that it serves;

(13) "guardian" means an individual (other than a guardian ad litem) who has legal control and management of the person, or of the property or estate, or of both the person and the property, of a ward;

(14) "guardian of the person" means a guardian appointed to see that the ward has proper care and protective supervision in keeping with his needs;

(15) "guardian of the property" means a guardian appointed to see that the financial affairs of the ward are handled in his best interests;

(16) "legal guardian" means a guardian appointed by a court;

(17) "natural guardian" means a parent lawfully in control of the person of his or

her minor child, and such natural guardianship terminates when the child attains his or her majority;

(18) "plenary guardian" means a guardian who has full guardianship of both the person and the property of the ward;

(19) "public guardian" means a public official empowered to accept court appointment as a legal guardian;

(20) "testamentary guardian" means a guardian designated by the last will and testament of a natural guardian;

(21) "guardian ad litem" means an individual appointed to represent a ward in a particular legal proceeding, without control over either the ward's person or his estate;

(22) "indigenous leadership" means leadership that is derived from within the community or group in which it is exercised, as, the parents or friends of the person;

(23)(A) "informed consent" means the consent of a person, or his guardian or legal representative, as appropriate, to a procedure, operation, research, demonstration, or experiment, so situated as to enable such person, or through his guardian or legal representative to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, or other form of constraint or coercion, and the information to be given to such person or such guardian or legal representative shall include, in order to assure such informed consent, the following basic elements in all but exceptional cases;

(i) a fair explanation of the procedures to be followed, including an identification of any which are experimental;

(ii) a description of any attendant discomforts and risks reasonably to be expected;

(iii) a description of any benefits reasonably to be expected;

(iv) a disclosure of any appropriate alternative procedures that might be advantageous for the subject;

(v) an offer to answer any inquiries concerning the procedures; and

(vi) an instruction that such person is free to withdraw his consent and to discontinue participation in the project or activity at any time;

and in addition, any agreement, written or oral, entered into by such person or his guardian or legal representative, shall include no exculpatory language through which such person is made to give, or to appear to waive, any of his legal rights, or to release the institution or its agents from liability for negligence. Any organization which initiates, directs, or engages in programs of research, development, or demonstration which require informed consent shall keep a permanent record of each such consent and the information provided such person and shall develop appropriate documentation and reporting procedures as an essential administrative function;

(B) "exceptional cases", as used in this section, are cases where it is not feasible to obtain a person's consent or the consent of his representative, or where, as a matter of professional judgment exercised in the best interest of a particular person under care, it would be contrary to that person's welcome to obtain his consent as the communication of information to obtain consent would seriously affect the person's disease status and the physician has exercised a professional judgment that under the particular circumstances of this person's case, the person's best interests would suffer if consent were sought;

(24) "interdisciplinary approach" means an approach to diagnosis, evaluation, and individual program planning in which professional and other personnel participate as a team, and in which each participant, utilizing whatever skills, competencies, insights, and perspectives his or her particular training and experience provide, focuses on identifying the developmental needs of the person and devising ways to meet them, without constraints imposed by assigning particular domains of behavior or development to particular disciplines only, and participants share all information and recommendations, so that a unified and integrated habilitation program plan is devised by the team;

(25) "multidisciplinary approach" means an approach to diagnosis, evaluation, and individual program planning in which each representative of a particular discipline or program views the person only from the perspective assigned to his discipline or program; in which particular domains of individual development and behavior are often held to be the sole responsibility or perquisite of particular professions or programs; and in which each representative of a discipline separately reports his or her findings and the recommendations that he or she proposes to implement as a result, more or less independently of the findings and recommendations reported by other representatives;

(26) "mapping" means one's ability to move safely, effectively, and comfortably from one place to another within his or her immediate environment by using cues such as size, shape, odor, and landmarks;

(27) "mental retardation" means general intellectual functioning which is two or more standard deviations below the existing concurrently with deficiencies in adaptive behavior, and manifested during the developmental period;

(28) "mobile nonambulatory" means an inability to walk independently, without assistance;

(29) "nonambulatory" means an inability to walk independently, without assistance;

(30) "normalization principle" means the principle of helping mentally retarded and other developmentally disabled individuals to obtain an existence as close to the normal as possible, particularly through the use of means that are as culturally normative as possible to elicit and maintain behavior that is as culturally normative as possible;

(31) "orientation" means the establishing of awareness of one's position in relation to the environment and significant objects within the environment;

(32) "program" means a structured set of activities to achieve specific objectives, relative to the developmental needs of the clients served by an agency;

(33) "residential facility" means a facility that provides 24-hour programing services, including residential or domiciliary services, directed to enhancing the health, welfare, and development of persons with mental retardation or other developmental disabilities;

(34) "service delivery system" means the total array of service components, specialized and generic, that is directed toward meeting the general and extraordinary needs of developmentally disabled persons;

(35) "advocate" means an individual, whether a professional employed by a private or public agency, or a volunteer, who acts on behalf of a resident to secure both the services that the resident requires and the exercise of his or her full human and legal rights;

(36) "ambulatory" means able to walk independently, without assistance;

(37) "chief executive officer" means the individual appointed by the governing body of a facility to act in its behalf in the overall management of the facility. Job titles may include, but are not limited to, superintendent, director, and administrator;

(38) "developmental disability" means a disability—

(A) attributable to mental retardation, or cerebral palsy, or epilepsy, or autism, or specific learning disability; or

(B) attributable to any other condition of an individual found to be related to mental retardation as it refers to general intellectual functioning or impairment in adaptive behavior or to require treatment similar to that required for mentally retarded individuals,

which disability (i) originates before such individual attains age eighteen, (ii) which has continued or can be expected to continue indefinitely, and (iii) which constitutes a substantial handicap to such individual's ability to function normally in society;

(39) "direct-care staff" means individuals who conduct the resident-living program;

(40) "legal incompetence" means the legal determination that a resident is unable to exercise his or her full civil and legal rights, and that a guardian is required;

(41) "living unit" means a resident-living unit that includes sleeping, dining, and activity areas;

(42) "nonmobile" means unable to move from place to place;

(43) "public financial support programs" include, but are not limited to, services for crippled children; and to the disabled; old-age, survivors, and disability insurance; and other benefits available under the Social Security Act and those benefits of the Veterans Administration;

(44) "resident" means an individual who receives service from a residential facility, whether or not such individual is actually in residence in the facility, and includes individuals who are being considered for residence in a facility, individuals who were formerly in residence in a facility, and individuals who are receiving services other than domiciliary from a facility;

(45) "resident-living" means residential or domiciliary services provided by a facility;

(46) "rhythm of life" means a normal pattern of behavior during the day (in respect to arising, getting dressed, participating in play and work activities, eating meals, retiring, and so forth), or the week (differentiation of daily activities and schedules);

(47) "surrogate" means an individual who functions in lieu of a resident's parents or family; and

(48) "time out" means a period outside the time for positive reinforcement in which, contingent upon the emission of undesired behavior, the resident is removed from the situation in which positive reinforcement is available.

NATIONAL ADVISORY COUNCIL ON STANDARDS FOR RESIDENTIAL AND COMMUNITY FACILITIES FOR MENTALLY RETARDED AND OTHER PERSONS WITH DEVELOPMENTAL DISABILITIES

SEC. 202. (a) Effective 90 days after the date of enactment of this Act, there is established a National Advisory Council for Residential and Community Facilities (hereinafter in this title referred to as the "Council"), which shall consist of 15 members who are not regular full-time employees of the United States, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service. The Secretary shall designate one of the members of the Council to serve as Chairman thereof. The members of the Council shall be selected from appropriate public agencies providing services to individuals with developmental disabilities, and professional and voluntary associations representing developmentally disabled persons. At least one-third of the membership of the Council shall be consumers of services, including parents or guardians of persons receiving services from publicly operated and publicly assisted residential and community facilities and agencies for mentally retarded or developmentally disabled persons.

(b) It shall be the duty and function of the Council to (1) advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him for the implementation of the provisions of this title and of the standards established under parts C and D of this title, (2) study and evaluate such provisions and standards, including site visits and other appropriate methods with a view of determining their effectiveness in carrying out the purposes for which they

were established, and (3) assist the Secretary in developing performance criteria to evaluate alternate standards pursuant to part B and section 121 of this Act in lieu of standards under parts C and D of this title.

(c) Based upon studies, evaluations, and other appropriate review mechanisms (including onsite visits), the Council shall submit to the Secretary all recommendations for changes, revisions, modifications or improvements in the standards established under parts C and D of this title which in its judgment would strengthen or upgrade such standards.

(d) Members of the Council while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive compensation rates fixed by the Secretary, but at rates not exceeding the daily equivalent of the rate provided for GS–18 of the General Schedule for each day of such service (including traveltime), and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(e) Appointments to fill vacancies on such Council shall be made no less than 30 days after a vacancy occurs.

(f) The Council shall employ such experts and consultants as it may require, in accordance with section 3109 of title 5, United States Code.

(g) There are authorized to be appropriated to carry out the purposes of this section such sums as may be necessary.

ASSESSING COMPLIANCE WITH STANDARDS

SEC. 203. (a) In determining whether any federally assisted facility or agency within its jurisdiction is in compliance with the standards specified in this title, a State shall provide assurances to the Secretary within 1 year after the date of enactment of this title that each such facility or agency has established a plan for achieving compliance no later than 5 years after the date of enactment of this title, and—

(1) is actively pursuing a program to comply with standards set forth in parts C and D of this title, or

(2) meets the requirements set forth in part B of this title.

In order to further demonstrate compliance with the standards set forth in this title, a State shall submit to the Secretary a plan based upon the combined plans of all such facilities and agencies which sets forth detailed procedures for compliance and under which such State agrees to meet such provisions for compliance reviews as the Secretary may require pursuant to subsection (d) of this section.

(b) Each State plan for achieving compliance required under subsection (a) shall—

(1) provide a detailed analysis of the steps each residential or community facility or agency will take to comply with standards under part B, or parts C and D;

(2) set forth a detailed schedule for compliance with such standards based on the analysis submitted pursuant to clause (1);

(3) demonstrate the need for continuing residential services and provide detailed assurances that residential facilities for individuals with developmental disabilities will complement and augment rather than duplicate or replace other community services and facilities for individuals with developmental disabilities which meet the requirements of this title;

(4) designate a single State agency to oversee compliance by facilities and agencies within its jurisdiction;

(5) provide that such State plan has been submitted to the State planning council established under section 115 of this Act for review and comment and has been found to be in conformance with the State plan required under section 114(b) of this Act;

(6) set forth a schedule of costs to achieve compliance with the standards established under part B or parts C and D of this title;

(7) demonstrate procedures adopted by the State to assure that primary emphasis will be given to placing each individual in the least restrictive program and living environment commensurate with that individual's capabilities and needs, and that any assistance available pursuant to State or Federal law under which services are provided to persons with developmental disabilities will be utilized to foster the carrying out of such procedures;

(8) set forth the detailed performance criteria to be used in assessing the quality of treatment, care, training and habilitation services, provided that such criteria conform to criteria developed by the Secretary under section 210;

(9) provide an explanation of the system to be used for gathering, analyzing and interpreting information and data for compliance review; and

(10) provide assurances that all subjective judgments concerning the quality of services rendered will be made by qualified individuals who are not employed by, or financially obligated to, the agency responsible for operating the programs for persons with developmental disabilities.

(c) The Secretary shall approve a plan which sets forth a reasonable time, subject to the provisions of section 206, for compliance with the standards established under this title, and shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State.

(d)(1) Each State shall enter into an agreement with the Secretary under which the services of the State agency designated pursuant to paragraph (4) of subsection (b) will be utilized on his behalf for the purpose of determining whether a residential or community facility or agency is in compliance with standards established under part B or parts C and D of this title. Such determination shall be made on the basis of onsite surveys conducted by the State agency. Any State agency which has such an agreement may furnish to such facilities and agencies such specialized consultation services as may be needed to meet one or more of the standards established under this title. Any such services furnished by the State agency shall be deemed to have been furnished pursuant to such agreement. Within 90 days following the completion of each survey, the Secretary shall make public in readily available form the findings of each such survey.

(2) In order to assure compliance with the standards under part B or parts C and D and the performance criteria developed and established pursuant to section 210, the Secretary shall conduct a statistically valid, independent compliance survey of facilities and agencies within each State to determine the accuracy of information and data submitted pursuant to subsection (b) and paragraph (1) of this subsection.

(3) The Secretary shall submit annually to the appropriate committees of the Congress an annual report summarizing—

(A) the number and types of facilities and agencies, by State, found to be in compliance with the standards specified in part B, or parts C and D of this title;

(B) the number and types of facilities and agencies, by State, found not to be in compliance with the standards specified in part B, or parts C and D of this title;

(C) the reasons for noncompliance and the steps being taken by each State to assure that such facilities and agencies comply in the future with such standards;

(D) the findings of validation surveys conducted or commissioned by the Secretary in accordance with paragraph (1);

(E) the number and types of facilities and agencies, by State, which have been found by the Secretary to be ineligible for Federal assistance because of failure to comply with standards under this title; and

(F) recommendations for alterations in the compliance review system (including changes in performance criteria developed and established pursuant to section 210) and the supporting evidence for such alterations or change.

GRANTS TO ASSIST COMPLIANCE

SEC. 204. (a) The Secretary is authorized to make grants to assist States in bringing publicly operated and federally assisted residential or community facilities and agencies into compliance with the appropriate standards established under this title.

(b) For the purpose of making grants under this section, there are authorized to be appropriated for each fiscal year such sums as may be necessary.

(c) Any State applying for a grant under this section shall provide detailed information to the Secretary which shows how such grant will assist in meeting the standards established under this title.

(d)(1) The total of the grants with respect to any project under this part may not exceed 75 percent of the necessary cost thereof as determined by the Secretary.

(2) Payments of grants under this part shall be made in advance or by way of reimbursement, and on such conditions as the Secretary may determine.

MAINTENANCE OF EFFORT

SEC. 205. (a) In any fiscal year the Secretary may make Federal assistance payments authorized under any Federal law, to any publicly operated or publicly assisted facility for the developmentally disabled only if such facility provides specific evidence that such payments have not resulted in, or will not result in, any decrease in the per capita State and local expenditures for services for individuals with developmental disabilities which would otherwise be available to such facility. Such evidence shall include a detailed fiscal report, containing such information and in such form as the Secretary may specify after consultation with the Director of the Office of Management and Budget, on the residential facility's expenditures, by category and source, during the base year and the fiscal year immediately preceding such base year.

(b) For purposes of this section, the term "base year" means the most recent fiscal year for which reliable fiscal data is available.

(c) The Secretary shall submit an annual report to the appropriate committees of the Congress summarizing (1) the number and types of residential facilities, by State, which have complied with the provisions of subsection (a) of this section and the data upon which such decisions were based, and (2) the number, types, and names of all residential facilities, by State, which have failed to comply with the provisions of subsection (a) of this section, the data upon which such decisions were based in each instance, and the steps which have been taken to withhold Federal assistance from such residential facilities.

WITHHOLDING OF GRANTS

SEC. 206. (a) After December 31, 1979, no residential facility or program of community care for individuals with developmental disabilities shall be eligible to receive payments either directly or indirectly under any Federal law, unless such residential facility meets the standards promulgated under parts C or D of this title or has demonstrated to the Secretary for a reasonable period of time that it has actively implemented the requirements of part B.

(b) The funds to which any individual would otherwise be entitled to have paid on his behalf to any vendor of residential serv-

ices or program of community care, public or private, shall be reserved for him and administered by the Social Security Administration in the same manner as benefits under title II of the Social Security Act would be administered on his behalf were he entitled to same.

EVALUATION AND PERFORMANCE CRITERIA

SEC. 207. (a) The Secretary of Health, Education, and Welfare, in consultation with the Council established pursuant to section 202 of this title, shall develop and transmit to the appropriate committees of Congress within 18 months after the date of enactment an evaluation system and plan for implementation of such system designed to:

(1) assess the adequacy of all education and training, habilitation, rehabilitation, early childhood, diagnostic and evaluation services, or any other services or assistance under all laws administered by the Secretary; and

(2) develop specific criteria designed to provide objective measurement of the development progress of a developmentally disabled individual, which may be utilized by public agencies, residential facilities, and community based facilities and agencies to evaluate the effectiveness of the services provided to such individual.

(b) In developing such evaluation system the Secretary shall insure that such system is consumer oriented and is designed to—

(1) evaluate the effects of services on the lives of consumers, utilizing information and data obtained from individualized written habilitation plans as required under section 211,

(2) evaluate the overall impact of State and local programs for the developmentally disabled,

(3) provide and evaluate the cost-benefit ratios of particular service alternatives, and

(4) provide that evaluation of program quality shall be performed by individuals not directly involved in the delivery of such services to the program being evaluated.

(c) The Secretary, in consultation with the Council established pursuant to section 202, make grants and enter into contracts to conduct feasibility studies to assist in developing the evaluation system required under subsection (a) except that such grant or contract shall not be entered into with groups or individuals who are directly related to the program being evaluated.

(d) There are authorized to be appropriated to carry out the purposes of this section $1,000,000 each for the fiscal year ending June 30, 1975, and for the succeeding fiscal year.

PART B—ALTERNATE CRITERIA FOR COMPLIANCE IN LIEU OF STANDARDS FOR RESIDENTIAL AND COMMUNITY FACILITIES AND AGENCIES

PERFORMANCE CRITERIA

SEC. 210. (a) The Secretary shall specify detailed performance criteria for measuring and evaluating the developmental progress of a person with developmental disabilities who is receiving direct service in a residential or community based facility or agency and minimum compliance levels for such criteria which shall be applicable to residential and community facilities and agencies. Such performance criteria shall be developed pursuant to section 203 and shall be considered, along with minimum compliance levels, as required standards under this part.

(b) Prior to approving any compliance plan submitted under section 203, the Secretary shall obtain adequate assurance of compliance with the performance criteria developed under such section.

INDIVIDUALIZED WRITTEN HABILITATION PLAN

SEC. 211. (a) The Secretary shall insure that an individualized written habilitation plan is developed and modified at frequent intervals on behalf of each developmentally disabled person who is in a residential facility or community facility and agency for which standards have been established under this Act or under any other federally assisted State or local program specified by the Secretary.

(b) Each individualized written habilitation plan shall be developed jointly by a representative or representatives of the facility or agency primarily responsible for delivering or coordinating the delivery of services to the developmentally disabled person in a residential facility or community facility and agency and the developmentally disabled person (or, in appropriate cases, his parents or guardians). In any case in which such developmentally disabled person is receiving services from two or more distinct service agencies, the agency primarily responsible for delivering or coordinating the delivery of such services will also be responsible for insuring that all services are made part of the individualized written habilitation plan.

(c) Each individualized written habitation plan shall be reviewed at least annually by the agency primarily responsible for delivering or coordinating the delivery of services referred to in subsection (b) at which time the developmentally disabled person (or, in appropriate cases, his parents or guardians) will be afforded an opportunity to review such plan and jointly redevelop its terms. Such plan shall include but not be limited to (1) a statement of long-term habilitation goals for the developmentally disabled person and intermediate habilitation objectives related to the attainment of such goals, (2) a statement of specific habilitation services to be provided, (3) the projected date for the initiation and the anticipated duration of each service, and (4) objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved.

(d) Each individualized written habilitation plan shall conform to the following basic criteria:

(1) the initial plan shall be developed upon the person's application for service;

(2) such plan shall reflect the use of assessment data in at least the following areas:

(A) sensor-motor development;

(B) communicative development;

(C) social development;

(D) affective development;

(E) cognitive development;

(3) the objectives of such plan shall be developed with the participation of:

(A) the person;

(B) the person's family or guardian;

(C) all relevant agency staff members; and

(D) staff of other agencies involved in serving the person;

(4) the objectives of such plan shall be—

(A) stated separately;

(B) stated in sequence with specific time periods; and

(C) expressed in behavioral terms that provide measurable indices of progress;

(5) such plan shall describe the conditions, activities, or barriers that interfere with the achievement of the objectives;

(6) such plan shall specify modes of intervention for the achievement of the stated objectives;

(7) such plan shall identify agencies which will deliver the services required;

(8) such plan shall identify a designated focus of responsibility for utilizing and coordinating services provided by different practitioners or agencies;

(9) such plan shall include a specification of proposed day-to-day training activities designed to assist in attaining the stated objectives.

(10) such plan shall be written in functional terms that are understandable to the person, and, as appropriate, his or her parents or guardians;

(11) such plan shall be reviewed at least quarterly in order to—

(A) measure the person's progress;

(B) modify the objectives of the plan as necessary;

(C) determine the services that are needed; and

(D) provide guidance and remediation techniques to modify barriers to growth; and

(12) such plan shall include a written agreement that specifies the role and objectives of each party to the implementation of the individualized written habilitation plan.

(e) The Secretary shall also insure that, in developing and carrying out each individualized written habilitation plan, primary emphasis will be given to placing the person in the least restrictive program and living environment commensurate with his capabilities and needs.

(f) The Secretary shall specify detailed performance criteria for measuring and evaluating the developmental progress of developmentally disabled persons attained through the use of such individualized written habilitation plans.

PROGRAM COORDINATION

SEC. 212. (a) Each person served by an agency shall be assigned by such agency a program coordinator responsible for implementing the person's individual written habilitation plan. The program coordinator's service to a person shall be terminated only when responsibility for service to the person has been effectively assumed by another agency, at which time a new program coordinator shall be assigned by the agency assuming responsibility.

(b) Each agency shall insure that—

(1) the person or his family shall participate in the selection of the program coordinator and the program coordinator shall be identified to the person, to his family, and to appropriate staff members;

(2) the program coordinator shall attend to the total spectrum of the person's needs, including, but not limited to, housing, family relationships, social activities, education, finances, employment, health, recreation, and records. In respect to these areas the program coordinator shall determine whether the person's needs are being met and how such needs are being met;

(3) the program coordinator shall provide supportive services to the person and his family;

(4) to keep the individual written habilitation plan up to date, the program coordinator shall secure relevant data from other agencies providing service;

(5) the program coordinator shall provide documentation relevant to the review of the individual written habilitation plan as required by section 211; and

(6) the program coordinator, or another agency staff member, shall assist the person, his or her family, or his or her guardian, in planning for and securing living arrangements that are adapted to the person's needs.

PROTECTIVE AND PERSONAL ADVOCACY

SEC. 213. (a) The Secretary shall insure that a system of protective and personal advocacy is established in each State to monitor programs and services and protect the human and legal rights of each developmentally disabled person served by residential facilities or programs of community care within the State.

(b) The Secretary shall insure that for each such system an agency or entity is designated which (1) is independent of any agency providing services directly or indirectly, (2) is capable of providing protective and personal advocacy services, and (3) shall be responsible for monitoring and auditing the individualized programs of persons to insure that they receive all of the benefits, services, and rights to which they are entitled under any law or program thereunder.

(c)(1) Such system shall include the establishment of an independent entity which has the authority to receive all com-

plaints regarding the infringement of rights, or denial of benefits, or the failure to provide services necessary to assure the human and legal rights of all developmentally disabled persons within the State.

(2) Each entity established pursuant to paragraph (1) shall be empowered to render a decision with respect to any complaint, including an order to provide services or such other remedy which may be deemed appropriate, and such decision shall be final and binding. Prior to the issuance of any order or decision rendered pursuant to this paragraph, any party which may be affected by such order or decision may request a hearing, which shall be held within 60 days after a complaint is received, and such order or decision shall be rendered within 60 days after such hearing is concluded. Such order or decision shall be subject to appropriate judicial review.

RECORD REQUIREMENTS

SEC. 214. (a) The residential and community facilities and agencies shall keep such records as the Secretary or the State may deem appropriate to evaluate the effectiveness of performance and compliance with the provisions of this part.

(b) Each residential and community facility and agency shall identify the number of developmentally disabled persons rejected for services by such facility or agency, and the reasons for each such rejection, and report such information every 6 months to the Secretary and the State.

MINIMUM STANDARDS FOR USE WITH THE ALTERNATE PROCEDURE

SEC. 215. Each residential and community facility and agency desiring to use the alternative procedures of this part in lieu of compliance with parts C and D of this title shall insure—

(1) that close relatives shall be permitted to visit a person at any reasonable hour and without prior notice: *Provided*, That the privacy and rights of the other residents and person are not infringed thereby;

(2) the implementation of advocacy for all residents and persons;

(3) that no individual whose needs cannot be met by the residential facility or agency shall be admitted to it;

(4) that the number of persons admitted as residents or persons to the residential facility or agency shall not exceed—

(A) its rated capacity; and

(B) its provisions for adequate programing;

(5) that there is a regular, at least annual, joint review of the status of each resident or person by all relevant personnel, including personnel in the living unit with program recommendations for implementation, to include—

(A) consideration of the advisability of continued residence and alternative programs, and

(B) at the time of the resident's or person's attained majority, or if he becomes emancipated prior thereto:

(i) the resident's or person's need for remaining in the residential facility;

(ii) the need for guardianship of the resident or person; and

(iii) the protection of the resident's or person's civil and legal rights;

(6) that mistreatment of resident and persons shall be strictly prohibited, that any such mistreatment shall be reported immediately by the facility or agency to the State, that—

(A) all alleged incidents of mistreatment be thoroughly investigated;

(B) the results of such investigation are reported to the chief executive officer, or his designated representative, within 24 hours of the incident; and

(C) appropriate sanctions are invoked when the allegations of mistreatment are substantiated;

(7) that living unit personnel shall train residents and persons in activities of daily living and in the development of self-help and social skills;

(8) that living unit personnel shall be responsible for the development and maintenance of a warm, family or homelike environment that is conducive to the achievement of optimal development by the resident or person;

(9) that the rhythm of life in the living unit shall resemble the cultural norm of the resident's or person's nonretarded or nondevelopmentally disabled age peers, unless a departure from this rhythm is justified on the basis of maximizing the resident's or person's human qualities;

(10) that residents and persons shall be assigned responsibilities in the living unit commensurate with their interests, abilities, and developmental plans; in order to enhance feeling of self-respect and to develop skills of independent living, and that multiple-handicapped and non-ambulatory residents or persons shall—

(A) spend a major portion of their waking day out of bed;

(B) spend a portion of their waking day out of their bedroom areas; and

(C) have planned daily activity and exercise periods;

(11) that residents and persons shall be provided with systematic training to develop appropriate eating skills utilizing adaptive equipment where it serves the developmental process;

(12) that, in accordance with the normalization principle, all professional services to mentally retarded and other persons with developmental disabilities shall, to the extent feasible, be provided in the community, rather than in a residential facility, and where provided in a residential facility, such services must be at least comparable to those provided in the community;

(13) that educational services (defined as deliberate attempts to facilitate the intellectual sensorimotor and effective development of the individual) shall be available to all residents and persons regardless of chronological age, degree of retardation, or accompanying disabilities or handicaps, and for residents or persons of legal school age the State shall insure that the State educational agency provides educational services equivalent to those provided to the nonhandicapped population; and

(14) that special attention shall be given those residents and persons, without active intervention, are at the risk of further loss of function, including—

(A) early diagnosis of disease;

(B) prompt treatment in the early stages of disease;

(C) limitation of disability by arresting the disease process;

(D) prevention of complications and sequelae; and

(E) rehabilitation services to raise the resident or person to his greatest possible level of function in spite of his or her handicap, by maximizing the use of his or her existing capabilities;

(15) that the civil rights of all residents are assured;

(16) that no physical restraint shall be employed unless absolutely necessary. Restraint shall not be used as punishment or substitute for program, and a written policy available to the public shall govern any use of restraint. Orders for restraint shall not be in force for periods of longer than twelve hours. Residents placed in restraint shall be checked at least every thirty minutes by trained staff. Mechanical restraints shall be designed to ensure the least discomfort. Opportunity for motion and exercise shall be provided for not less than fifteen minutes during each two hours when restraint is employed. Totally enclosed cribs and barred enclosures shall be considered restraints;

(17) that chemical restraint shall not be used excessively, or as punishment or substitute for program or in quantities that interfere with habilitation programs;

(18) that a nourishing, well-balanced diet shall be provided all residents;

(19) that medical and dental services shall be provided to all residents and shall include—

(a) preventive health services;

(b) evaluation, diagnosis, consultation, and treatment; and

(c) infections and contagious disease control;

(20) that adequate fire and safety standards as promulgated in regulations by the Secretary shall be met, and such standards shall include—

(a) adequate and alternate exits and exit doors;

(b) exit ramps with nonskid surfaces and slopes not to exceed one foot in twelve;

(c) handrails on stairways;

(d) unencumbered aisles and exits and uncluttered floors; and

(e) proper storage and other adequate safeguards for flammable materials;

(21) that paint used in facilities shall be lead free; and

(22) that there shall be adequate sanitation and waste disposal procedures to protect the health of the residents.

PART C—STANDARDS FOR RESIDENTIAL FACILITIES FOR MENTALLY RETARDED AND OTHER PERSONS WITH DEVELOPMENTAL DISABILITIES

CHAPTER 1.—ADMINISTRATIVE POLICIES AND PRACTICES

Subchapter I—Philosophy, Location, and Organization

SEC. 220. (a) The ultimate aim of the residential facility shall be to foster those behaviors that maximize the human qualities of the resident, increase the complexity of his or her behavior, and enhance his or her ability to cope with his or her environment.

(b) The residential facility shall accept and implement the principle of normalization, defined as the use of means that are as culturally normative as possible to elicit and maintain behavior that is culturally normative as possible, taking into account local and subcultural differences.

(c) The names of residential facilities, the labels applied to their users, and the way these users are interpreted to the public should be appropriate to their purposes and programs and services should not emphasize "mental retardation" or "deviancy".

(d) Residents should not be referred to as "patient" except in a hospital-medical context; as "kids" or "children" if they are adults; or as "inmates"; or as "clients".

SEC. 221. (a) The residential facility should be located within, and conveniently accessible to, the population served, so as to have access to necessary generic community services.

(b) The residential facility should not be isolated from society or community by factors such as:

(1) difficulty of access, due to distance or lack of public transportation;

(2) architectural features;

(3) socio-cultural or psychological features; and

(4) rules, regulations, customs, and habits.

(c) Protection devices (such as fences and security windows), where necessary, should be inconspicuous, and should preserve as normal an environmental appearance as possible, so as to permit the pursuit of normal activities.

(d) The residential facility should be in scale with the community in which it is located.

(e) The residential facility and the surrounding community should be encouraged to share their services and resources on a reciprocal basis.

(f) The community in which the residential facility is located should be capable

of meeting the needs of the residential facility's residents for generic and specialized services.

(g) The community in which the residential facility is located should be capable of absorbing, and encouraged to absorb, into its cultural life those residents capable of participation in that life.

(h) The residential facility shall have available a current descriptive director of community resources.

SEC. 222. (a) Residents should be integrated to the greatest possible extent with the general population. To this end, generic and specialized community services, rather than residential facility services, should be used extensively or, if possible, completely. The residents should, including but not limited to—

(1) attend (special) classes or programs in regular schools;

(2) attend religious instruction and worship in the community;

(3) utilize medical, dental, and all other professional services located in the community;

(4) use community rather than residential facility recreation resources, such as bowling alleys, swimming pools, movies, and gymnasia;

(5) shop in community stores, rather than in industrial facility stores and canteens; and

(6) work in as integrated a fashion as possible: sheltered employment should be in regular industry, and among nonretarded workers; sheltered workshops should be in the community; and work that must be on the campus of the industrial facility should afford maximal contact with nonretarded persons.

There shall be evidence of professional and public education to facilitate the integration of residents, as above set forth.

(b) The residential facility should be divided into groupings of program and residence units, based upon a rational plan to meet the needs of the residents and fulfill the purposes of the residential facility.

SEC. 223. The residential facility shall to the maximum extent feasible move residents from—

(1) more to less structured living;

(2) larger to smaller residential facilities;

(3) larger living units to smaller living units;

(4) group to individual residence;

(5) dependent to independent living; and

(6) segregated to integrated living.

Subchapter II—General Policies and Practices

SEC. 224. (a) The residential facility shall have a written outline of the philosophy, objectives, and goals it is striving to achieve, that is available for distribution to staff, consumer representatives, and the interested public, and that shall include but need not be limited to:

(1) its role in the State comprehensive program for the mentally retarded and other individuals with developmental disabilities;

(2) its concept of the rights of its residents;

(3) its goals for its residents;

(4) its concept of its relationship to the parents of its residents, or to their surrogates;

(5) its concept of its relationship to the community, zone, or region from which its residents come;

(6) its concept of its responsibility (through research, training, and education) for improving methods, understanding, and support for the mental retardation and developmentally disabled field.

(b) The residential facility shall have a plan for evaluation and modification to maintain:

(1) the consistency of its philosophy, objectives, and goals with advancements in knowledge and professional practices; and

(2) the consistency of its practices with its philosophy, objectives, and goals.

(c) The residential facility shall have a manual on policies and procedures, describing the current methods, forms, processes, and sequence of events being followed to achieve its objectives and goals.

(d) The residential facility shall have a written statement of policies and procedures concerning the rights of residents that—

(1) assure the civil rights of all residents;

(2) are in accordance with general and special rights of the mentally retarded and other individuals with developmental disabilities as defined by the Secretary in accordance with section 201 of this title; and

(3) define the means of making legal counsel available to residents for the protection of their rights.

SEC. 225. (a) The residential facility shall have a written statement of policies and procedures that protect the financial interests of residents and that provided for—

(1) determining the financial benefits for which the resident is eligible;

(2) assuring that the resident receives the funds for incidentals and for special needs (such as specialized equipment) that are due him or her under public and private financial support programs; and

(3) when large sums accrue to the resident, providing for counseling of the resident concerning their use, and for appropriate protection of such funds.

(b) Procedures in the major operating units of the residential facility shall be described in manuals that are current, relevant, available, and followed.

(c) The residential facility shall have a summary of the laws and regulations relevant to mental retardation and other developmental disabilities and to the function of the residential facility.

(d) The residential facility shall have a plan for a continuing management audit to insure compliance with State laws and regulations and the effective implementation of its stated policies and procedures.

SEC. 226. (a) A public residential facility shall have documents that describe the statutory basis of its existence, and describe the administrative framework of the governmental department in which it operates.

(b) A private residential facility shall have documents that include its charter, its constitution and bylaws, and its State license.

SEC. 227. (a) The governing body of the residential facility shall exercise general direction and shall establish policies concerning the operation of the residential facility and welfare of the individuals served.

(b) The governing body shall establish appropriate qualifications of education, experience, personal factors, and skills for the chief executive officer. The chief executive officer shall have had training and experience in the administration of human services. The chief executive officer shall have administrative ability, leadership ability, and an understanding of mental retardation and other development disabilities. Where the chief executive officer is required also to have had training in a professional service discipline, such training shall be in a discipline appropriate to the residential facility's program.

(c) The governing body shall employ a chief executive officer so qualified, and shall delegate to him or her authority and responsibility for the management of the affairs of the residential facility in accordance with established policies.

(d) The chief executive officer shall—

(1) designate an individual to act for him or her in his or her absence;

(2) make arrangements so that some one individual is responsible for the administrative direction of the residential facility at all times;

(3) when an assistant chief executive officer is employed, the qualifications required for this position shall be in compliance with those stated above for the chief executive officer; and

(4) there shall be on the premises of the residential facility at all times a person designated by the chief executive officer, or the person acting for him or her, to be responsible for the supervision of the residential facility.

SEC. 228. (a) The residential facility shall be administered and operated in accordance with sound management principles.

(b) The type of administrative organization of the residential facility shall be appropriate to the program needs of its residents.

(c) The residential facility shall have a table of organization that shows the governance and administrative pattern of the residential facility.

(d) The table of organization shall show the major operating programs of the residential facility, with staff divisions, the administrative personnel in charge of the programs and divisions, and their lines of authority, responsibility, and communication.

(e) The organization shall provide for the judicious delegation of administrative authority and responsibility among qualified members of the staff, in order to distribute the administrative load of the residential facility and to accelerate its operating efficiency.

(f) The organization shall be such that problems requiring ongoing decisionmaking regarding the welfare of the resident are handled primarily by personnel on the lowest level competent to resolve the problem.

(g) The organization shall provide for the utilization of staff with different levels of training by using those with more adequate training to supervise and train those with lesser training.

(h) The organization shall provide effective channels of communication in all directions.

(i) The residential facility shall have a plan for improving the quality of staff and services that shows how the staff functions by programmatic responsibilities in establishing and maintaining standards of quality for services to residents. The plan shall show how the residential facility's organizational structure enables the following functions:

(1) determination of standards for quality of services to the residents;

(2) establishment of qualifications for personnel;

(3) recruitment of qualified personnel;

(4) initiation of preservice and inservice training and staff development programs;

(5) work with administrators, supervisors, and staff of the administrative units of the residential facility to secure and design qualified personnel to such units;

(6) annual evaluation of staff performance;

(7) continuous evaluation of program effectiveness; and

(8) development and conduct of appropriate research activities.

SEC. 229. (a) The administration of the residential facility shall provide for effective staff and resident participation and communication. Staff meetings shall be regularly held. Standing committees appropriate to the residential facility, such as records, safety, human rights, utilization review, research review, and infection and sanitation, shall meet regularly. Committees shall include resident participation, whenever appropriate. Committees shall include the participation of direct-care staff, whenever appropriate.

(b) Minutes and reports of staff meetings, and of standing and ad hoc committee meetings shall include records of recommendations and their implementation, and shall be kept and filed. Summaries of the minutes and reports of staff and committee meetings shall be distributed to participants and to appropriate staff members. Various forms of

communication (such as meetings, minutes of meetings, directives, and bulletins) shall be utilized to foster understanding among the staff, among the residents, between staff and residents, and between residential facility, community, and family.

SEC. 230. (a) The facility shall designate a percentage of its operating budget for self-renewal purposes, including but not limited to:

(1) development of operational data records;

(2) research on its own programs;

(3) evaluation of qualified persons who are not part of the residential facility;

(4) elicitation of feedback from consumers of the residential facility's services, or from their representatives; and

(5) staff education.

(b) The findings generated by the foregoing activities shall be actively and broadly disseminated to:

(1) all members of the residential facility's staff; and

(2) consumer representatives, when appropriate.

(c) The residential facility shall have a continuing system for collecting and recording accurate data that describe its population, in such form as to permit data retrieval and usage for description, programing of services, and research. Such data shall include, but need not be limited to:

(1) number by age-groups, sex, and race;

(2) number grouped by levels of retardation (profound, severe, moderate, mild, and borderline), according to the appropriate nationally recognized professional association on mental deficiency's manual on terminology and classification in mental retardation;

(3) number grouped by levels of adaptive behavior, according to the appropriate nationally recognized professional association on mental deficiency classification;

(4) number with physical disabilities;

(5) number ambulatory and nonambulatory (mobile and nonmobile);

(6) number with sensory defects;

(7) number with oral and other communication handicaps; and

(8) number with convulsive disorders, grouped by level of seizure control.

SEC. 231. The residential facility shall have a description of services for residents that is available to the public and that includes information including but not limited to:

(1) groups served;

(2) limitations concerning age, length of residence, or type or degree of handicap;

(3) the plan for grouping residents into program and living units;

(4) preadmission and admission services;

(5) diagnosis and evaluation services;

(6) means for individual programing of residents in accordance with need;

(7) means for implementation of programs for residents, through clearly designated responsibility;

(8) the therapeutic and developmental environment provided the residents; and

(9) release and follow-up services and procedures.

SEC. 232. (a) The residential facility shall provide for meaningful and extensive consumer-representative and public participation, by the following means:

(1) the policymaking or governing board (if any) shall include consumers or their representatives (for example, parents), interested citizens, and relevantly qualified professionals presumed to be free of conflicts of interest;

(2) when a residential facility does not have a governing board, its policymaking authority shall actively seek advice from an advisory body composed as described above;

(3) the residential facility shall actively elicit feedback from those consumers of its services (and their representatives) who are not members of the aforementioned governing or advisory bodies;

(4) there shall be an active program of ready, open, and honest communication with the public. In structuring visits to the residential facility by persons not directly concerned with a resident, however, steps shall be taken both to encourage visiting and to consider the sensibilities and privacy of the residents. Undignified displays or exhibitions of residents shall be avoided, and normal sensibility shall be exercised in speaking about a resident;

(5) personnel shall be permitted to communicate their views about a resident and his needs and program to his relatives. Personnel shall be trained to properly and competently assume this responsibility;

(6) the residential facility shall maintain active means of keeping residents' families or surrogates informed of activities related to the residents that may be of interest to them;

(7) communications to the residential facility from residents' relatives shall be promptly and appropriately handled and answered;

(8) close relatives shall be permitted to visit at any reasonable hour and without prior notice. Steps shall be taken, however, so that the privacy and rights of the other residents are not infringed by this practice;

(9) parents and other visitors shall be encouraged to visit the living units, with due regard for privacy. There shall be residential facilities for visiting that provide privacy in the living unit (but not special rooms used solely for visiting);

(10) parents shall be permitted to visit all parts of the residential facility that provide services to residents;

(11) frequent and informal visits home shall be encouraged, and the regulations of the residential facility shall encourage rather than inhibit such visitations;

(12) there shall be an active citizens' volunteer program; and

(13) the residential facility shall acknowledge the need for, and encourage the implementation of, advocacy for all residents.

(b) A public education and information program should be established that utilizes all communication media and all service, religious, and civic groups, and so forth, to develop attitudes of understanding and acceptance of the mentally retarded and other individuals with developmental disabilities in all aspects of community living.

Subchapter III—Admission and Release

SEC. 233. No individual whose needs cannot be met by the residential facility shall be admitted to it. The number admitted as residents to the residential facility shall not exceed—

(1) its rated capacity; and

(2) its provisions for adequate programing.

SEC. 234. (a) The laws, regulations, and procedures concerning admission, readmission, and release shall be summarized and available for distribution. Admission and release procedures shall—

(1) encourage voluntary admission, upon application of parent or guardian or self;

(2) give equal priority to persons of comparable need, whether application is voluntary or by a court;

(3) facilitate emergency, partial, and short-term residential care, where feasible; and

(4) utilize the maximum feasible amount of voluntariness in each individual case.

(b) The determination of legal incompetence shall be separate from the determination of the need for residential services, and admission to the residential facility shall not automatically imply legal incompletence.

SEC. 235. (a) The residential facility shall admit only residents who have had a comprehensive evaluation, covering physical, emotional, social, and cognitive factors, conducted by an appropriately constituted interdisciplinary team.

(b) Initially, service need shall be defined without regard to the actual availability of the desirable options. All available and applicable programs of care, treatment, and training shall be investigated and weighed, and the deliberations and findings recorded. Admission to the residential facility shall occur only when it is determined to be the optimal available plan. Where admission is not the optimal measure, but must nevertheless be recommended or implemented, its inappropriateness shall be clearly acknowledged and plans shall be initiated for the continued and active exploration of alternatives.

(c) The intended primary beneficiary of the admission shall be clearly specified as—

(1) the resident;

(2) his or her family;

(3) his or her community;

(4) society; and

(5) any combination of the above.

(d) All admissions to the residential facility shall be considered temporary, and, when appropriate, admissions shall be time limited. Parents or guardians shall be counseled, prior to admission, on the relative advantages and disadvantages and the temporary nature of residential services in the residential facility. Prior to admission, parents or guardians shall, and the prospective resident should, have visited the residential facility and the living unit in which the prospective resident is likely to be placed.

SEC. 236. (a) A medial evaluation by a licensed physician shall be made within 1 week of the resident's admission. Upon admission, residents should be placed in their program groups, and they should be isolated only upon medical orders issued for specific reasons.

(b) Within the period of 1 month after admission there shall be:

(1) a review and updating of the preadmission evaluation;

(2) a prognosis that can be used for programing and placement;

(3) a comprehensive evaluation and individual program plan, made by an interdisciplinary team;

(4) direct-care personnel shall participate in the aforementioned activities;

(5) the results of the evaluation shall be recorded in the resident's unit record;

(6) an interpretation of the evaluation, in action terms, shall be made to:

(A) the direct-care personnel responsible for carrying out the resident's program;

(B) the special services staff responsible for carrying out the resident's program; and

(C) the resident's parents or their surrogates.

(c) There shall be a regular, at least annual, joint review of the status of each resident by all relevant personnel, including personnel in the living unit, with program recommendations for implementation. This review shall include—

(1) consideration of the advisability of continued residence and alternative programs;

(2) at the time of the resident's attaining majority, or if he becomes emancipated prior thereto:

(A) the resident's need for remaining in the residential facility;

(B) the need for guardianship of the resident;

(C) the exercise of the resident's civil and legal rights;

(3) The results of these reviews shall be:

(A) recorded in the resident's unit record;

(B) made available to relevant personnel;

(C) interpreted to the resident's parents or surrogates;

(D) interpreted to the resident, when appropriate; and

(4) parents or their surrogates shall be involved in planning and decisionmaking.

SEC. 237. A physical inspection for signs of injury or disease should be made in accordance with procedures established by the residential facility:

(A) within 24 hours prior to a resident's leaving residential facility for vacation, placement, or other temporary or permanent release; and

(B) within 24 hours following a resident's return to the residential facility from such absence.

SEC. 238. (a) At the time of permament release or transfer, there shall be recorded a summary of findings, progress, and plans.

(b) Planning for release shall include provision for appropriate services, including protective supervision and other follow-up services, in the resident's new environment. Procedures shall be established so that—

(1) parents or guardians who request the release of a resident are counseled concerning the advantages and disadvantages of such release; and

(2) the court or other appropriate authorities are notified when a resident's release might endanger either the individual or society.

(c) When a resident is transferred to another residential facility there shall be—

(1) written evidence that the reason for the transfer is the welfare of the resident; and

(2) a transfer process that shall insure that the receiving residential facility will meet the needs of the resident.

(d) Except in an emergency, transfer shall be made only with the prior knowledge, and ordinarily the consent, of the resident and his or her guardian.

SEC. 239. (a) In the event of any unusual occurrence, including serious illness or accidents, impending death, or death, the resident's next of kin, or the person who functions in that capacity (a guardian or citizen advocate) shall be notified promptly and in a compassionate manner. When appropriate, the wishes and needs of the resident, and of the next of kin, concerning religious matters shall be determined and, insofar as possible, fulfilled.

(b) When death occurs:

(1) with the permission of the next of kin or legal guardian, an autopsy shall be performed;

(2) such autopsy shall be performed by a qualified physician, so selected as to be free of any conflict of interest or loyalty;

(3) the family shall be told of the autopsy findings, if they so desire; and

(4) the residential facility shall render as much assistance as possible in making arrangements for dignified religious services and burial, unless contraindicated by the wishes of the family.

(c) The coroner or medical examiner shall be notified of deaths, in accordance with State law.

Subchapter IV—Personnel Policies

SEC. 240. (a) Adequate personnel services shall be provided by means appropriate to the size of the residential facility. If the size of the residential facility warrants a personnel director, he shall have had several years of progressively more responsible experience or training in personnel administration, and demonstrated competence in this area.

(b) The residential facility's current personnel policies and practices shall be described in writing:

(1) The hiring, assignment, and promotion of employees shall be based on their qualifications and abilities, without regard to sex, race, color, creed, age, irrelevant disability, marital status, ethnic or national origin, or membership in an organization.

(2) Written job descriptions shall be available for all positions.

(3) Licensure, certification, or standards such as are required in community practice shall be required for all comparable positions in the residential facility.

(4) Ethical standards of professional conduct, as developed by appropriate professional societies, shall be recognized as applying in the residential facility.

(5) There shall be a planned program for career development and advancement for all categories of personnel.

(6) There shall be an authorized procedure, consistent with due process, for suspension and/or dismissal of an employee for cause.

(7) Methods of improving the welfare and security of employees shall include:

(A) a merit system or its equivalent;

(B) a salary schedule covering all positions;

(C) effective grievance procedures;

(D) provisions for vacations, holidays, and sick leave;

(E) provisions for health insurance and retirement;

(F) provisions for employee organizations;

(G) opportunities for continuing educational experiences, including educational leave; and

(H) provisions for recognizing outstanding contributions to the residential facility.

(c) A statement of the residential facility's personnel policies and practices shall be available to all its employees.

(d) All personnel shall be initially screened to determine if they are capable of fulfilling the specific job requirements. All personnel shall be medically determined to be free of communicable and infectious diseases at the time of employment and annually thereafter. All personnel should have a medical examination at the time of employment and annually thereafter. Where indicated, psychological assessment should be included at the time of employment and annually thereafter.

(e) The performance of each employee shall be evaluated regularly and periodically, and at least annually. Each such evaluation shall be—

(1) reviewed with the employee; and

(2) recorded in the employee's personnel record.

(f) Written policy shall prohibit mistreatment, neglect, or abuse of residents. Alleged violations shall be reported immediately, and there shall be evidence that—

(1) all alleged violations are thoroughly investigated;

(2) the results of such investigation are reported to the chief executive officer, or his or her designated representative, within 24 hours of the report of the incident; and

(3) appropriate sanctions are invoked when the allegation is substantiated.

SEC. 241. (a) Staffing shall be sufficient so that the residential facility is not dependent upon the use of residents or volunteers for productive services. There shall be a written policy to protect residents from exploitation when they are engaged in productive work. A current, written policy shall encourage that residents be trained for productive, paid employment. Residents shall not be involved in the care (feeding, clothing, bathing), training, or supervision of other residents unless they—

(1) have been specifically trained in the necessary skills;

(2) have the humane judgment required by these activities;

(3) are adequately supervised; and

(4) are reimbursed.

(b) Residents who function at the level of staff in occupational or training activities shall—

(1) have the right to enjoy the same privileges as staff; and

(2) be paid at the legally required wage level when employed in other than training situations.

(c) Appropriate to the size and nature of the residential facility, there shall be a staff training program that includes:

(1) orientation for all new employees, to acquaint them with the philosophy, organization, program, practices, and goals of the residential facility;

(2) induction training for each new employee, so that his skills in working with the residents are increased;

(3) inservice training for employees who have not achieved the desired level of competence, and opportunities for continuous inservice training to update and improve the skills and competencies of all employees;

(4) supervisory and management training for all employees in, or candidates for, supervisory positions;

(5) provisions shall be made for all staff members to improve their competencies, through means, including but not limited to—

(A) attending staff meetings;

(B) undertaking seminars, conferences, workshops, and institutes;

(C) attending college and university courses;

(D) visiting other residential facilities;

(E) participation in professional organizations;

(F) conducting research;

(G) publishing studies;

(H) access to consultants;

(I) access to current literature, including books, monographs, and journals relevant to mental retardation and developmental disabilities;

(6) interdisciplinary training programs shall be stressed;

(7) the ongoing staff development program should include provisions for educating staff members as research consumers;

(8) where appropriate to the size and nature of the residential facility, there shall be an individual designated to be responsible for staff development and training, and such individual should have—

(A) at least a master's degree in one of the major disciplines relevant to mental retardation or other developmental disability;

(B) a thorough knowledge of the nature of mental retardation and other developmental disabilities, and the current goals, programs, and practices in this field;

(C) a knowledge of the educational process;

(D) an appropriate combination of academic training and relevant experience;

(E) demonstrated competence in organizing and directing staff training programs; and

(9) appropriate to the size and nature of the residential facility, there should be adequate, modern educational media equipment (including but not limited to: overhead, filmstrip, motion picture, and slide projectors; screens; models and charts; and video tape systems) for the conduct of an inservice training program.

(d) Working relations should be established between the residential facility and nearby colleges and universities for the following purposes:

(1) making credit courses, seminars, and workshops available to the residential facility's staff;

(2) using residential facility resources for training and research by colleges and universities; and

(3) exchanging of staff between the residential facility and the colleges and universities for teaching, research, and consultation.

CHAPTER 2.—RESIDENT LIVING

Subchapter I—Staff-Resident Relationships and Activities

SEC. 242. (a) The primary responsibility of the living unit staff shall be to devote their attention to the care and development of the residents as follows:

(1) each resident shall receive appreciable and appropriate attention each day from the staff in the living unit;

(2) living unit personnel shall train resi-

dents in activities of daily living and in the development of self-help and social skills;

(3) living unit personnel shall be responsible for the development and maintenance of a warm, family- or home-like environment that is conducive to the achievement of optional development by the resident;

(4) appropriate provision shall be made to ensure that the efforts of the staff are not diverted from these responsibilities by excessive housekeeping and clerical duties, or other non-resident-care activities; and

(5) the objective in staffing each living unit should be to maintain reasonable stability in the assignment of staff, thereby permitting the development of a consistent inter-personal relationship between each resident and one or two staff members.

(b) Members of the living unit staff from all shifts shall participate with an interdisciplinary team in appropriate referral, planning, initiation, coordination, implementation, followthrough, monitoring, and evaluation activities relative to the care and development of the resident.

(c) There shall be specific evaluation and program plans for each resident that are—

(1) available to direct care staff in each living unit; and

(2) reviewed by a member or members of the interdisciplinary program team at least monthly, with documentation of such review entered in the resident's record.

(d) Activity schedules for each resident shall be available to direct care staff and shall be implemented daily as follows:

(1) such schedules shall not permit "dead time" of unscheduled activity of more than 1 hour continuous duration; and

(2) such schedules shall allow for individual or group free activities, with appropriate materials, as specified by the program team.

(e) The rhythm of life in the living unit shall resemble the cultural norm for the residents' nonretarded or nondevelopmentally disabled age peers, unless a departure from this rhythm is justified on the basis of maximizing the residents' human qualities. Residents shall be assigned responsibilities in the living unit commensurate with their interests, abilities, and developmental plans, in order to enhance feelings of self-respect and to develop skills of independent living. Multiple-handicapped and nonambulatory residents shall—

(1) spend a major portion of their waking day out of bed;

(2) spend a portion of their waking day out of their bedroom area;

(3) have planned daily activity and exercise periods; and

(4) be rendered mobile by various methods and devices.

(f) All residents shall have planned periods out of doors on a year-round basis. Residents should be instructed in how to use, and, except as contraindicated for individual residents by their program plan, should be given opportunity for freedom of movement—

(1) within the residential facility's ground; and

(2) without the residential facility's grounds.

Birthdays and special events should be individually observed. Provisions shall be made for heterosexual interaction appropriate to the residents' developmental levels.

(g) Residents' view and opinions on matters concerning them should be elicited and given consideration in defining the processes and structures that affect them.

(h) Residents should be instructed in the free and unsupervised use of communication processes. Except as denied individual residents by team action, for cause, this should typically include—

(1) having access to telephones for incoming and local outgoing calls;

(2) having free access to pay telephones, or the equivalent, for outgoing long distance calls;

(3) opening their own mail and packages, and generally doing so without direct surveillance; and

(4) not having their outgoing mail read by staff, unless requested by the resident.

(i) Residents shall be permitted personal possessions, such as toys, books, pictures, games, radios, arts and crafts materials, religious articles, toiletries jewelry and letters.

(j) Regulations shall permit normalized and normalizing possession and use of money by residents for work payment and property administration as for example, in performing cash and check transactions, and in buying clothing and other items, as readily as other citizens. In accordance with their developmental level—

(1) allowances or opportunities to earn money shall be available to residents; and

(2) residents shall be trained in the value and use of money.

(k) There shall be provision for prompt recognition and appropriate management of behavioral problems in the living unit. There shall be a written statement of policies and procedures for the control and discipline of residents that is—

(1) directed to the goal of maximizing the growth and development of the residents;

(2) available in each living unit; and

(3) available to parents or guardians.

(l) Residents shall participate, as appropriate, in the formulation of such policies and procedures. Corporal punishment shall not be permitted. Residents shall not discipline other residents, except as part of an organized self-government program that is conducted in accordance with written policy.

(m) Seclusion, defined as the placement of a resident alone in a locked room, shall not be employed.

(n) Except as provided in subsection (p), physical restraint shall be employed only when absolutely necessary to protect the resident from injury to himself and to others, and restraint shall not be employed as punishment, for the convenience of staff, or as a substitute for program. The residential facility shall have a written policy that defines the uses of restraint, the staff members who may authorize its use, and a mechanism for monitoring and controlling its use. Orders for restraints shall not be in force for longer than 12 hours. A resident placed in restraint shall be checked at least every 30 minutes by staff trained in the use of restraints, and a record of such checks shall be kept. Mechanical restraints shall be designed and used so as not to cause physical injury to the resident, and so as to cause the least possible discomfort. Opportunity for motion and exercise shall be provided for a period of not less than 10 minutes during each 2 hours in which restraint is employed. Totally enclosed cribs and barred enclosures shall be considered restraints.

(o) Mechanical supports used in formative situations to achieve proper body position and balance shall not be considered to be restraints, but shall be designed and applied—

(1) under the supervision of a qualified professional person; and

(2) so as to reflect concern for principles of good body alinement, concern for circulation, and allowance for change of position.

(p) Chemical restraint shall not be used excessively, as punishment, for the convenience of staff, as a substitute for program, or in quantities that interfere with a resident's habilitation program.

(q) Behavior modification programs involving the use of time-out devices or the use of noxious or aversive stimuli shall be:

(1) reviewed and approved by the residential facility's research review and human rights committees;

(2) conducted only with the consent of the affected resident's parents or surrogates;

(3) described in written plans that are kept on file in the residential facility;

(4) restraints employed as time-out devices shall be applied for only very brief periods, only during conditioning sessions, and only in the presence of the trainer; and

(5) removal from a situation for time-out purposes shall not be for more than 1 hour, and this procedure shall be used only during the conditioning program, and only under the supervision of the trainer.

Subchapter II—Food Services

SEC. 243. (a) Food services shall recognize and provide for the physiological, emotional, religious, and cultural needs of each resident, through provision of a planned, nutritionally adequate diet. There shall be a written statement of goals, policies, and procedures that—

(1) governs all food service and nutrition activities;

(2) is prepared by, or with the assistance of, a nutritionist or dietitian;

(3) is reviewed periodically, as necessary, by the nutritionist or dietitian;

(4) is in compliance with State and local regulations;

(5) is consistent with the residential facility's goals and policies; and

(6) is distributed to residential facility personnel.

(b) When food services are not directed by a nutritionist or dietitian, regular, planned, and frequent consultation with a nutritionist or dietitian should be available. Records, of consultations and recommendations shall be maintained by the residential facility and by the consultant. An evaluation procedure shall be established to determine the extent of implementation of the consultant's recommendations.

(c) A nourishing, well-balanced diet, consistent with local customs, shall be provided all residents. Modified diets shall be—

(1) prescribed by the resident's program team, with a record of the prescription kept on file;

(2) planned, prepared, and served by persons who have received adequate instruction; and

(3) periodically reviewed and adjusted as needed.

(d) Dietary practices in keeping with the religious requirements of residents' faith groups should be observed at the request of parents or guardians. Denial of a nutritionally adequate diet shall not be used as a punishment. At least three meals shall be served daily, at regular times, with—

(1) not more than a 14-hour span between a substantial evening meal and breakfast of the following day, and

(2) not less than 10 hours between breakfast and the evening meal of the same day.

(e) Resident's mealtimes shall be comparable to those normally obtaining in the community. Provision should be made for between meal and before bedtime snacks, in keeping with the total daily needs of each resident. Food shall be served—

(1) as soon as possible after preparation, in order to conserve nutritive value;

(2) in an attractive manner;

(3) in appropriate quantity;

(4) at appropriate temperature;

(5) in a form consistent with the developmental level of the resident; and

(6) with appropriate utensils.

When food is transported, it shall be done in a manner that maintains proper temperature, protects the food from contamination and spoilage, and insures the preservation of nutritive value.

(f) All residents, including the mobile nonambulatory, shall eat or be fed in dining rooms, except where contraindicated for health reasons, or by decision of the team responsible for the resident's program. Table service shall be provided for all who can and will eat at a table, including residents in wheelchairs. Dining areas shall—

(1) be equipped with tables having smooth,

impervious tops or clean table coverings may be used;

(2) be equipped with tables, chairs, eating utensils, and dishes designed to meet the development needs of each resident;

(3) promote a pleasant and home-like environment that is attractively furnished and decorated, and is of good acoustical quality; and

(4) be designed to stimulate maximum self-development, social interaction, comfort, and pleasure.

(g) Dining arrangements shall be based upon a rational plan to meet the needs of the residents and the requirements of their programs. Dining and serving arrangements should provide for a variety of eating experiences (for example, cafeteria and family style), and, when appropriate, for the opportunity to make food selections with guidance. Unless justified on the basis of meeting the program needs of the particular residents being served, dining tables should seat small groups of residents (typically four to six at a table), preferably including both sexes.

(h) Dining rooms shall be adequately supervised and staffed for the direction of self-help eating procedures, and to assure that each resident receives an adequate amount and variety of food. Staff members should be encouraged to eat with those residents who have semi-independent or independent eating skills. For residents not able to get to dining areas, food service practices shall permit and encourage maximum self-help, and shall promote social interaction and enjoyable experiences.

SEC. 244. (a) Residents shall be provided with systematic training to develop appropriate eating skills, utilizing adaptive equipment where it serves the development process.

(b) Residents with special eating disabilities shall be provided with an interdisciplinary approach to the diagnosis and remediation of their problems, consistent with their developmental needs.

(c) Direct-care staff shall be trained in and shall utilize proper feeding techniques. Residents shall eat in an upright position. Residents shall eat in a manner consistent with their developmental needs (for example, infants should be fed in arms, as appropriate). Residents shall be fed at a leisurely rate, and the time allowed for eating shall be such as to permit adequate nutrition, to promote the development of self-feeding abilities, to encourage socialization, and to provide a pleasant mealtime experience.

(d) Effective procedures for cleaning all equipment and all areas shall be followed consistently. Handwashing facilities, including hot and cold water, soap, and paper towels, shall be provided adjacent to work areas.

Subchapter III—Clothing

SEC. 245. (a) Each resident shall have an adequate allowance of neat, clean, fashionable, and seasonable clothing.

(b) Each resident shall have his or her own clothing, which is, when necessary, properly and inconspicuously marked with his or her name, and he or she shall use this clothing. Such clothing shall make it possible for residents to go out of doors in inclement weather, to go for trips or visits appropriately dressed, and to make a normal appearance in the community.

(c) Nonambulatory residents shall be dressed daily in their own clothing, including shoes, unless contraindicated in written medical orders.

(d) Washable clothing shall be designed for multihandicapped residents being trained in self-help skills, in accordance with individual needs.

(e) Clothing for incontinent residents shall be designed to foster comfortable sitting, crawling and/or walking, and toilet training.

(f) A current inventory should be kept of each resident's personal and clothing items.

(g) Residents shall be trained and encouraged to:

(1) select and purchase their own clothing as independently as possible, preferably utilizing community stores;

(2) select their daily clothing;

(3) dress themselves;

(4) change their clothes to suit the activities in which they engage; and

(5) maintain (launder, clean, mend) their clothing as independently as possible.

SEC. 246. Storage space for clothing to which the resident has access shall be provided. Ample closet and drawer space shall be provided for each resident. Such space shall be accessible to all, including those in wheelchairs.

SEC. 247. The person responsible for the residential facility's resident-clothing program shall be trained or experienced in the selection, purchase, and maintenance of clothing, including the design of clothing for the handicapped.

Subchapter IV—Health, Hygiene, and Grooming

SEC. 248. (a) Residents shall be trained to exercise maximum independence in health, hygiene, and grooming practices, including bathing, brushing teeth, shampooing, combing and brushing hair, shaving, and caring for toenails and fingernails.

(b) Each resident shall be assisted in learning normal grooming practices with individual toilet articles that are appropriately available to that resident.

(c) Teeth shall be brushed daily, with an effective dentifrice. Individual brushes shall be properly marked, used, and stored. Dental care practices should encourage the use of newer dental equipment, such as electric toothbrushes and water picks, as prescribed.

(d) Residents shall be regularly scheduled for hair cutting and styling, in an individualized, normalized manner, by trained personnel.

(e) For residents who require such assistance, cutting of toenails and fingernails by trained personnel shall be scheduled at regular intervals.

(f) Each resident shall have a shower or tub bath at least daily, unless medically contraindicated. Resident's bathing shall be conducted at the most independent level possible. Resident's bathing shall be conducted with due regard for privacy. Individual washcloths and towels shall be used. A bacteriostatic soap shall be used, unless otherwise prescribed.

(g) Female residents shall be helped to attain maximum independence in caring for menstrual needs. Menstrual supplies shall be of the same quality and diversity available to all women.

(h) Every resident who does not eliminate appropriately and independently shall be engaged in a toilet training program. The residential facility's training program shall be applied systematically and regularly. Appropriate dietary adaptations shall be made to promote normal evacuation and urination. The program shall comprise a hierarchy of procedures leading from incontinence to independent toileting. Records shall be kept of the progress of each resident receiving toilet training. Appropriate equipment shall be provided for toilet training, including equipment appropriate for the multiple handicapped. Residents who are incontinent shall be immediately bathed or cleansed, upon voiding or soiling, unless specifically contraindicated by the training program in which they are enrolled, and all soiled items shall be changed. Persons shall wash their hands after handling an incontinent resident.

(i) Each living unit shall have a properly adapted drinking unit. Residents shall be taught to use such units. Those residents who cannot be so taught shall be given the proper daily amount of fluid at appropriate intervals adequate to prevent dehydration. There shall be a drinking unit accessible to, and usable by, residents in wheelchairs. Special cups and noncollapsible straws shall be available when needed by the multiple handicapped. If the drinking unit employs cups, only single-use, disposable types shall be used.

(j) Procedures shall be established for:

(1) monthly weighing of residents, with greater frequency for those with special needs;

(2) quarterly measurement of height, until the age of maximum growth;

(3) maintenance of weight and height records; and

(4) every effort shall be made to assure that residents maintain normal weights.

(k) Policies and procedures for the care of residents with infections and contagious diseases shall conform to State and local health department regulations.

(l) Orders prescribing bed rest or prohibiting residents from being taken out of doors shall be reviewed by a physician at least every 3 days.

(m) Provisions shall be made to furnish and maintain in good repair, and to encourage the use of, dentures, eyeglasses, hearing aids, braces, and so forth, prescribed by appropriate specialists.

Subchapter V—Grouping and Organization of Living Units

SEC. 249. (a) Living unit components or groupings shall be small enough to insure the development of meaningful interpersonal relationships among residents and between residents and staff. The resident-living unit (self-contained unit including sleeping, dining, and activity areas) should provide for not more than 16 residents. Any deviation from this size should be justified on the basis of meeting the program needs of the specific residents being served. To maximize development, residents should be grouped within the living unit into program groups of not more than eight. Any deviation from this size should be justified on the basis of meeting the program needs of the specific residents being served.

(b) Residential units or complexes should house both male and female residents to the extent that this conforms to the prevailing cultural norms. Residents of grossly different ages, developmental levels, and social needs shall not be housed in close physical or social proximity, unless such housing is planned to promote the growth and development of all those housed together. Residents who are mobile-nonambulatory, deaf, blind, or multihandicapped shall be integrated with peers of comparable social and intellectual development, and shall not be segregated on the basis of their handicaps.

(c) The living unit shall not be a self-contained program unit, and living unit activities shall be coordinated with recreation, educational, and habilitative activities in which residents engage outside the living unit, unless contraindicated by the specific program needs of the particular residents being served. Each program group should be assigned a specific person, who has responsibility for providing an organized, developmental program of physical care, training, and recreation.

(d) Residents shall be allowed free use of all living areas within the living unit, with due regard for privacy and personal possessions. Each resident shall have access to a quiet, private area where he can withdraw from the group when not specifically engaged in structured activities.

(e) Outdoor active play or recreation areas shall be readily accessible to all living units.

Subchapter VI—Resident-Living Staff

SEC. 250. (a) There shall be sufficient, appropriately qualified, and adequately trained personnel to conduct the resident-living program, in accordance with the standards specified in this section. Resident-living personnel shall be administratively responsible to a person whose training and experience is appropriate to the program. The title applied to the individuals who directly interact with residents in the living units should be appropriate to the kind of residents with whom they work and the kind of interaction in which they engage. The personnel who staff the living units may be referred to by a variety of terms, such as attendants, child care workers, or cottage parents. The term "psychiatric aid" may be appropriate for a unit serving the emotionally disturbed, but not for a cottage of well-adjusted children. The title of "child care worker" may be appropriate for a nursery school group, but not for an adult unit. Nurses' aides are appropriate for units serving sick residents but not well ones.

(b) The attire of resident-living personnel should be appropriate to the program of the unit in which they work, and consistent with attire worn in the community.

(c) When resident-living units are organized as recommended in subchapter V, and designed as stipulated in subchapter VII, the staff-resident ratios for 24-hour, 7-day coverage of such units by resident-living personnel, or for equivalent coverage, should be as follows:

(1) for medical and surgical units, and for units including infants, children (to puberty), adolescents requiring considerable adult guidance and supervision, severely and profoundly retarded or developmentally disabled moderately and severely physically handicapped, and residents who are aggressive, assaultive, or security risks, or who manifest severely hyperactive or phychotic-like behavior—

(A) first shift, 1 to 4;

(B) second shift, 1 to 4;

(C) third shift, 1 to 8; and

(D) overall ratio (allowing for a 5-day work week plus holiday, vacation, and sick time), 1 to 1;

(2) for units serving moderately retarded or developmentally disabled adolescents and adults requiring habit training—

(A) first shift, 1 to 8;

(B) second shift, 1 to 4;

(C) third shift, 1 to 8; and

(D) overall ratio, 1 to 1.25;

(3) for units serving residents in vocational training programs and adults who work in sheltered employment situations—

(A) first shift, 1 to 16;

(B) second shift, 1 to 8;

(C) third shift, 1 to 16; and

(D) overall ratio, 1 to 2.5.

(d) Regardless of the organization or design of resident-living units, the overall staff-resident ratios should be as stipulated above. Regardless of the organization or design of resident-living units, the overall staff-resident ratios for the categories defined above shall not be less than 1 to 2, 1 to 2.5, and 1 to 5, respectively.

Subchapter VII—Design and Equipage of Living Units

SEC. 251. (a) The design, construction, and furnishing of resident-living units shall be—

(1) appropriate for the fostering of personal and social development;

(2) appropriate to the program;

(3) flexible enough to accommodate variations in program to meet changing needs of residents; and

(4) such as to minimize noise and permit communication at normal conversation levels.

(b) The interior design of living units shall simulate the functional arrangements of a home to encourage a personalized atmosphere for small groups of residents, unless it has been demonstrated that another arrangement is more effective in maximizing the human qualities of the specific residents being served. There shall be a minimum of 80 square feet of living, dining, or activity space for each resident. This space shall be arranged to permit residents to participate in different kinds of activities, both in groups and singly. Furniture and furnishings shall be safe, appropriate, comfortable, and homelike.

(c) Bedrooms shall:

(1) be on or above street grade level;

(2) be outside rooms.

(3) accommodate from one to four residents;

(4) provide at least 60 square feet per resident in multiple sleeping rooms, and not less than 80 square feet in single rooms;

(5) partitions defining each bedroom shall extend from floor to ceiling;

(6) doors to bedrooms—

(A) should not have vision panels;

(B) should not be lockable, except where residents may lock their own bedroom doors, as consistent with their program;

(7) there shall be provision for residents to mount pictures on bedroom walls (for example, by means of pegboard or cork strips), and to have flowers, artwork, and other decorations;

(8) each resident shall be provided with—

(A) a separate bed of proper size and height for the convenience of the resident;

(B) a clear. comfortable mattress;

(C) bedding appropriate for weather and climate;

(9) each resident shall be provided with—

(A) appropriate individual furniture, such as a chest of drawers, a table or desk, and on individual closet with clothes racks and shelves accessible to the resident;

(B) a place of his or her own for personal play equipment and individually prescribed prosthetic equipment; and

(10) space shall be provided for equipment for daily out-of-bed activity for all residents not yet mobile, except those who have a short-term illness, or those very few for whom out-of-bed activity is a threat to life.

(d) Suitable storage shall be provided for personal possessions, such as toys, books, pictures, games, radios, arts and crafts materials, toiletries, jewelry, letters, and other articles and equipment, so that they are accessible to the residents for their use. Storage areas shall be available for off-season personal belongings, clothing, and luggage.

(e) Toilet areas, clothes closets, and other facilities shall be located and equipped so as to facilitate training toward maximum self-help by residents, including the severely and profoundly retarded of developmentally disabled and the multiple handicapped as follows:

(1) water closets, showers bathtubs, and lavatories shall approximate normal patterns found in homes, unless specifically contraindicated by program needs;

(2) toilets, bathtubs, and showers shall provide for individual privacy (with partitions and doors), unless specifically contraindicated by program needs;

(3) water closets and bathing and toileting appliances shall be equipped for use by the physically handicapped;

(4) there shall be at least one water closet of appropriate size for each six residents;

(A) at least one water closet in each living unit shall be accessible to residents in wheelchairs;

(B) each water closet shall be equipped with a toilet seat;

(C) toilet tissue shall be readily accessible at each water closet;

(5) there shall be at least one lavatory for each six residents and one lavatory shall be accessible to and usable by residents in wheelchairs;

(6) there shall be at least one tub or shower for each eight residents;

(7) there shall be individual racks or other drying space for washcloths and towels; and

(8) larger, tilted mirrors shall be available to residents in wheelchairs.

(f) Provisions for the safety, sanitation, and comfort of the residents shall comply with the following requirements:

(1) each habitable room shall have direct outside ventilation by means of windows, louvres, air-conditioning, or mechanical ventilation horizontally and vertically;

(2) each habitable room shall have at least one window, and the window space in each habitable room should be at least one-eighth (12½ percent) of the floor space;

(A) each resident unit of eight shall have at least one glazed area low enough so that a child in normal day activities has horizontal visual access to the out of doors;

(B) the type of glass or other glazing material used shall be appropriate to the safety needs of the residents of the unit;

(3) floors shall provide a resilient, comfortable, attractive, nonabrasive, and slip-resistant surface. Carpeting used in units serving residents who crawl or creep shall be nonabrasive;

(4) temperature and humidity shall be maintained within a normal comfort range by heating, air-conditioning, or other means. The heating apparatus employed shall not constitute a burn hazard to the residents;

(5) the temperature of the hot water at all taps to which residents have access shall be controlled, by the use of thermostatically controlled mixing valves or by other means, so that it does not exceed 110 degrees Fahrenheit. Mixing valves shall be equipped with safety alarm that provide both auditory and visual signals of valve failure;

(6) emergency lighting of stairs and exits, with automatic switches, shall be provided in units housing more than 15 residents;

(7) there shall be adequate clean linen and dirty linen storage areas for each living unit. Dirty linen and laundry shall be removed from the living units daily; and

(8) laundry and trash chutes are discouraged, but if installed, such chutes shall comply with regulations prescribed by the Secretary.

CHAPTER 3.—PROFESSIONAL AND SPECIAL PROGRAMS AND SERVICES

Subchapter I—Introduction

SEC. 252. (a) In addition to the resident-living services otherwise detailed in this title, residents shall be provided with the professional and special programs and services detailed in this section, in accordance with their needs for such programs and services.

(b) The professional and special programs and services detailed herein may be provided by programs maintained or personnel employed by the residential facility, or by formal arrangements between the residential facility and other agencies or persons, whereby the latter will provide such programs and services to the residential facility's residents as needed.

(c) In accordance with the normalized principle, all professional services to the mentally retarded and other individuals with developmental disabilities should be rendered in the community, whenever possible, rather than in a residential facility, and where rendered in a residential facility, such servics must be at least comparable to those provided the non-retarded in the communtiy.

(d) Programs and services provided by the residential facility or to the residential facility by agencies outside it, or by persons not employed by it, shall meet the standards for quality of service as stated in this section. The residential facility shall require that services provided its residents meet the standards for quality of services as stated in this section, and all contracts for the provision of such services shall stipulate that these standards will be met.

SEC. 253. (a) Individuals providing professional and special programs and services to residents may be identified with the following professions, disciplines, or areas of service:

(1) audiology;

(2) dentistry (including services rendered by licensed dentists, licensed dental hygienists, and dental assistants);

(3) education;

(4) food and nutrition (including services rendered by dietitians and nutritionists);

(5) library services;

(6) medicine (including services rendered by licensed physicians, whether doctors of medicine or doctors of osteopathy, licensed podiatrists, and licensed optometrists);

(7) music, art, dance, and other activity therapies;

(8) nursing;

(9) occupational therapy;

(10) pharmacy;

(11) physical therapy;

(12) psychology;

(13) recreation;

(14) religion (including services rendered by clergy and religious educators);

(15) social work;

(16) speech pathology;

(17) vocational rehabilitation counseling; and

(18) volunteer services.

(b) Interdisciplinary teams for evaluating the resident's needs, planning an individualized habilitation program to meet identified needs, and periodically reviewing the resident's response to his program and revising the program accordingly, shall be constituted of persons drawn from, or representing, such of the aforementioned professions, disciplines, or service areas as are relevant in each particular case.

(c) Since many identical or similar services or functions may competently be rendered by individuals of different professions, the standards in the following subsections shall be interpreted to mean that necessary services are to be provided in efficient and competent fashion, without regard to the professional identifications of the persons providing them, unless only members of a single profession are qualified or legally authorized to perform the stated service. Services listed under the duties of one profession may, therefore, be rendered by members of other professions who are equipped by training and experience to do so.

(d) Regardless of the means by which the residential facility makes professional services available to its residents, there shall be evidence that members of professional disciplines work together in cooperative, coordinated, interdisciplinary fashon to achieve the objective of the residential facility.

SEC. 254. Programs and services and the pattern of staff organization and function within the residential acility shall be focused upon serving the individual needs of residents and should provide for—

(1) comprehensive diagnosis and evaluation of each resident as a basis for planning programing and management;

(2) design and implementation of an individualized habilitation program to effectively meet the needs of each resident;

(3) regular review, evaluation, and revision, as necessary, of each individual's habilitation program;

(4) freedom of movement of individual residents from one level of achievement to another, within the facility and also out of the residential facility, through training, habilitation, and placement; and

(5) an array of those services that will enable each resident to develop to his maximum potential.

Subchapter II—Dental Services

SEC. 255. (a) Dental services shall be provided all residents in order to maximize their general health by—

(1) maintaining an optimal level of daily oral health, through preventive measures; and

(2) correcting existing oral diseases.

(b) Dental services shall be rendered—

(1) directly, through personal contact with all residents by dentists, dental hygienists, dental assistants, dental health educators, and oral hygiene aides, as appropriate to the size of the residential facility; and

(2) indirectly, through contact between dental staff and other personnel caring for the residents, in order to maintain their optimal oral health.

(c) Dental services available to the residential facility should include—

(1) dental evaluation and diagnosis;

(2) dental treatment;

(3) comprehensive preventive dentistry programs;

(4) education and training in the maintenance of oral health;

(5) participation, as appropriate, by dentists and dental hygienists in the continuing evaluation of individual residents by interdisciplinary teams, to initiate, monitor, and follow up individualized habilitation programs;

(6) consultation with, or relating to—

(A) residents;

(B) families of residents;

(C) other residential facility services and personnel;

(7) participation on appropriate residential facility committees; and

(8) planning and conducting dental research; cooperating in interdisciplinary research; and interpreting, disseminating, and implementing applicable research findings.

(d) Comprehensive diagnostic services for all residents shall include—

(1) a complete extra and intraoral examination, utilizing all diagnostic aids necessary to properly evaluate the resident's oral condition, within a period of 1 month following admission;

(2) provision for adequate consultation in dentistry and other fields, so as to properly evaluate the ability of the patient to accept the treatment plan that results from the diagnosis; and

(3) a recall system that will assure that each resident is reexamined at specified intervals in accordance with his needs, but at least annually.

(e) Comprehensive treatment services for all residents shall include—

(1) provision for dental treatment, including the dental specialties of pedodontics, orthodontics, periodontics, prosthodontics, endodontics, oral surgery, and oral medicine, as indicated; and

(2) provision for emergency treatment on a 24-hour, 7-day-a-week basis, by a qualified dentist.

(f) Comprehensive preventive dentistry programs should include—

(1) fluoridation of the residential facility's water supply;

(2) topical and systematic fluoride therapy, as prescribed by the dentist;

(3) periodic oral prophylaxis, by a dentist or dental hygienist, for each resident;

(4) provisions for daily oral care, as prescribed by a dentist or dental hygienist, including:

(A) toothbrushing and toothbrushing aids, such as disclosing wafers;

(B) tooth flossing;

(C) irrigation;

(D) proper maintenance of oral hygiene equipment;

(E) monitoring the program to assure its effectiveness; and

(5) provision, wherever possible, of diets in a form that stimulates chewing and improvement of oral health.

(g) Education and training in the maintenance of oral health shall include:

(1) continuing inservice training of living-unit personnel in providing proper daily oral health care for residents;

(2) providing dental health education to direct-care personnel;

(3) a dental hygiene program that includes:

(A) discovery, development, and utilization of specialized teaching techniques that are effective for individual residents;

(B) importing information regarding nutrition and diet control measures to residents and staff;

(C) instruction of classroom teachers and/or students in proper oral hygiene methods;

(D) motivation of teachers and students to promote and maintain good oral hygiene;

(E) instruction of residents in living units in proper oral hygiene methods; and

(4) instruction of parents or surrogates in the maintenance of proper oral hygiene, where appropriate (as in the case of residential facilities having day programs, or in the case of residents leaving the residential facility).

(h) A permanent dental record shall be maintained for each resident. A summary dental progress report shall be entered in the resident's unit record at stated intervals. A copy of the permanent dental record shall be provided a residential facility to which a resident is transferred.

(i) When the residential facility has its own dental staff, there should be a manual that states the philosophy of the dental service and describes all dental procedures and policies. There shall be a formal arrangement for providing qualified and adequate dental services to the residential facility, including care for dental emergencies on a 24-hour, 7-days-a-week basis. A dentist, fully licensed to practice in the State in which the residential facility is located, shall be designated to be responsible for maintaining standards of professional and ethical practice in the rendering of dental services to the residential facility. Where appropriate, the residential facility should, in addition, have available to it, and should utilize, the program-development consultation services of a qualified dentist who has experience in the field of dentistry for the retarded and other individuals with developmental disabilities.

(j) There shall be available sufficient, appropriately qualified dental personnel, and necessary supporting staff, to carry out the dental services program. All dentists providing services to the residential facility shall be fully licensed to practice in the State in which the residential facility is located. All dental hygienists providing services to the residential facility shall be licensed to practice in the State in which the residential facility is located. Dental assistants should be certified by an appropriate nationally recognized professional association or should be enrolled in a program leading to certification. Dental health educators shall have a thorough knowledge of—

(1) dental health; and

(2) teaching methods.

(k) Oral hygiene aides, who may supplement and promote the proper daily oral care of residents, through actual participation and development of new methods in the toothbrushing program, or in the dissemination of oral hygiene information, should be—

(1) thoroughly trained in current concepts and procedures of oral care; and

(2) trained to recognize abnormal oral conditions.

(l) Supporting staff should include, as appropriate to the program—

(1) receptionists;

(2) clerical personnel to maintain current dental records;

(3) dental laboratory technicians certified by the appropriate nationally recognized professional association;

(4) escort aides; and

(5) janitorial or housekeeping personnel.

(m) All dentists providing service to the residential facility shall adhere to the code

of ethics published by the appropriate nationally recognized professional association.

SEC. 256. (a) Appropriate to the size of the residential facility, a continuing education program shall be provided that is designed to maintain and improve the skills and knowledge of its professional dental personnel, through means including but not limited to:

(1) preceptor or other orientation programs;

(2) participation in seminars, workshops, conferences, institutes, or college or university courses, to the extent of at least 60 clock hours annually for each dental professional, in accordance with the standards of the nationally recognized professional dental association and its component societies;

(3) study leave;

(4) participation in the activities of professional organizations that have as their goals the furtherance of expertise in the treatment of the handicapped;

(5) access to adequate library resources, including current and relevant books and journals in dentistry, dental hygiene, dental assisting, mental retardation, and developmental disabilities;

(6) encouragement of dentists to qualify themselves for staff privileges in hospitals; and

(7) sharing of information concerning dentistry in its relationship with mental retardation and developmental disabilities as by publication.

(b) To enrich and stimulate the residential facility's dental program, and to facilitate its integration with community services, the residential facility with, and provide educational experiences for the dental-career students of, dental schools, universities, colleges, technical schools, and hospitals, whenever the best interests of the residential facility's residents are thereby served.

(c) There shall be adequate space, facilities, and equipment to meet the professional, educational, and administrative needs of the dental service. General anesthesia facilities for dental care shall be available. The services of a certified dental laboratory shall be available. Appropriate dental consultation shall be employed in the planning, design, and equipage of new dental facilities, and in the modification of existing facilities. All dental facilities shall be free of architectural barriers for physically handicapped residents.

Subchapter III—Educational Services

SEC. 257. (a) Educational services, defined as deliberate attempts to facilitate the intellectual, sensorimotor, and effective development of the individual, shall be available to all residents, regardless of chronological age, degree of retardation, or accompanying disabilities or handicaps. There shall be a written statement of educational objectives that are consistent with the residential facility's philosophy and goals. The principle that learning begins at birth shall be recognized, and the expertise of early childhood educators shall be integrated into the interdisciplinary evaluation and programing for residents.

(b) Educational services available to the residential facility shall include but not be limited to—

(1) establishment and implementation of individual educational programs providing:

(A) continuous evaluation and assessment of the individual;

(B) programing for the individual;

(C) instruction of individuals and groups;

(D) evaluation and improvement of instructional programs and procedures;

(2) participation in program development services, including those relating to:

(A) resident habilitation;

(B) staff training;

(C) community activities;

(3) consultation with, or relating to:

(A) other programs for residents and staff;

(B) parents of residents;

(C) administration and operation of the residential facility;

(D) the community served by the residential facility; and

(4) research relating to educational programs, procedures, and techniques; and the interpretation, dissemination, and application of applicable research findings.

(c) Where appropriate, an educator shall be a member of the interdisciplinary teams or groups concerned with—

(1) the total programing of each resident; and

(2) the planning and development of the residential facility's programs for residents.

(d) Individual educational evaluations of residents shall:

(1) commence with the admission of the resident;

(2) be conducted at least annually;

(3) be based upon the use of empirically reliable and valid instruments, whenever such tools are available;

(4) provide the basis for prescribing an appropriate program of learning experiences for the resident;

(5) provide the basis for revising the individual prescription as needed;

(6) the reporting and dissemination of evaluation results shall be done in such a manner as to—

(A) render the content of the report meaningful and useful to its intended recipient and user; and

(B) promptly provide information useful to staff working directly with the resident.

(e) There shall be written educational objectives for each resident that are—

(1) based upon complete and relevant diagnostic and prognostic data;

(2) stated in specific behavioral terms that permit the progress of the individual to be assessed; and

(3) adequate for the implementation, continuing assessment, and revision, as necessary, of an individually prescribed program.

(f) There shall be evidence of educational activities designed to meet the educational objectives set for every resident. There shall be a functional educational record for each resident, maintained by, and available to, the educator.

(g) There shall be appropriate programs to implement the residential facility's educational objective. Wherever local resources permit and the needs of the resident are served, residents should attend educational programs in the community. Educable and trainable residents shall be provided an educational program of a quality not less than that provided by public school programs for comparable pupils, as regards:

(1) physical facilities;

(2) qualifications of personnel;

(3) length of the school day;

(4) length of school year;

(5) class size;

(6) provision of instructional materials and supplies; and

(7) availability of evaluative and other ancillary services.

(h) Educational programs shall be provided severely and profoundly retarded or developmentally disabled residents, and all other residents for whom educational provisions may not be required by State laws, irrespective of age or ability.

(i) Appropriate educational programs shall be provided residents with hearing, vision, perceptual, or motor impairments, in cooperation with appropriate staff.

(j) Educational programs should include opportunities for physical education, health education, music education, and art education, in accordance with the needs of the residents being served.

(k) A full range of instructional materials and media shall be readily accessible to the educational staff of the residential facility.

(l) Educational programs shall provide coeducational experiences. Learning activities in the classroom shall be coordinated with activities of daily living in the living units and with other programs of the residential facility and the community. The residential facility shall seek reciprocal services to and from the community, within the bounds of legality and propriety. An educational program operated by a residential facility shall seek consultation from educational agencies not directly associated with the residential facility.

SEC. 258. (a) There shall be available sufficient, appropriately qualified educational personnel, and necessary supporting staff, to carry out the educational programs. Delivery of educational services shall be the responsibility of a person who is eligible for—

(1) certification as a special educator of the mentally retarded or other individuals with developmental disabilities; and

(2) the credential required for a comparable supervisory or administrative position in the community.

(b) Teachers shall be provided aides or assistants, as needed. The residential facility's educators shall adhere to a code of ethics prescribed by the Secretary. Appropriate to the nature and size of the residential facility, there shall be an ongoing program for staff development specifically designed for educators. Staff members shall be encouraged to participate actively in professional organizations related to their responsibilities.

(c) To enrich and stimulate the residential facility's educational program, and to facilitate its integration with community services, opportunities for internships, student teaching, and practicum experiences should be made available, in cooperation with university teacher-training programs, whenever the best interests of the residents are thereby served.

Subchapter IV—Food and Nutrition Services

SEC. 259. (a) Food and nutrition services shall be provided in order to—

(1) insure optimal nutritional status of each resident, thereby enhancing his or her physical, emotional, and social well-being; and

(2) provide a nutritionally adequate diet, in a form consistent with developmental level, to meet the dietary needs of each resident.

(b) There shall be a written statement of policies and procedures that—

(1) describes the implementation of the stated objectives of the food and nutrition services;

(2) governs the functions and programs of the food and nutrition services;

(3) is formulated and periodically reviewed by professional nutrition personnel;

(4) is prepared in consultation with other professional staff;

(5) is consistent with the residential facility's goals and policies;

(6) is distributed and interpreted to all residential facility personnel; and

(7) complies with State and local regulations.

(c) Whenever appropriate, the following services should be provided—

(1) initial and periodic evaluation of the nutritional status of each resident, including—

(A) determination of dietary requirements and assessments of intake and adequacy through—

(i) dietary interview;

(ii) clinical evaluation;

(iii) biochemical assessment;

(B) assessment of food service practices;

(C) assessment of feeding practices, capabilities, and potential;

(2) maintenance of a continuing and periodically reviewed nutrition record for each resident;

(3) incorporation of recommendations drawn from the nutrition evaluation into the total management plans for the resident;

(4) periodic review of implementation of recommendations and of need for modification;

(5) participation in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs;

(6) provision of—

'(A) counseling services to the individual resident;

(B) reciprocal consultation with residential facility staff and students;

(C) counseling service to residents' families or their surrogates;

(D) nutrition education, on a continuing basis, for residents, families or surrogates, staff, and students, and development of such programs in coordination with various education programs within the residential facility and the community;

(7) coordination of nutrition programs between the residential facility and the community, including—

(A) development of awareness of available programs in nutrition;

(B) development of needed nutrition programs;

(C) encouragement of participation of professionals and students in nutrition programs for the mentally retarded and developmentally disabled; and

(8) development, coordination, and direction of nutrition research, as well as cooperation in interdisciplinary research.

(d) Food services shall include—

(1) menu planning;

(2) initiating food orders or requisitions;

(3) establishing specifications for food purchases, and insuring that such specifications are met;

(4) storing and handling of food;

(5) food preparation;

(6) food serving;

(7) maintaining sanitary standards in compliance with State and local regulations; and

(8) orientation, training, and supervision of food service personnel.

(e) The food and nutrition needs of residents shall be met in accordance with the recommended dietary allowances of the food and nutrition board of the national research council, adjusted for age, sex, activity, and disability, through a nourishing, well-balanced diet. The total food intake of the resident should be evaluated, including food consumed outside of as well as within the residential facility.

(f) Menus shall be planned to meet the needs of the residents in accordance with subsection (e). Menus shall be written in advance. The daily menu shall be posted in food preparation areas. When changes in the menu are necessary, substitutions should be noted and should provide equal nutritive values. Menus shall provide sufficient variety of foods served in adequate amounts at each meal, and shall be: (1) Different for the same days of each week; (2) Adjusted for seasonal changes. Records of menus as served shall be filed and maintained for at least 30 days. At least a 1-week supply of staple foods and a 2-day supply of perishable foods shall be maintained on the premises. Records of food purchased for preparation shall be filed and maintained for at least 30 days. A file of tested recipes adjusted to appropriate yield should be maintained.

(g) Foods shall be prepared by methods that—

(1) conserve nutritive value;

(2) enhance flavor; and

(3) enhance appearance.

(h) Food shall be prepared, stored, and distributed in a manner that assures a high quality of sanitation. Effective procedures for cleaning all equipment and work areas shall be followed consistently. Dishwashing and panwashing shall be carried out in compliance with State and local health codes. Handwashing facilities, including hot and cold water, soap, and paper towels, shall be provided adjacent to work area.

(i) When food is transported, it shall be done in a manner that maintains proper temperature, protects the food from contamination and spoilage, and insures the preservation of nutritive value. Food storage procedures shall meet State and local regulations. Dry or staple food items shall be stored at least 12 inches above the floor, in a ventilated room not subject to sewage or waste water backflow, or contamination by condensation, leakage, rodents, or vermin. Perishable foods shall be stored at the proper temperatures to preserve nutritive values. Food served to residents and not consumed shall be discarded.

(j) There shall be a sufficient number of competent personnel to fulfill the objectives of the food and nutrition services, including—

(1) nutritionists or dietitians;

(2) other food service personnel;

(3) clerical personnel;

(4) depending upon the size and scope of the residential facility, food and nutrition services shall be directed by one of the following—

(A) a dietitian who is eligible for membership in the appropriate professional dietetic association and preferable eligible for registration by such association, or a nutritionist who has a master's degree in foods, nutrition, or public health nutrition, who is eligible for membership in the appropriate professional dietetic association, and preferably eligible for registration by the association, and who unless employed by a residential facility that also employs a dietitian, has had experience in institutional food management;

(B) a food service manager who has a bachelor's degree in foods, nutrition, or a related field, and who receives consultation from a dietary consultant;

(C) a responsible person who has had training and experience in meal management and service, and who receives consultation from a dietary consultant; and

(D) the person responsible for food and nutrition services should have had training or experience in providing services to the mentally retarded, and other individuals with developmental disabilities and should be sensitive to their needs;

(5) the dietary consultant shall—

(A) be eligible for membership in the appropriate professional dietetic association, and preferably eligible for registration by such association;

(B) serve on a regularly scheduled and frequent basis when no full-time dietitian is available; and

(6) every person engaged in the preparation and serving of food in the residential facility shall have a valid food handler's permit, as required by State or local regulations. No person who is afflicted with a disease in a communicable stage, or who is a carrier of a communicable disease, or who has an open wound, shall work in any food service operation. Every person engaged in the preparation and serving of food in the residential facility shall annually be medically determined to be free of any disease in a communicable stage. All dietitians and nutritionists shall adhere to the code of ethics of the appropriate professional dietetic association.

(k) Appropriate to the size of the residential facility, an ongoing inservice training program shall be conducted that is designed to improve and maintain the skills of its food and nutrition services staff, through means such as—

(1) seminars, workshops, conferences, and institutes;

(2) college and university courses;

(3) participation in professional organizations;

(4) participation in interdisciplinary groups;

(5) visitations to other residential facilities; and

(6) access to adequate library resources, including current and relevant books and journals in nutrition and mental retardation.

(l) Opportunities should be provided, in cooperation with university and other training programs, for students to obtain practical experience, under appropriate supervision, whenever the best interests of the residents are thereby served.

(m) There shall be adequate space, facilities, and equipment to fulfill the professional, educational, administrative, operational, and research needs of the food and nutrition services. Dining areas and facilities for food storage, preparation, and distribution shall be—

(1) designed in cooperation with a dietitian and, when appropriate, with assistance from a qualified food service and equipment consultant;

(2) adequate for the storage and preservation of food;

(3) in compliance with State and local sanitation and other requirements;

(4) adequate for the preparation and serving of food; and

(5) adequate for sanitary storage for all dishes and equipment.

Subchapter V—Library Services

SEC. 260. (a) Library services, which include the location, acquisition, organization, utilization, retrieval, and delivery of materials in a variety of media, shall be available to the residential facility, in order to support and strengthen its total habilitation program by providing complete and integrated multimedia information services to both staff and residents. Library services shall make available to the residential facility the resources of local, regional, State, and National library systems and networks. Library services shall be available to all residents, regardless of chronological age, degree of retardation, level of communication skills, or accompanying disabilities or handicaps.

(b) Library services to residents shall be rendered—

(1) directly, through personal contact between library staff and residents;

(2) indirectly, through contact between librarians and other persons working with the residents, designed to—

(A) maintain an atmosphere that recognizes the rights of the resident to access to information and to personal use of library materials appropriate to his level of development in communication skills or to his desire to conform to peer groups; and

(B) enhance interpersonal relationships between direct-care workers and residents, through the mutual enjoyment of written, recorded, or oral literature appropriate to the resident's level of development and preference.

(c) Library services available to residents should include—

(1) assistance in team evaluation and assessment of the individual's level of development in communication skills, such as listening, comprehension, reading, and ability to respond to stimuli in a wide range and variety of media;

(2) provision of informational, recreational, and educational materials appropriate to individual residents at all stages of development in communication skills, including media to stimulate sensory development, both in the library and in the living unit. Such materials should include, but need not be limited to—

(A) books, including picture, juvenile, adult, high interest-low vocabulary, large print, and talking books;

(B) magazines, including juvenile, adult pictorial, and magazines on talking books;

(C) newspapers;
(D) audiovisual media, including films, filmstrips, slides, video tapes, audio tapes, and records, and appropriate equipment;
(E) graphics;
(F) experiant materials, toys and games, realia, and animals;
(3) development of programs for individual or group enjoyment, for development of communication skills, for encouragement and satisfaction of natural human curiosity about anything, including sex and the facts of life, and for general enhancement of self-image. These programs should include, but need not be limited to—
(A) storytelling, with listener participation through games or other activities;
(B) reading aloud, including "reading" pictures;
(C) film or filmstrip programs;
(D) listening to recorded media;
(E) media discussion groups;
(F) library clubs;
(G) touching, browsing, exploring, or naming sensory stimuli;
(H) creative writing, including group composition through dictation, tape recording, etc.;
(I) puppetry, including the making of puppets;
(J) creative dramatics;
(4) opportunities to visit, and make use of, community library services and facilities in the same manner, and on the same terms, as any resident of the community;
(5) referral services to the community library most convenient to place of residence or employment, when the resident leaves the residential facility; and
(6) active participation in, and encouragement of, library programs related to the educational and habilitative services of the residential facility, including the supplementation, support, and reinforcement of school programs.
(d) Librarians providing service to residents should act as advocates on their behalf if residential facility policies or community library policies interfere with the retarded or developmentally disabled person's freedom to read materials of his own choosing or if they deny or abrogate his right to information or access to library services of any kind, in accordance with the standards adopted by the appropriate professional library association.
(e) Library services to staff should include—
(1) selection, acquisition, organization, classification, cataloging, procurement through interlibrary loan, and dissemination of informational, educational, and instructional library materials and audiovisual equipment;
(2) provision of reference and bibliographic materials and services, literature searches, bibliography compilation, indexing and abstracting services, and other guides to the literature relevant to mental retardation and developmental disabilities;
(3) acquisition of materials for evaluation for purchase;
(4) provision of a current awareness program to alert staff to new materials and developments in their fields;
(5) orientation to library services and functions, including continuing instruction and assistance in the use of informational sources, and participation in general orientations to the residential facility;
(6) provision of written and oral translation services; and
(7) cooperation in inservice training programs by working with subject specialists and by recommending, providing, or producing materials in various media.
(f) Library services to the residential facility may include—
(1) provision of informational materials about the residential facility and mental retardation developmental disabilities in general, through an organized collection of resources;
(2) assistance with such public relation functions as preparing brochures, program statements, annual reports, writing news releases and feature stories, and offering editorial and research assistance to staff preparing professional books and papers; and
(3) assistance in preparing grant applications and report writing.
(g) When library services are provided in the residential facility—
(1) there shall be a written statement of objectives that make possible a well-conceived, comprehensive, long-range program of library development, consistent with the overall goals of the residential facility, adapted to the needs and aptitudes of the residents, and designed to be modified as the program of the residential facility changes;
(2) there shall be a separate budget, adequate to carry out the program in accordance with stated goals and objectives;
(3) library services shall be placed within the organizational structure of the residential facility in such a way as to be available to, and maximally utilized by, all relevant services and programs;
(4) there shall be written policies covering the library's day-to-day activities, and the coordination of these activities with those of other services of the residential facility and with related activities in the community;
(5) there shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the program in accordance with stated goals and objectives;
(6) a qualified librarian shall be responsible for all library services. Where the level of need for services does not require the full-time employment of a professional librarian, coverage may be through the use of consultant service or supervisory personnel, through the pooling of resources and the sharing of services by two or more residential facilities in a geographic area, or through service supplied through a regional library system;
(7) the librarian shall participate, when appropriate, in the interdisciplinary planning, development, and evaluation of residential facility programs;
(8) the librarian should coordinate the purchasing of all print and nonprint materials for the residential facility, and act as the residential facility's informed agent in initiating the purchase of print and nonprint materials, and the library should serve as a clearinghouse for such holdings;
(9) librarians should participate in—
(A) educating appropriate members of the community, concerning the library needs of residents;
(B) planning, with community librarians, the utilization of library resources to optimize resident adjustment;
(C) developing appropriate expectancies and attitudes within community libraries that residents will use;
(10) appropriate relationships with other libraries and community agencies shall be established to more effectively accomplish the library's service functions;
(11) appropriate to the size of the residential facility, there should be a staff development program designed to maintain and improve the skills of library services staff through means such as—
(A) staff meetings and inservice training;
(B) seminars, workshops, conferences, and institutes;
(C) college and university courses;
(D) professional organizations;
(E) participation in interdisciplinary groups;
(F) visits to other residential facilities;
(G) access to relevant professional literature;
(12) whenever appropriate, the library should provide training for beginning librarians, further the orientation and training of library assistants, technicians, or volunteers, and serve as a training center for library institutes or workshops;
(13) library services should be located so as to be convenient and accessible to all users;
(14) all library functions should be integrated within a centralized location, whenever this does not act as a barrier to accessibility for any group;
(15) space, physical facilities, and equipment shall be adequate to carry out the program, and shall comply with the standards for library services in health care institutions published by the appropriate professional library association of hospitals and institutions of the appropriate professional library association;
(16) the hours during which the library is open should meet the requirements of the majority of the library's users, and should be as generous as possible; and
(17) users of library services shall participate in the planning and evaluation of library programs, by means such as advisory committees.
(h) If library services are provided outside the residential facility, there shall be a formal agreement that stipulates lines of communication, areas of responsibility, and kinds of service.
(i) The individual responsible for maintaining standards of professional and ethical practice in the rendering of library services to the residential facility—
(1) shall have a master's degree in library science from a school accredited by the recognized national professional library association; and
(2) should have preparation in a field relevant to work with the mentally retarded and other individuals with developmental disabilities.
(j) Individual rendering library services, including librarians, media specialists, library and media technicians, supportive staff, and volunteers, shall have qualifications appropriate to their responsibilities and duties.

Subchapter VI—Medical Services

SEC. 261. (a) Medical services shall be provided in order to—
(1) achieve and maintain an optimal level of general health for each resident;
(2) maximize normal function and prevent disability; and
(3) facilitate the optimal development of each resident.
(b) Medical services shall be rendered—
(1) directly, through personal contact between physicians and residents; and
(2) indirectly, through contact between physicians and other persons working with the residents, which is designed to maintain an environment that recognizes and meets the health, hygiene, sanitary, and nutritional needs of the residents.
(c) Medical services available to the residential facility should include—
(1) evaluation and diagnosis;
(2) treatment;
(3) program development services, including those relating to—
(A) residential habilitation;
(B) staff training;
(C) community participation;
(4) consultation with, or relating to—
(A) residents;
(B) families of residents;
(C) the administration and operation of the residential facility;
(5) medical and ancillary staff training; and
(6) preventive health services for residents and staff.
(d) The services of medical and surgical hospitals that are accredited by the recognized national appropriate joint commission

on accreditation of hospitals shall be available to residents. Only pathology, clinical laboratory, and radiologic services that meet the hospital accreditation standards of such joint commission on accreditation of hospitals shall be utilized. Electroencephalographic services shall be available as necessary. There shall be evidence, such as may be provided by a record of the deliberations of a utilization review committee, that such hospital and laboratory services are utilized in accordance with proper professional standards.

(e) Physicians shall participate, when appropriate—

(1) in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs; and

(2) in the development for each resident of a detailed, written statement of—

(A) case management goals, encompassing the areas of physical and mental health, education, and functional and social competence; and

(B) a management plan detailing the various habilitation or rehabilitation modalities that are to be applied in order to achieve the specified goals, with clear designation of responsibility for implementation.

(f) The management plan shall ordinarily include, but not necessarily be limited to—

(1) the resident's day-to-day activity program;

(2) physical rehabilitation to prevent and correct deformity, to enhance mobility, and to facilitate training in self-help skills;

(3) provision for adaptive equipment necessary to the rehabilitation plan;

(4) an educational program;

(5) a vocation and occupational program;

(6) stated intervals for review of the management plan; and

(7) short- and long-term goals, including criteria for release.

(g) Statement of treatment goals and management plans shall be reviewed and updated—

(1) as needed, but at least annually; and

(2) to insure continuing appropriateness of the goals, consistency of management methods with the goals, and the achievement of progress toward the goals.

(h) Special attention shall be given those residents who, without active intervention, are at risk of further loss of function, by means that include—

(1) early diagnosis of disease;

(2) prompt treatment in the early stages of disease;

(3) limitation of disability by arresting the disease process;

(4) prevention of complications and sequelae; and

(5) rehabilitation services to raise the affected individual to his or her greatest possible level of function, in spite of his or her handicap, by maximizing the use of his or her remaining capabilities.

(i) Preventive health services to resident shall include—

(1) means for the prompt detection and referral of health problems, through adequate medical surveillance, periodic inspection, and regular medical examination;

(2) annual physical examinations, that include—

(A) examination of vision and hearing;

(B) routine screening laboratory examinations, as determined by the physician, and special studies when the index of suspicion is high;

(3) maintenance of a graphic record of height and weight for each resident, in a form that permits ready reference to standardized norms;

(4) immunizations, using as a guide the recommendations of the United States Public Health Service Advisory Committee on Immunization Practices and of the appropriate committee on the control of infectious diseases of the appropriate medical specialty association;

(5) tuberculosis control, in accordance with the recommendations of the appropriate medical specialty association as appropriate to the residential facility's population; and

(6) reporting of communicable diseases and infections in accordance with law.

(j) Preventive health services to staff shall include—

(1) preemployment physical examinations; and

(2) surveys for the detection and prevention of communicable diseases.

(k) There shall be a formal arrangement for qualified medical care for the residential facility, including care for medical emergencies on a 24-hour, 7-days-a-week basis. A physician, fully licensed to practice medicine in the State in which the residential facility is located, shall be designated to be responsible for—

(1) maintaining standards of professional and ethical practice in the rendering of medical services in the residential facility; and

(2) maintaining the general health conditions and practices of the residential facility and/or system of health services.

Each resident shall have a personal (primary) physician, who maintains familiarity with his state of health and with conditions within the residential living unit that bear on his health. Qualified medical specialists of recognized professional ability shall be—

(1) available for a broad range of specialized care and consultation; and

(2) appropriately used.

(l) Appropriate to the size of the residential facility, an ongoing inservice training program shall be conducted that is designed to maintain and improve the medical skills of its physicians and their knowledge of development disabilities, through methods such as staff seminars, outside speakers, attendance at professional medical meetings, and informational exchanges with universities and teaching hospitals.

(m) There shall be adequate space, facilities, and equipment to fulfill the professional, educational, and administrative needs of the medical service.

Subchapter VII—Nursing Services

SEC. 262. (a) Residents shall be provided with nursing services, in accordance with their needs, in order to—

(1) develop and maintain an environment that will meet their total health needs;

(2) foster optional health;

(3) encourage maximum self-care and independence; and

(4) provide skilled nursing care as needed.

(b) There shall be a written statement of nursing philosophy and objectives that are consistent with the purpose of the residential facility and that give direction to the nursing program. Nursing personnel shall be responsible for the formulation, review, and revision of the philosophy and objectives. The philosophy and objectives shall be—

(1) distributed to all nursing personnel; and

(2) made available and interpreted to all other personnel.

(c) Nursing services should be provided through—

(1) direct nursing intervention;

(2) instruction and supervision of residential facility staff rendering nursing care;

(3) supporting, counseling, and teaching the resident, his or her family, and his or her direct-care staff, at the residential facility or in the home;

(4) consultation and followthrough in the interest of the resident; and

(5) participation on appropriate residential facility committees.

(d) Nursing services to residents shall include, when appropriate—

(1) professional nurse participation in—

(A) the preadmission evaluation study and plan;

(B) the evaluation study, program design, and placement of the resident at the time of admission to the residential facility;

(C) the periodic reevaluation of the type, extent, and quality of services and programing;

(D) the development of discharge plans;

(E) the referral to appropriate community resources;

(2) services directed toward the promotion of health, including—

(A) observation and assessment of the developmental function of the resident, within his or her environment;

(B) training in habits of personal hygiene;

(C) family life and sex education;

(D) safety education;

(E) control of communicable diseases and infections, through—

(i) identification and assessment;

(ii) reporting to medical authority;

(iii) implementation of appropriate protective and preventive measures;

(F) development of a written plan for nursing action, in relation to the total habilitation program;

(G) modification of the nursing plan, in terms of the resident's daily needs, at least annually for adults and more frequently for children, in accordance with developmental changes;

(3) participation in the prevention of disability for all residents, with special attention to those residents who exhibit the lowest level of functional development, including—

(A) nursing assessment of the functional level of development;

(B) development, implementation, and coordination of a plan to maintain and encourage optimal level of function, with written provision for direct and indirect nursing intervention; and

(4) planned, intensive nursing care for every resident who is medically determined to be acutely ill.

(e) A professional nurse shall participate, as appropriate, in the planning and implementation of training of residential facility personnel. Direct-care personnel shall be trained in—

(1) detecting signs of illness or dysfunction that warrant medical or nursing intervention;

(2) basic skills required to meet the health needs and problems of the residents; and

(3) first aid in the presence of accident or illness.

(f) Qualified nurses shall be encouraged to become involved in—

(1) initiating, conducting, and evaluating nursing research;

(2) evaluating and applying relevant research findings for the benefit of residents;

(3) formulating the policies governing research in the residential facility; and

(4) serving as resource persons to schools of nursing, and to public health nursing and related agencies.

(g) There shall be available sufficient, appropriately qualified nursing staff, which may include currently licensed practical nurses and other supporting personnel, to carry out the various nursing service activities. A registered professional nurse shall be designated as being responsible for maintaining standards of professional, legal, and ethical practice in the delivery of nursing services according to the needs of the residents. The individual responsible for the delivery of nursing services—

(1) should have at least a master's degree in nursing; and

(2) shall have knowledge and experience in the field of developmental disabilities.

(h) Nursing service personnel at all levels of experience and competence shall be—

(1) assigned responsibilities in accordance with their qualifications;

(2) delegated authority commensurate with their responsibility; and

(3) provided appropriate professional nursing supervision.

(i) Organized nursing services and professional nurse practitioners should have recourse to qualified and appropriate consultation as needed. All professional nurses shall be familiar with, and adhere to the code of ethics published by the appropriate nationally recognized professional nurses' association.

(j) Appropriate to the size of the residential facility, there shall be an educational program designed to enhance the clinical competencies and the knowledge of developmental disabilities of its professional nursing staff, through means, including but not limited to—

(1) staff meetings and inservice training;

(2) seminars, workshops, conferences, and institutes;

(3) college and university courses;

(4) participation in professional organizations;

(5) participation in interdisciplinary groups;

(6) visits to other residential facilities; and

(7) access to relevant professional literature.

(k) To enrich and stimulate the residential facility's nursing program, and to facilitate its integration with community services, educational experiences for students of all types of professional and vocational nursing schools shall be encouraged and defined by a contractual agreement, whenever the best interests of the residents are thereby served.

(l) There shall be adequate space, facilities, and equipment to fulfill the professional, educational, and administrative needs of the nursing service. Professional nursing consultation shall be included in the design and modification of areas and residential facilities that will be used by the ill and the physically handicapped.

Subchapter VIII—Pharmacy Services

SEC. 263. (a) In order to contribute to improved resident care and to promote optimal response to drug therapy by the residents, through the full utilization of the knowledge and skills of the pharmacist, pharmacy services shall be provided under the direction of a qualified pharmacist. There shall be a formal arrangement for qualified pharmacy services, including provision for emergency service, by means appropriate to the residential facility. Such means may include the services of a pharmacist in a local community or hospital pharmacy that meets the standards listed herein, as well as the operation of its own pharmacy by the residential facility. There shall be a current pharmacy manual that—

(1) includes policies and procedures, and defines the functions and responsibilities relating to pharmacy services; and

(2) is revised annually to keep abreast of current developments in services and management techniques.

(b) There shall be a formulary system, approved by the responsible physician and pharmacist, and by other appropriate residential facility staff. Copies of the residential facility's formulary and of the nationally recognized American hospital formulary service shall be located and available, as appropriate, to the residential facility.

(c) Upon admission of the resident, a medication history of prescription and nonprescription drugs used shall be obtained, preferably by the pharmacist, and this information shall be entered in the resident's record for the information of the staff. The pharmacist shall—

(1) receive the original, or a direct copy, of the physician's drug treatment order;

(2) review the drug regimen, and any changes, for potential adverse reactions, allergies, interactions, contraindications, rationality, and laboratory test modifications, and advise the physician of any recommended changes, with reasons and with an alternative drug regimen;

(3) maintain for each resident an individual record of all medications (prescription and nonprescription) dispensed, including quantities and frequency of refills;

(4) participate, as appropriate, in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs;

(5) participate in any of the following activities that are undertaken in the residential facility:

(A) drug research;

(B) drug utilization review;

(C) infection and communicable disease committee;

(D) safety committee;

(E) patient care incident review; and

(6) establish quality specifications for drug purchases, and insure that they are met.

(d) The pharmacist should—

(1) prepare a drug treatment plan, as prescribed by the attending physician, for inclusion in the resident's record and for use by the staff, that includes—

(A) the drug product, dosage form, route of administration, and time of administration, including, when appropriate, the time with respect to meals, other drugs, and activities;

(B) a schedule of laboratory tests necessary to detect adverse reactions;

(C) nothing of any potential adverse reactions for the staff's information;

(2) regularly review the record of each resident on medication, and have contact with selected residents with potential problems, noting in the residents' records and reporting to physicians any observations of response to drug therapy, and of adverse reactions and over or underutilization of drugs;

(3) provide instructions and counseling on the correct use of his or her drugs, as prescribed by the attending physician, to each resident on home visit and discharge, and/or to his or her parents;

(4) provide education and counseling to residents in independent living units on the correct use of their drugs, as prescribed by the attending physician, and on the results expected from correct use and from over or underuse;

(5) participate in programs for sex education and drug abuse education;

(6) provide information on the resident's drug regimen to the receiving residential facility pharmacist, when the resident is transferred, and, with the approval of the resident or his or her guardian, to the resident's community pharmacist, his or her private physician, and/or the community mental retardation or developmental disability service when the resident is discharged from the residential facility, so as to insure continuity of care;

(7) participate in inservice education programs for professional and direct-care staff;

(8) orient and teach students in pharmacy and other professions, regarding pharmacy's services to the residents and regarding drugs and their uses; and

(9) participate in public educational and informational programs on mental retardation and developmental disabilities.

(e) Where appropriate to the residential facility, there shall be a pharmacy and therapeutics committee, that includes one or more pharmacists, to develop policy on drug usage in the residential facility, and to develop and maintain a current formulary. This committee shall meet not less than once every 3 months. Minutes of the committee meetings shall be kept on file.

(f) Written policies and procedures that govern the safe administration and handling of all drugs shall be developed by the responsible pharmacist, physician, nurse, and other professional staff, as appropriate to the residential facility. The compounding, packaging, labeling, and dispensing of drugs, including samples and investigational drugs, shall be done by the pharmacist, or under his direct supervision, with proper controls and records. Each drug shall be identified up to the point of administration. Procedures shall be established for obtaining drugs when the pharmacy is closed.

(g) The unit dose or individual prescription system of drug distribution should be used. Wherever possible, drugs that require dosage measurement shall be dispensed by the pharmacist in a form ready to be administered to the patient.

(h) There shall be a written policy regarding the administration of all drugs used by the residents, including those not specifically prescribed by the attending practitioner. There shall be a written policy regarding the routine of drug administration, including standardization of abbreviations indicating dose schedules. Medications shall not be used by any resident other than the one for whom they were issued. Only appropriately trained staff shall be allowed to administer drugs.

(i) There shall be a written policy governing the self-administration of drugs, whether prescribed or not.

(j) Drugs shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security. All drugs shall be kept under lock and key except when authorized personnel are in attendance. The security requirements of Federal and State laws shall be satisfied in storerooms, pharmacies, and living units. Poisons, drugs used externally, and drugs taken internally shall be stored on separate shelves or in separate cabinets, at all locations. Medications that are stored in a refrigerator containing things other than drugs shall be kept in a separate compartment with proper security. A perpetual inventory shall be maintained of each narcotic drug in the pharmacy, and in each unit in which such drugs are kept, and inventory records shall show the quantities of receipts and issues and the person to whom issued or administered. If there is a drug storeroom separate from the pharmacy, there shall be a perpetual inventory of receipts and issues of all drugs by such storeroom.

(k) The pharmacist should review the drugs in each living unit monthly, and should remove outdated and deteriorated drugs and drugs not being used. Discontinued and outdated drugs, and containers with worn, illegible, or missing labels, shall be returned to the pharmacy for proper disposition.

(l) There shall be automatic stop orders on all drugs. There shall be a drug recall procedure that can be readily implemented. Medication errors and drug reactions shall be recorded and reported immediately to the practitioner who ordered the drug. There shall be a procedure for reporting adverse drug reactions to the Federal Food and Drug Administration. The pharmacist shall be responsible for the storage and dispensing of investigational drugs. The pharmacist shall provide the residential staff with pharmacological and other necessary information on investigational drugs, including dosage form, dosage range, storage, adverse reactions, usage, and contraindications.

(m) There shall be an emergency kit—

(1) readily available to each living unit; and

(2) constituted so as to be appropriate to the needs of its residents.

(n) Pharmacy services shall be—

(1) directed by a professionally competent and legally qualified pharmacist who is a graduate of a school of pharmacy accredited by the American Council on Pharmaceutical Education, or its equivalent, and who serves on a full-time or part-time basis, as the activity of the service requires;

(2) staffed by a sufficient number of competent personnel, consistent with the residential facility's needs and including—

(A) pharmacists necessary to provide comprehensive pharmacy services;

(B) technicians and clerical personnel to relieve the pharmacist of nonprofessional and clerical duties;

(3) pharmacists should have had training and/or experience in providing services to the mentally retarded and other individuals with developmental disabilities, and should be sensitive to their needs; and

(4) all pharmacists shall be familiar with, and adhere to, the code of ethics of the nationally recognized professional pharmaceutical association.

(o) Appropriate to the size of the residential facility, there should be a staff development program, designed to maintain and improve the skills of its pharmacy staff through means, including but not limited to:

(1) staff meetings and inservice training;

(2) seminars, workshops, conferences, and institutes;

(3) college and university courses;

(4) participation in professional organizations;

(5) participation in interdisciplinary groups;

(6) visits to other residential facilities; and

(7) access to relevant professional literature.

(p) The pharmacy serving the residential facility shall—

(1) have sufficient space for necessary compounding, dispensing, labeling, and packaging functions;

(2) have the equipment necessary for compounding, dispensing, issuing, storing, and administrative functions;

(3) be clean and orderly; and

(4) contain current pharmaceutical reference material to provide adequate information concerning drugs.

(q) Space for the storage of drugs in the storeroom, pharmacy, and living units shall be sufficient to prevent crowding of the drugs. There shall be adequate drug preparation areas, that are—

(1) properly secured;

(2) well lighted; and

(3) located so that personnel will not be interrupted when handling drugs.

(r) If the residential facility operates its own pharmacy, there should be—

(1) an office for the pharmacist; and

(2) a private area for instructing and counseling residents and/or parents on the correct use of drugs.

Subchapter IX—Physical and Occupational Therapy Services

SEC. 264. (a) Although this subsection combines standards for physical and occupational therapy, each is a discrete service that complements the other in a manner similar to their relationship with all other health and medically related services. Both services, therefore, shall be provided, or made available to, residents on a continuing basis, as needed. Physical and occupational therapy services shall be provided in order to—

(1) prevent abnormal development and further disability;

(2) facilitate the optimal development of each resident; and

(3) enable the resident to be a contributing and participating member of the community in which he resides.

The residential facility shall have a written statement of its physical therapy and occupational therapy objectives for its residents, consistent with—

(1) the needs of the residents;

(2) currently accepted physical therapy and occupational therapy theories, principles, and goals;

(3) the philosophy and goals of the residential facility; and

(4) the services and resources provided.

Physical and occupational therapy services shall be provided—

(1) directly, through personal contact between therapists and residents;

(2) indirectly, through contact between therapists and other persons involved with the residents, to:

(A) create and maintain an atmosphere that recognizes the physical and psychosocial needs of residents and is conducive to the development and maintenance of optimal physical and psychological functioning;

(B) maximize the effectiveness of all programs for residents, through the application of knowledge concerning the development and maintenance of motor performance and behaviors; and

(C) implement programs for the improvement of physical and psychosocial functioning in all environmental settings.

Physical and occupational therapists shall have a responsibility for organizing and implementing programs to achieve physical and occupational therapy goals throughout the resident's daily activities.

(b) Physical and occupational therapy services available to the residential facility should include—

(1) screening and evaluation of residents;

(2) therapy with individuals and groups;

(3) program development services, including those relating to—

(A) resident habilitation;

(B) inservice training of professional, direct-care, and other staff;

(C) community participation;

(4) consultation with, or relating to—

(A) residents;

(B) families of residents;

(C) medical, dental, psychological, educational, nursing, and other services;

(D) the administration and operation of the residential facility;

(E) the community served by the residential facility;

(5) training of therapy staff;

(6) training of physical and occupational therapy graduate and/or undergraduate students, interns, supportive staff, and volunteer workers;

(7) assessment of program effectiveness; and

(8) conduct of, or participation in, research, and dissemination and appropriate application of research findings.

(c) Therapists should screen residents, in order to—

(1) determine the characteristics of the residential facility's population;

(2) identify resident needs and establish program priorities; and

(3) determine the administrative, budgetary, and personnel requirements of the service.

(d) Evaluation of individual residents by physical and occupational therapists should include—

(1) observing and testing performance and motivation in sensorimotor, perceptual, behavioral, and self-care activities;

(2) assessment and analysis of findings, to determine level of function and to identify deviations from accepted norms;

(3) providing information for interdisciplinary staff use, in determining diagnosis, functional capacities, prognosis, and management goals; and

(4) physical and occupational therapists shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs.

(e) Physical therapy and occupational therapy staff shall provide treatment-training programs that are designed to—

(1) preserve and improve abilities for independent function, such as range of motion, strength, tolerance, coordination, and activities of daily living;

(2) prevent, insofar as possible, irreducible or progressive disabilities, through means such as the use of orthotic and prosthetic appliances, assistive and adaptive devices, positioning, behavior adaptations, and sensory stimulation;

(3) the therapist shall function closely with the resident's primary physician and with other medical specialists;

(4) treatment-training progress shall be—

(A) recorded regularly;

(B) evaluated periodically; and

(C) used as the basis for continuation or change of the resident's program.

(f) Evaluation results; treatment objectives, plans, and procedures; and continuing observations of treatment progress shall be—

(1) recorded accurately, summarized meaningfully, and communicated effectively;

(2) effectively used in evaluating progress; and

(3) included in the resident's unit record.

(g) Consumers and their representatives, including residents, families, other disciplines, and community groups, shall be utilized in the planning and evaluation of physical therapy and occupational therapy services. There shall be available sufficient, appropriately qualified staff, and supporting personnel, to carry out the various physical and occupational therapy services, in accordance with stated goals and objectives. Physical and occupational therapists shall be—

(1) graduates of a curriculum accredited by the appropriate nationally recognized association;

(2) if a physical therapist, eligible to practice in the State in which the residential facility is located; and

(3) if an occupational therapist, eligible for registration by the appropriate nationally recognized association.

(h) A physical therapist and an occupational therapist shall be designated as being responsible for maintaining standards of professional and ethical practice in the rendering of their respective therapy services in the residential facility. Each such therapist shall be qualified as in subsection (g) and, in addition, shall—

(1) have had 3 years of professional experience, 2 years of which should have been in working with the mentally retarded and other individuals with developmental disabilities;

(2) have demonstrated competence in administration and supervision, as appropriate to the residential facility's program; and

(3) preferably have a master's degree, in an area related to the program

(i) Therapy assistants shall—

(1) be certified by the nationally recognized professional occupational therapy association or be graduates of a program accredited by the nationally recognized professional physical therapy association; and

(2) work under the supervision of a qualified therapist.

(j) Therapy aides shall—

(1) be provided specific inservice training; and

(2) work under the supervision of a qualified therapist or therapy assistant.

(k) Physical and occupational therapy personnel shall be—

(1) assigned responsibilities in accordance with their qualifications;
(2) delegated authority commensurate with their responsibilities; and
(3) provided appropriate professional direction and consultation.

(l) Physical and occupational therapy personnel shall be familiar with, and adhere to, the ethical codes and standards of practice promulgated by their respective nationally recognized professional organizations.

(m) Physical therapy and occupational therapy services operated by a residential facility shall seek consultation, at periodic intervals, from experts in physical therapy and occupational therapy who are not directly associated with the residential facility. Appropriate to the nature and size of the residential facility and to the physical and occupational therapy services, there shall be a staff development program that is designed to maintain and improve the skills of physical and occupational therapy personnel, through methods, including but not limited to:

(1) regular staff meetings;
(2) an organized inservice training program in physical and occupational therapy;
(3) visits to and from the staff of other residential facilities and programs;
(4) participation in interdisciplinary meetings;
(5) provision for financial assistance and time for attendances at professional conferences;
(6) provisions for encouraging continuing education, including educational leave, financial assistance, and accommodation work schedules;
(7) career ladders and other incentives to staff recruitment and development;
(8) workshops and seminars;
(9) consultations with specialists; and
(10) access to adequate library resources, which include current and relevant books and journals in physical and occupational therapy, mental retardation, developmental disabilities, and related professions and fields.

(n) Space, residential facilities, equipment, supplies, and resources shall be adequate for providing efficient and effective physical and occupational therapy services, including, but not necessarily limited to—

(1) residential facilities for conducting administrative aspects of the program;
(2) residential facilities for conducting screenings and evaluations;
(3) residential facilities for providing treatment and training for individuals and groups;
(4) such other space, staff, and services as are essential to support and maintain effective programs; and
(5) appropriate physical and occupational therapy consultation shall be employed in the design, modification, and equipage of all physical and occupational therapy areas and residential facilities required to meet the specific goals of physical and occupational therapy services.

Subchapter X—Psychological Services

SEC. 265. (a) Psychological services shall be provided, in order to facilitate, through the application of psychological principles, techniques, and skills, the optimal development of each resident. Psychological services shall be rendered—

(1) directly, through personal contact between psychologists and residents;
(2) indirectly, through contact between psychologists and other persons involved with the residents, designed to—
(A) maintain an atmosphere that recognizes the psychological needs of residents and that is conducive to the development and maintenance of constructive interpersonal relationships; and
(B) maximize the effectiveness of all programs for residents, through the application of knowledge concerning the understanding and change of behavior.

(b) Psychological services available to the residential facility should include but not be limited to:

(1) evaluation and assessment of individuals and programs;
(2) therapy with individuals and groups;
(3) program development services, including those relating to—
(A) resident habilitation;
(B) staff training;
(C) community participation;
(D) resident, staff, and community motivation;
(4) consultation with, or relating to—
(A) residents;
(B) parents of residents;
(C) the administration and operation of the residential facility;
(D) the community served by the residential facility;
(5) psychology staff training; and
(6) conduct of research, consultation on research design, and dissemination of research findings.

(c) Psychologists shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs—

(1) psychologists shall conduct evaluations necessary to—
(A) meet legal requirements;
(B) meet research needs; and
(C) provide data for biostatistical reporting;
(2) methods of data collection employed in evaluation and assessment shall include, as appropriate—
(A) standardized tests and techniques;
(B) observations in natural and experimental settings, using standardized or generally accepted techniques;
(C) interviews with—
(i) the resident (or prospective resident);
(ii) members of the resident's family and other informants; and
(D) review of all pertinent records, including the comparison of current and previous status;
(3) collation, analysis, and interpretation of data shall—
(A) be performed in accordance with standards generally acceptable in professional psychology;
(B) provide, as appropriate, both intra- and interindividual comparisons, by reference to normative data; and
(C) utilize appropriate equipment, which is made available for the purpose;
(4) the reporting and dissemination of evaluation results shall be done in such a manner as to—
(A) render the content of the report meaningful and useful to its intended recipient and user;
(B) enhance clinical understanding of the individual;
(C) promptly provide information useful to staff working directly with the resident;
(D) facilitate use of data for research and professional education;
(E) facilitate use of data for statistical reporting; and
(F) maintain accepted standards of confidentiality;
(5) there shall be developed and maintained for each resident a continuing evaluation record that is frequently updated and that includes, but is not limited to, psychometric data.

(d) Psychologists shall participate, when appropriate, in the development of written, detailed, specific, and individualized habilitation program plans that—

(1) provide for periodic review, followup, and updating;
(2) are designed to maximize each resident's development and acquisition of—
(A) perceptual skills;
(B) sensorimotor skills;
(C) self-help skills;
(D) communication skills;
(E) social skills;
(F) self direction;
(G) emotional stability;
(H) effective use of time (including leisure time);
(I) basic knowledge;
(J) vocational-occupational skills; and
(K) socioeconomic values relevant to the community in which he lives.

(e) Psychologists should provide individual, and/or groups of, residents with therapy designed to develop, modify, and maintain behavior and attitudes that are rewarding and effective in meeting the demands of their intrapersonal and interpersonal situations. Psychologists should provide consultation and training services to program staff concerning:

(1) principles and methods of understanding and changing behavior, to the end of devising maximally effective programs for residents;
(2) principles and methods of individual and program evaluation, for the purposes of assessing resident response to programs and of measuring program effectiveness;
(3) psychologists should participate in the development of incentive systems designed to maximize motivation and to optimize, by means of provision for feedback, performance, and learning on the part of—
(A) residents enrolled in habilitation programs;
(B) staff engaged in resident habilitation programs; and
(C) personnel involved in resident habilitation resources in the community.

(f) Psychologists should provide assistance and/or consultation relative to—

(1) developing and conducting evaluations designed to select and maintain appropriate and effective staff;
(2) developing job analyses;
(3) psychological problems of staff, including the making of appropriate referrals;
(4) data concerning staff, and reports of evaluations of staff, shall—
(A) be provided in appropriate form, and only to clearly appropriate supervisory staff;
(B) enable data to be used for classification and reporting purposes;
(C) enable data to be used for research purposes; and
(D) maintain acceptable standards of confidentiality.

(g) Psychologists should participate in—

(1) educating appropriate members of the community, concerning the domiciliary, vocational, and recreational needs of residents who return to the community;
(2) planning with community officials the adaptation of domiciliary, vocational, and recreational resources, to optimize resident adjustments; and
(3) developing appropriate expectancies and attitudes within the community into which residents go.

(h) There shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the various psychological service activities, in accordance with the needs of the following functions:

(1) psychological services to residents, including evaluation, consultation, therapy, and program development;
(2) administration and supervision of psychological services;
(3) staff training;
(4) research;
(5) the residential facility should have available to it the services of at least one doctoral-level psychologist who is—
(A) a diplomate of the nationally recog-

nized board of professional psychology, or is licensed or certified by a State examining board, or is certified by a voluntary board established by a qualified State professional psychological association;

(B) knowledgeable and experienced in the area of mental retardation or developmental disabilities;

(6) a psychologist, qualified as specified in subsection (h)(5) shall be designated as being responsible for maintaining standards of professional and ethical practice in the rendering of psychological services in the residential facility;

(7) all psychologists providing service to the residential facility shall—

(A) possess the educational and experiential qualifications required for membership in the nationally recognized professional psychological association;

(B) have demonstrated knowledge in the area of mental retardation and developmental disabilities;

(8) all psychological technicians, assistants, and clerks employed by the residential facility shall work under the direct supervision of a psychologist who is qualified as specified in subsection (h)(8);

(9) all members of the psychological services staff shall have and be familiar with, the ethical standards of psychologists and the nationally recognized casebook on ethical standards of psychologists, published by the nationally recognized appropriate professional psychological association, and all shall adhere to the ethical standards stated therein;

(A) all new psychology service employees shall receive this material, and be familiarized with it, as a part of their orientation; and

(B) the application of the ethical standards to practice with the mentally retarded and developmentally disabled in residential facilities shall be emphasized.

(i) Appropriate to the size of the residential facility, an ongoing inservice training program shall be conducted that is designed to maintain and improve the skills of its psychology staff, through methods, including but not limited to—

(1) staff seminars;

(2) outside speakers;

(3) visits to and from the staff of other residential facilities;

(4) attendance at conferences;

(5) participation in interdisciplinary groups;

(6) informational exchanges with universities, teaching hospitals, community mental health and mental retardation centers, and other community resources; and

(7) adequate library resources, including current and relevant books and journals in psychology and mental retardation and developmental disabilities shall be available.

(j) The training of interns and graduate students in psychology shall be encouraged, and appropriate supervision shall be provided. There shall be appropriate space and equipment for psychological services, including—

(1) offices for professional and clerical staff;

(2) testing and observation rooms;

(3) interviewing, counseling, and training/treatment rooms;

(4) play therapy rooms;

(5) access to conference rooms; and

(6) access to research and data analysis facilities.

Subchapter XI—Recreation Services

SEC. 266. (a) Recreation services should provide each resident with a program of activities that—

(1) promotes physical and mental health;

(2) promotes optimal sensorimotor, cognitive, affective, and social development;

(3) encourages movement from dependent to independent and interdependent functioning; and

(4) provides for the enjoyable use of leisure time.

(b) The residential facility shall have a written statement of its recreation objectives for residents, consistent with—

(1) the needs of its residents;

(2) currently accepted recreation principles and goals;

(3) the philosophy and goals of the residential facility; and

(4) the services and resources the residential facility offers.

(c) Recreation services available to the residential facility should include—

(1) recreation activities for the residents;

(2) recreation counseling;

(3) individual and group instruction of residents in recreation skills, to achieve maximum proficiency and develop leadership potential;

(4) therapeutic recreation;

(5) education and consultation; and

(6) research and evaluation.

(d) Recreation activities available to the residents should include, as appropriate to the size and location of the residential facility, and as adapted to the needs of the residents being served—

(1) excursions, outings, and other trips to familiarize the residents with community facilities;

(2) spectator activities, such as movies, television, sports events, and theater;

(3) participation in music, drama, and dance, such as rhythmics, folk dancing, community sings, group music sessions in the living units, performance in music or dramatic productions, performance in choral or instrumental groups, and informal listening to records or tapes;

(4) outdoor and nature experiences, including activities such as camping, hiking, and gardening;

(5) team sports and lead-up activities;

(6) individual and dual sports, such as bowling, archery, badminton, horseshoes, miniature golf, bicycling and shuffleboard;

(7) hobbies, such as collecting, photography, model building, woodworking (including use of power tools), cooking, and sewing;

(8) social activities, such as clubs, special interest and discussion groups, social dancing, cookouts, parties, and games;

(9) service clubs and organizations, such as leaders clubs, scouting, 4-H, Junior Red Cross, Junior Chamber of Commerce, Hi-Y, Tri-Hi-Y, resident councils, and senior citizens clubs;

(10) aquatics, including waterplay, swimming, and boating;

(11) arts and crafts, including a wide range of activities from simple to complex, from reproductive to creative, and consistent with activities found in the community;

(12) physical fitness activities designed to develop efficient cardiovascular and cardiorespiratory functions, strength, endurance, power, coordination, and agility, sufficient for both usual and extra demands;

(13) library services for reading, listening, and viewing, such as looking at books, listening to records and tapes, and viewing film strips and slides;

(14) celebration of special events, such as holidays and field days;

(15) winter activities, including snow sculpture, snowplay, games, and sports;

(16) opportunities to use leisure time in activities of the resident's own choosing in an informal setting under minimal supervision, such as a "drop-in center";

(17) frequent coeducational experiences, to promote acceptable social behavior and enjoyment of social relationships; and

(18) activities for the nonambulatory, including the mobile and nonmobile.

(e) Maximum use should be made of all community recreation resources. Recreation counseling should be a continuous process that provides for—

(1) modification of resident's recreation behaviors;

(2) guidance to residents on how to find, reach and utilize community recreation resources;

(3) family counseling in relation to recreation activities; and

(4) interpretation of residents' needs and abilities to community agencies.

(f) Therapeutic recreation, defined as purposive intervention, through recreation activities, to modify, ameliorate, or reinforce specific physical, emotional, or social behaviors, should include, as appropriate—

(1) participation on an interdisciplinary team, to identify the habilitation needs and goals of the resident;

(2) determination of appropriate recreation intervention, to achieve the stated habilitation goals;

(3) a written plan for implementing the therapeutic recreation objectives, consistent with the recommendations of the evaluation team; and

(4) evaluation of the effectiveness of such interventions, and subsequent redefinition of the resident's habilitation needs and goals.

(g) Education and consultation services should include—

(1) provision of stimulation, leadership, and assistance with recreation activities, conducted by the direct-care staff;

(2) staff training and development;

(3) orientation and training of volunteers;

(4) training of interns and students in recreation;

(5) consultation to community agencies and organizations, to stimulate the development and improvement of recreation services for the retarded and other developmentally disabled individuals; and

(6) public education and information, to encourage acceptance of the retarded and other developmentally disabled individuals in recreation activities.

(h) Recreational services shall be coordinated with other services and programs provided the residents, in order to make fullest possible use of th residential facility's resources and to maximize benefits to the residents. Activities in health, music, art, and physical education shall be coordinated with recreation activities relevant to these areas.

(i) Records concerning residents should include—

(1) periodic surveys of their recreation interests;

(2) periodic surveys of their attitudes and opinions regarding recreation services;

(3) the extent and level of each resident's participation in the activities program;

(4) progress reports, as appropriate;

(5) reports on relationships among peers, and between residents and staff; and

(6) evaluations conducted by personnel at all levels and, where appropriate, by staff from other services.

(j) Established procedures for evaluating and researching the effectiveness of recreation services, in relation to stated purposes, goals, and objectives, should include—

(1) utilization of adequate records concerning residents' interests, attitudes, opinions, participations, and achievements;

(2) time schedules for evaluation that are appropriate to the service or program being evaluated;

(3) provision for using evaluation results in program planning and development;

(4) provision for disseminating evaluation results in professional journals and in public education and information programs; and

(5) encouragement of recreation staff to initiate, conduct, and participate in research studies, under the supervision of qualified personnel.

(k) There shall be sufficient, appropriately qualified recreation staff, and necessary

supporting staff, to carry out the various recreation services in accordance with stated goals and objectives.

(1) Scheduling of staff shall provide—

(A) coverage on evenings, weekends, and holidays; and

(B) additional coverage during periods of peak activity.

(2) Recreation personnel shall be—

(A) assigned responsibilities in accordance with their qualifications;

(B) delegated authority commensurate with their responsibility; and

(C) provided appropriate professional recreation supervision.

(3) Personnel conducting activities in recreation program areas shall possess the following minimum educational and experiential qualifications:

(A) a bachelor's degree in recreation, or in a specialty area, such as art, music, or physical education; or

(B) an associate degree in recreation and one year of experience in recreation; or

(C) a high school diploma, or an equivalency certificate; and 2 years of experience in recreation, or 1 year of experience in recreation plus completion of comprehensive inservice training in recreation; or

(D) demonstrated proficiency and experience in conducting activities in one or more program areas.

(4) Personnel performing recreation counseling or therapeutic recreation functions should possess the following minimum education and experiential qualifications, and should be eligible for registration with the appropriate nationally recognized therapeutic recreation society at the appropriate therapeutic recreation specialist level:

(A) a master's degree in therapeutic recreation and 1 year of experience in a recreation program serving disabled persons; or

(B) a master's degree in recreation and 2 years of experience in a recreation program serving disabled persons; or

(C) a bachelor's degree in recreation and 3 years of experience in a recreation program serving disabled persons; or

(D) a combination of education and experience in recreation serving disabled persons that totals 6 years.

(5) Education and consultation functions in recreation should be conducted by staff members, in accordance with their education, experience, and role in the recreation program.

(l) Appropriate to the size of the recreation program, there shall be a staff development program that provides opportunities for professional development, including—

(1) regular staff meetings;

(2) an organized inservice training program in recreation;

(3) access to professional journals, books, and other literature in the fields of recreation, therapeutic recreation, rehabilitation, special education, and other allied professions;

(4) provisions for financial assistance and time for attendance at professional conferences and meetings;

(5) procedures for encouraging continuing education, including educational leaves, direct financial assistance, and rearrangement of work schedules;

(6) provision for workshops and seminars relating to recreation, planned by the recreation and other professional and administrative staff; and

(7) provision for staff consultation with specialists, as needed, to improve recreation services to residents.

(m) Recreation areas and facilities shall be designed and constructed or modified so as to—

(1) permit all recreation services to be carried out to the fullest possible extent in pleasant and functional surroundings;

(2) be easily accessible to all residents, regardless of their disabilities;

(3) appropriate recreation consultation shall be employed in the design or modification of all recreation areas and facilities;

(4) toilet facilities, appropriately equipped in accordance with the needs of the residents, should be easily accessible from recreation areas; and

(5) appropriate and necessary maintenance services shall be provided for all recreation areas and facilities.

(n) Indoor recreation facilities should include, as appropriate to the residential facility—

(1) a multipurpose room;

(2) a quiet browsing room;

(3) access to a gymnasium;

(4) access to an auditorium;

(5) access to suitable library facilities;

(6) access to kitchen facilities;

(7) adequate and convenient space for storage of supplies and large and small equipment; and

(8) adequate office space for the recreation staff.

(o) Outdoor recreation facilities should include, as appropriate to the residential facility—

(1) access to a hard-top, all-weather-surface area;

(2) access to gardening and nature activity areas;

(3) access to adequately equipped recreation areas; and

(4) the residential facility's residents should have, as appropriate and feasible, access to year-round swimming and aquatic facilities.

(p) Adequate transportation services for recreation programs shall be provided. Recreation equipment and supplies in sufficient quantity and variety shall be provided to carry out the stated objectives of the activities programs. Toys, games, and equipment shall be—

(1) selected on the basis of suitability, safety, durability, and multiplicity of use; and

(2) adapted as necessary to the special needs of the residents.

(q) If a music therapy program is provided, it should include—

(1) participation by the music therapist, when appropriate, on an interdisciplinary evaluation team to identify the resident's needs and ways of meeting them;

(2) determination of music therapy goals for the resident and development of a written plan for achieving them;

(3) periodic progress reports, reevaluations, and program changes as indicated;

(4) direction by a therapist eligible for registration with the appropriate nationally recognized association for music therapy; and

(5) appropriate space, facilities, and equipment, with special consideration of the acoustical characteristics of rooms used for performing and listening.

Subchapter XII—Religious Services

SEC. 267. (a) Religious services shall be made available to residents, in accordance with their needs, desires, capabilities, and in accordance with their basic right to freedom of religion, in order to—

(1) develop and enhance their dignity;

(2) provide for the most meaningful and relevant practice of their religion; and

(3) provide spiritual programs designed to aid their development and growth as persons.

(b) Implementation of religious services should utilize community resources, whenever and wherever this is possible and in the best interests of the residents. The objectives of the residential facility's religious services for its residents shall be directed toward full integration into, and membership in, their faith, and should include—

(1) upholding the dignity and worth of the individual;

(2) building moral and ethical standards of behavior;

(3) preparing for religious growth in their faith groups;

(4) establishing healthy self, world, and God concepts;

(5) establishing constructive value systems;

(6) giving direction toward greater personal maturity;

(7) strengthening interpersonal relationships; and

(8) contributing to growth in personal adequacy and happiness.

(c) Religious services shall be made available to all residents, regardless of their degree of retardation or developmental disability. Participation in religious programs shall be voluntary, in accordance with the wishes of the resident, if he or she expresses them, or with the wishes of his or her parent or guardian.

(d) Religious services to residents should include—

(1) worship opportunities, sacraments, and religious rites, according to the needs and abilities of the residents and consonant with the practices of their respective faiths;

(2) religious education programs geared to the needs and abilities of the residents;

(3) observation of dietary practices in keeping with the religious requirements of residents' faith groups;

(4) observation of religious holidays and holy days in keeping with the religious requirements of residents' faith groups;

(5) pastoral counseling, both individual and group, to residents and their families;

(6) pastoral visits to residents, with special emphasis on the care of the troubled, the sick, and the dying;

(7) pastoral consultation with persons concerned with the resident's welfare; and

(8) referral and communication between religious workers in the residential facility and in the community.

(e) Those who serve the religious needs of the residents, including clergy, religious educators, and volunteers, should whenever possible—

(1) assert and safeguard the full human and civil rights of the residents;

(2) participate, as appropriate, in team and other interdisciplinary planning regarding programs for individual residents, as well as in residential facility-wide or community programs;

(3) keep appropriate records of significant religious events in the lives of each resident;

(4) participate in training programs for residential facility personnel, including orientation of direct-care personnel in how they may help to further the religious programs for residents;

(5) participate in training programs for community clergy, theological students, and others;

(6) become involved with community clergy, and with religious and other groups, in their concerns for the spiritual care of the retarded and other developmentally disabled individuals;

(7) promote public understanding and acceptance of the retarded and other developmentally disabled individuals; and

(8) participate in their own faith group meetings, as required to maintain their standing.

(f) There shall be available sufficient, appropriately qualified personnel, which may include clergy or religious leaders, religious educators, volunteers, and clerical and supporting personnel, to carry out the various religious programs—

(1) religious services to residents shall be under the direction of a person who, in keeping with the size and nature of the residential facility, may be one of the following:

(A) a chaplain certified for work with the mentally retarded or other individuals with developmental disabilities by a recognized certifying agency;

(B) a clergyman or religious leader in good standing in his religious body;

(C) a religious educator; or

(D) a responsible person, who secures the services of qualified persons in carrying out the worship and education aspects of the program;

(2) chaplains serving residential facilities for the retarded, on a full- or part-time basis, should—

(A) be clergymen or religious leaders in good standing in their religious bodies; or

(B) be endorsed or assigned by their recognized religious bodies; or

(C) have B.A. and B.D. degrees, or their equivalents; and

(D) be certified for work with the mentally retarded or other individuals with developmental disabilities by a recognized certifying agency;

(3) professional religious educators serving residential facilities for the retarded or other individuals with developmental disabilities, on a full- or part-time basis, should—

(A) be endorsed or assigned by their recognized religious bodies; or

(B) have a bachelor's degree, or its equivalent; and

(C) be certified for work with the mentally retarded or other individuals with developmental disabilities by a recognized certifying agency;

(4) nonprofessional religious services personnel, including volunteers, should—

(A) be screened for ability to perform their assigned duties;

(B) be oriented to, and trained for, their assignments; and

(C) be provided ongoing supervision by a clergyman, religious leader, or religious educator of the respective faith.

(g) Appropriate to the size of the residential facility, there shall be an educational program designed to enhance the competences of religious services personnel, through means such as:

(1) staff meetings and inservice training;

(2) seminars, workshops, conferences, and institutes;

(3) college and university courses;

(4) participation in professional organizations;

(5) participation in interdisciplinary groups;

(6) visits to other residential facilities;

(7) access to relevant professional literature; and

(8) religious services personnel should have access to qualified and appropriate consultation, as needed.

(h) Religious services personnel should be encouraged, when possible, to involve themselves in activities such as—

(1) offering clinical pastoral educational programs;

(2) providing educational experiences for students;

(3) developing innovative religious education materials;

(4) developing innovative worship services;

(5) conducting specific research and development projects; and

(6) exploring and expanding citizen advocacy programs.

(i) Residents shall have access to places appropriate for worship and religious education that are adequate to meet the needs of all. Religious services personnel shall be provided with office and other space, equipment, and supplies adequate to carry out an effective program.

Subchapter XIII—Social Services

SEC. 268. (a) Social services shall be available to all residents and their families, in order to foster and facilitate—

(1) maximum personal an dsocial development of the resident;

(2) positive family functioning; and

(3) effective and satisfying social and community relationships.

(b) Social services shall be provided, directly and indirectly, to—

(1) the resident;

(2) his or her family;

(3) individuals or groups who represent different aspects of the social environment of the resident; and

(4) the community.

(c) Consumers and their representatives, including residents, families, other disciplines, and community groups shall participate in the planning and evaluation of social service programs. Social services, as part of an interdisciplinary spectrum of services, shall be provided through the use of social work methods directed toward—

(1) maximizing the social functioning of the resident;

(2) his or her family;

(3) modifying environmental influences leading to or aggravating, mental retardation or developmental disabilities;

(4) increasing public understanding and acceptance of mental retardation or developmental disabilities and its associated problems;

(5) creating a favorable climate to assist each retarded person to achieve as nearly normal living as is possible for him or her;

(6) asserting and safeguarding the human and civil rights of the retarded and other individuals with developmental disabilities and their families; and

(7) fostering the human dignity and personal worth of each resident.

(d) Social services available to the residential facility should include, as appropriate—

(1) preadmission evaluation and counseling, with referral to, and use of, other community resources, as appropriate;

(2) psychosocial assessment of the individual resident and his or her environment, as a basis for formulating an individual treatment plan;

(3) implementation of an individual social work treatment plan for the resident and his or her family;

(4) planning for community placement, discharge, and followup;

(5) participation in policy and program development within the residential facility in relation to—

(A) the resident's psychosocial needs and development;

(B) serving the families of the resident;

(C) use of community supportive and habilitative services;

(D) staff training and development;

(6) consultation with, or in relation to—

(A) programs offered by other disciplines;

(B) administration and operation of the residential facility;

(C) agencies and individuals in the community served by the residential facility;

(7) collaboration with other service delivery systems in planning and implementing programs for residents; and

(8) participation in social work and interdisciplinary program evaluation and research.

(e) During the evaluation process, which may or may not lead to admission, the resident and his or her family should be helped by social workers to—

(1) know the rights and services to which they are entitled, including the means of directing their appeals to the proper sources;

(2) obtain advocacy on their behalf if rights and services are denied them; and

(3) consider alternative services, based on the retarded or developmentally disabled person's status and salient family and community factors, and make a responsible choice as to whether and when residential placement is indicated.

(f) During the preadmission process, the resident and his or her family should be helped by social workers to—

(1) cope with problems of separation inherent in placement;

(2) initiate planning for the resident's return to his or her family and/or community;

(3) begin involving themselves as partners with the residential facility staff in developing a treatment/habilitation plan;

(4) become oriented to the practices and procedures of the residential facility; and

(5) share information about themselves that will provide the residential facility's staff with maximum understanding of their situation, so that effective services can be delivered.

(g) Social workers shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents for the purposes of initiation, monitoring, and followup of individual habilitation programs.

(h) During the retarded or developmentally disabled person's admission to, and residence in, the residential facility, or while he or she is receiving services from the residential facility, social workers shall provide liaison between him, the residential facility, the family, and the community, so as to:

(1) help the resident to—

(A) cope with problems accompanying separation from family and community;

(B) learn the roles and use the resources that will enable him or her to maximize his or her development;

(C) participate in programs, in accordance with his or her individual treatment plan, that will maximize his or her ability for independent living, in or out of the residential facility;

(2) help the staff to—

(A) individualize and understand the needs of the resident and his or her family in relation to each other;

(B) understand social factors in the resident's day-to-day behavior, including staff-resident relationships;

(C) prepare the resident for changes in his or her living situations;

(3) help the family to develop constructive and personally meaningful ways to support the resident's experience in the residential facility through—

(A) counseling concerned with problems associated with changes in family structure and functioning;

(B) utilization of the family's and the resident's own strengths and resources;

(C) referral to specific services, as appropriate; and

(4) the family to participate in planning for the resident's return to home or other community placement. (i) After the resident leaves the residential facility, social workers shall provide systematic followup, including—

(1) counseling with the resident;

(2) counseling with family, employers, and other persons significant to the resident's adjustment in the community; and

(3) referral to appropriate community agencies.

(j) Social services shall help to integrate residential and other community services, through—

(1) providing liaison between the residential facility and the community;

(2) providing consultation to community agencies to facilitate the identification of needed resources for the retarded and other individual with developmental disabilities and his family;

(3) interpreting the residential facility and its program to relevant sectors of the community;

(4) collaborating with other disciplines to help the community develop appropriate resources; and

(5) involvement with social policy issues that affect the retarded and other individuals with developmental disabilities.

(k) Social services shall develop and maintain comprehensive, current records, useful for its own programs and those of other services. There shall be available sufficient, appropriately qualified staff and necessary supporting personnel to carry out the various social service activities.

(1) The residential facility should have available to it a social worker who—

(A) has a master's or doctoral degree from an accredited school of social work;

(B) has had 3 years of post-master's experience in the field of social welfare;

(C) meets the educational and experiential qualifications for certification by the appropriate nationally recognized academy of certified social workers; and

(D) is knowledgeable and experienced in mental retardation.

(2) A social worker having the qualifications specified in subsection (k) (1) shall be designated as being responsible for maintaining standards of professional practice in the rendering of social services to the residential facility, and for staff development.

(3) Social workers providing service to the residential facility shall—

(A) have a master's degree from an accredited school of social works; or

(B) meet the educational qualifications required for full membership in the appropriate nationally recognized professional association of social workers and shall have had 3 years of experience in the field of social welfare.

(4) Social work assistants or aides employed by the residential facility shall work under the supervision of a social worker having the qualifications specified in subsection (k) (3).

(5) Social service personnel, at all levels of experience and competence, shall be—

(A) assigned responsibilities in accordance with their qualifications;

(B) delegated authority commensurate with their responsibilities; and

(C) provided appropriate professional social work supervision.

(6) A full-time supervisor should be responsible for the direct supervision of not more than six staff members, plus related activities.

(7) All social service personnel shall be familiar with, and adhere to, the code of ethics of the National Association of Social Workers.

(l) Appropriate to the size of the residential facility's social service program, an ongoing program of staff development shall be provided to improve the skills of the social work staff through such means as—

(1) inservice training;

(2) affiliation with schools of social work;

(3) staff consultation with specialists, as needed, to improve social services to residents;

(4) conference attendance, and other educational opportunities and forms of professional exchange; and

(5) career ladders and other incentives to staff recruitment and development.

(m) Space, facilities, equipment, supplies, and resources shall be adequate for providing effective social services, including—

(1) offices for social services and clerical staff;

(2) private interviewing rooms;

(3) rooms suitable for conferences and group activities;

(4) dictating and transcribing equipment;

(5) telephone service;

(6) travel provisions;

(7) provision for recordkeeping and information retrieval; and

(8) library services.

Subchapter XIV—Speech Pathology and Audiology Services

SEC. 269. (a) Speech pathology and audiology services shall be available, in order to—

(1) maximize the communication skills of all residents; and

(2) provide for the evaluation, counseling, treatment, and rehabilitation of those residents with speech, hearing and/or language handicaps.

(b) The specific goals of speech pathology and audiology services shall be—

(1) appropriate to the needs of the residents served;

(2) consistent with the philosophy and goals of the residential facility;

(3) consistent with the services and resources offered by the residential facility; and

(4) known to, and coordinated with, other services provided by the residential facility.

(c) Speech pathology and audiology services shall be rendered through—

(1) direct contact between speech pathologists and audiologists and residents;

(2) participation with administrative personnel in designing and maintaining social and physical environments that maximize the communication development of the residents; and

(3) working with other personnel, such as teachers and direct-care staff, in implementing communication improvement programs in environmental settings.

(d) Speech pathology and audiology services available to the residential facility shall include, as appropriate—

(1) audiometric screening of—

(A) all new residents;

(B) children under the age of ten, at annual intervals;

(C) other residents at regular intervals;

(D) any resident referred;

(2) speech and language screening of—

(A) all new residents;

(B) children under the age of ten at annual intervals;

(C) all residents, as needed;

(3) comprehensive audiological assessment of residents, as indicated by screening results, to include tests of pure-tone air and bone conduction, speech audiometry, and other procedures, as necessary, and to include assessment of the use of visual cues;

(4) assessment of the use of amplification;

(5) provision of procurement, maintenance, and replacement of hearing aids, as specified by a qualified audiologist;

(6) comprehensive speech and language evaluation of residents, as indicated by screening results, including appraisal of articulation, voice, rhythm, and language;

(7) participation in the continuing interdisciplinary evaluation of individual residents for purposes of initiation, monitoring, and followup of individualized habilitation programs;

(8) treatment services, interpreted as an extension of the evaluation process, that include—

(A) direct counseling with residents;

(B) speech and language development and stimulation through daily living activities;

(C) consultation with classroom teachers for speech improvement and speech education activities;

(D) direct contact with residents to carry on programs designed to meet individual needs in comprehension (for example, speech reading, auditory training, and hearing aid utilization) as well as expression (for example, improvement in articulation, voice, rhythm, and language);

(E) collaboration with appropriate educators and librarians to develop specialized programs for developing the communication skills of multiple handicapped residents, such as the deaf, retarded, and the cerebral palsied;

(9) consultation with administrative staff regarding the planning of environments that facilitate communication development among residents in—

(A) living areas;

(B) dining areas;

(C) educational areas;

(D) other areas, where relevant;

(10) participation in inservice training programs for direct-care and other staff;

(11) training of speech pathology and audiology staff;

(12) training of speech pathology and audiology graduate and/or undergraduate students, interns, supportive staff, and volunteer workers;

(13) consultation with, or relating to—

(A) residents (for example, self-referral);

(B) parents of residents;

(C) medical (otological, pediatric, and so forth), dental, psychological, educational, and other services;

(D) the administration and operation of the residential facility;

(E) the community served by the residential facility; and

(14) program evaluation and research.

(e) Comprehensive evaluations in speech pathology and audiology shall consider the total person and his environment. Such evaluations should—

(1) present a complete appraisal of the resident's communication skills;

(2) evidence concern for, and evaluation of, conditions extending beyond observed speech, language, and hearing defects;

(3) consider factors in the history and environment relevant to the origins and maintenance of the disability;

(4) consider the effect of the disability upon the individual and the adjustments he makes to the problem as he or she perceives it; and

(5) consider the reaction of the resident's family, associates, and peers to the speech and/or hearing problem.

(f) Evaluation and assessment results shall be reported accurately and systematically, and in such manner as to—

(1) define the problem to provide a basis for formulating treatment objectives and procedures;

(2) render the report meaningful and useful to its intended recipient and user;

(3) where appropriate, provide information useful to other staff working directly with the resident;

(4) conform to acceptable professional standards, provide for intraindividual and interindividual comparisons, and facilitate the use of data for research and professional education; and

(5) provide evaluative and summary reports for inclusion in the resident's unit record.

(g) Treatment objectives, plans, and procedures shall—

(1) be based upon adequate evaluation and assessment;

(2) be based upon a clear rationale;

(3) reflect consideration of the objectives of the resident's total habilitation program;

(4) be stated in terms that permit the progress of the individual to be assessed;

(5) provide for periodic evaluation of the resident's response to treatment and of treatment effectiveness;

(6) provide for revision of objectives and procedures as indicated; and

(7) provide for assistance or consultation when necessary.

(h) Continuing observations of treatment progress shall be—

(1) recorded accurately, summarized meaningfully, and communicated effectively; and

(2) effectively utilized in evaluating progress.

(i) There shall be established procedures for evaluating and researching the effectiveness of speech pathology and audiology services, including but not limited to:

(1) utilization of adequate records concerning residents' response and progress;

(2) time schedules for evaluation that are appropriate to the service being evaluated;

(3) provision for using evaluation results in program planning and development;

(4) encouragement of speech pathology and audiology staff to participate in research activities; and

(5) provision for dissemination of research results in professional journals.

(j) There shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the various speech pathology and audiology services, in accordance with stated goals and objectives—

(1) A speech pathologist or audiologist, who is qualified as specified in paragraph (2) of this subsection, and who, in addition, has had at least 3 years of professional experience, shall be designated as being responsible for maintaining standards of professional and ethical practice in the rendering of speech pathology and audiology services in the facility.

(2) Staff who assume independent responsibilities for clinical services shall possess the educational and experiential qualifications required for the appropriate certificate of clinical competence issued by the appropriate nationally recognized professional speech and hearing association in the area (speech pathology or audiology) in which they provide services.

(3) Staff not qualified for such association certification shall be provided adequate, direct, active, and continuing supervision by staff qualified for certification in the area in which supervision is rendered.

(A) Supervising staff shall be responsible for the services rendered by uncertified staff under their supervision.

(B) Adequate, direct, and continuing supervision shall be provided nonprofessionals, volunteers, or other supportive personnel utilized in providing clinical services.

(4) Students in training and staff fulfilling experience requirements for such appropriate nationally recognized professional speech and hearing association certification shall receive direct supervision, in accordance with the requirements of the appropriate nationally recognized professional boards of examiners in speech pathology and audiology.

(5) All speech pathology and audiology staff shall be familiar with, and adhere to, the code of ethics published by the appropriate nationally recognized professional speech and hearing association.

(k) Appropriate to the nature and size of the residential facility and to the speech pathology and audiology service, there shall be a staff development program that is designed to maintain and improve the skills of speech pathology and audiology staff, through methods, including but not limited to—

(1) regular staff meetings;

(2) an organized inservice training program in speech pathology and audiology;

(3) visits to and from the staff of other residential facilities and programs;

(4) participation in interdisciplinary meetings;

(5) provision for financial assistance and time for attendance at professional conferences;

(6) provisions for encouraging continuing education, including educational leave, financial assistance, and accommodation of work schedules;

(7) workshops and seminars;

(8) consultations with specialists; and

(9) access to adequate library resources, which include current and relevant books and journals in speech pathology and audiology, mental retardation, and related professions and fields.

(l) Space, facilities, equipment, and supplies shall be adequate for providing efficient and effective speech pathology and audiology services, in accordance with stated objectives, including—

(1) adequate and convenient evaluation, treatment, counseling, and waiting rooms;

(2) specially constructed and sound-treated suites for audiological services, meeting appropriate standards;

(3) design and location such as to be easily accessible to all residents, regardless of disability;

(4) specialized equipment needed by the speech pathologist;

(5) specialized equipment needed by the audiologist, including an audiometer, with provisions for sound field audiometry, and equipment capable of performing at least the following procedures: hearing screening, pure-tone air and bone conduction with contralateral masking, speech audiometry, site-of-lesion battery, nonorganic hearing loss battery, and hearing aid evaluation;

(6) provisions for adequate maintenance of all areas, facilities, and equipment, including—

(A) electroacoustic calibration of audiometers at regular, at least quarterly, intervals;

(B) calibration logs on all audiometers; and

(7) appropriate speech pathology and audiology consultation shall be employed in the design, modification, and equipage of all speech pathology and audiology areas and facilities.

Subchapter XV—Vocational Rehabilitation Services

SEC. 270. (a) The residential facility shall provide all its residents with habilitation or rehabilitation services, which includes the establishment, maintenance, and implementation of those programs that will insure the optimal development or restoration of each resident, physically, psychologically socially, and vocationally—

(1) The residential facility shall have a written, public statement of its rehabilitation objectives for its residents, consistent with—

(A) the needs of its residents;

(B) currently accepted rehabilitation principles and goals;

(C) the residential facility's philosophy and goals; and

(D) the services and resources the residential facility offers.

(2) While the habilitation/rehabilitation concept and process embrace all efforts to achieve the optimal development of each resident, specific habilitation/rehabilitation services shall focus on the maximum achievement of—

(A) self-help skills;

(B) social competence, including communication skills;

(C) vocational competence; and

(D) independent living.

(b) The ultimate objective of vocational rehabilitation services shall be to assist every resident to move as far as he or she can along the continuum from vocational afunction to remunerative employment and entry into the mainstream of society as an independent citizen and worker. Vocational rehabilitation services shall be rendered—

(1) directly, through personnel contact between vocational rehabilitation personnel and residents; and

(2) indirectly, through contact between vocational rehabilitation personnel and other persons working with residents, designed to enhance and facilitate the development and maintenance of a rehabilitative environment.

(c) Vocational rehabilitation services available to the residents, in accordance with their needs, shall include—

(1) vocational evaluation;

(2) the formulation of written vocational objectives for each resident;

(3) the formulation of a written plan to achieve the stated objectives;

(4) implementation of the vocational plan through—

(A) individual counseling;

(B) prevocational programs;

(C) vocational training;

(D) vocational placement;

(E) referral to appropriate sources for other services; and

(F) followup.

(d) Vocational evaluation of each resident shall—

(1) be initiated within one month after admission to the residential facility;

(2) arise out of a written comprehensive interdisciplinary evaluation (medical, psychological, social, and educational) that generates data relevant to vocational objectives and goals, such as information concerning—

(A) aptitudes and abilities;

(B) self-help and independent living skills;

(C) interests;

(D) self and vocational perception;

(E) sensorimotor coordination;

(F) communication skills;

(G) current social adjustment;

(H) educational history; and

(I) vocational and avocational history;

(3) be adequate for the formulation of vocational goals and of a detailed plan for the achievement of such goals;

(4) be adequate for the assessment of current vocational status and for the prediction of possible future status; and

(5) provide for periodic, but at least semi-annual, reevaluation, consistent with the progress of the resident toward the stated goals.

(e) The written vocational plan for each resident shall—

(1) be consistent with the vocational evaluation;

(2) specify the program to be undertaken to achieve his or her vocational objectives;

(3) indicate the order in which the program is to be undertaken;

(4) provide for the implementation of the evaluation team's recommendations; and

(5) assign the responsibility to carry out the plan.

(f) The resident shall be fully involved in his or her vocational evaluation, and in the formulation of his or her program plan. Prevocational services shall contribute to the development of work readiness in the resident, and shall provide—

(1) vocationally revelant academic instruction;

(2) instruction in the self-help and social skills necessary for vocational success;

(3) instruction and practice in the social skills necessary for maximally independent functioning in the community, such as travel, handling of money, and use of community resources;

(4) an orientation to the world of work;

(5) development of work attitudes needed for vocational success;

(6) rotated exploration and try-out of job tasks;

(7) continuous evaluation of vocational potential; and

(8) any necessary supportive services, including physical and mental restoration.

(g) Vocational training programs shall meet all applicable legal requirements, and shall be provided through means such as:

(1) work training stations;

(2) work activity centers;

(3) transitional sheltered workshops;

(4) work-study programs;

(5) on-the-job training;

(6) trade training, in the classroom or on the job;

(7) vocational training programs shall—

(A) provide for an evaluation of training progress at least every 3 months;

(B) make maximum use of job training resources—

(i) within the residential facility;

(ii) within the community;

(8) residential facilities conducting vocational training programs shall have vocational training personnel assigned, in such numbers and for such times as are necessary and appropriate to the situation, to supervise the training in each training area; and

(9) written, detailed training guides and

curricula shall be available for all vocational training areas.

(h) Job placement services shall assist the individual to enter into appropriate kinds of employment, such as:

(1) competitive, remunerative employment;

(2) trade training programs;

(3) transitional or extended sheltered workshops;

(4) sheltered employment;

(5) homebound employment;

(6) homemaker; and

(7) in conjunction with job placement services, the individual shall be provided assistance related to off-the-job needs, activities, and resources, such as—

(A) living arrangements;

(B) social and recreation activities;

(C) medical services;

(D) educational resources;

(E) religious activities;

(F) transportation;

(G) legal affairs;

(H) financial affairs; and

(I) counseling.

(i) Systematic follow-up services shall be provided that—

(1) continue to be available to the individual for at least 1 year following placement;

(2) involve contact with—

(A) the individual;

(B) the individual's family or family-substitute; and

(C) the individual's employer, if appropriate;

(3) generate data concerning vocational outcomes to evaluate and improve the effectiveness of vocational rehabilitation programs.

(j) There shall be a clearly designated person or team responsible for the implementation, evaluation, and revision of the residential facility's vocational rehabilitation program.

(1) There shall be available to each resident in a vocational rehabilitation program a counselor who is responsible for seeing that the resident's vocational rehabilitation program is effectively carried out.

(2) A vocational rehabilitation counselor shall—

(A) have a master's degree in rehabilitation counseling, or a master's degree in a related area plus training and skill in the vocational rehabilitation process; or

(B) have a bachelor's degree and work under the direct supervision of a person qualified as in (A).

(3) Vocational rehabilitation personnel providing training to residents in vocational areas shall be—

(A) vocational instructors certified by the appropriate State agency; or

(B) tradesmen who have attained at least journeyman status.

(k) Appropriate to the nature and size of the residential facility, provisions shall be made for vocational rehabilitation staff developments, through such means as—

(1) inservice training;

(2) short-term workshops;

(3) seminars;

(4) attendance at conferences; and

(5) visits to other residential facilities.

(l) Every residential facility that has a vocational rehabilitation program shall seek to establish working relationships with public and private rehabilitation agencies in the community. Each residential facility should have working relationships with university training programs in rehabilitation, including provision for—

(1) research opportunities;

(2) practicum experiences;

(3) internship; and

(4) consultation.

Subchapter XVI—Volunteer Services

SEC. 271. (a) Volunteer services shall be provided in order to enhance opportunities for the fullest realization of the potential of each resident by—

(1) increasing the amount, and improving the quality, of services and programs; and

(2) facilitating positive relationships between the residential facility and the community which it serves.

(b) The residential facility shall have a written statement of the goals and objectives of its volunteer services program that are—

(1) appropriate to the needs of the residents;

(2) consistent with the philosophy and goals of the residential facility;

(3) developed in collaboration with the facility's staff;

(4) specific and measurable; and

(5) continuously assessed and periodically revised.

(c) Volunteers shall provide services, which may be direct or indirect, that are based on resident needs, staff requests, and volunteer skills, and that enhance programs, develop social competence, and build self-esteem—

(1) volunteer services shall supplement, but shall not be used in lieu of, the services of paid employees;

(2) volunteer participation shall comply with State laws, such as those relating to labor and insurance;

(3) volunteer participation shall be open to persons of both sexes, and of all ages, races, creeds, and national origins; and

(4) volunteer services shall be available to all residents, regardless of age, ability, or handicaps.

(d) Direct services provided to residents by volunteers, as appropriate to the residential facility's program and in cooperation with its staff, may include, but are not limited to—

(1) physical, occupational, and music therapy assistance;

(2) psychological testing assistance;

(3) behavior modification and programed instruction assistance;

(4) teacher or classroom assistance;

(5) religious instruction;

(6) recreation and leisure time activities;

(7) social skills development;

(8) library services;

(9) nursing services;

(10) transportation and escort assistance;

(11) visits, vacations, and trips;

(12) job and home findings; and

(13) citizen advocacy.

(e) Indirect services provided by volunteers, as appropriate to the residential facility's program and in cooperation with its staff, may include, but are not limited to—

(1) conducting tours;

(2) clerical and laboratory assistance;

(3) gift shop and canteen operation;

(4) public relations and community education; and

(5) contributions.

(f) Volunteer services staff should provide the following services—

(1) to the residential facility's staff—

(A) orientation in the need for, and philosophy of volunteer services;

(B) identification of how and where volunteers can be utilized; and

(C) assistance in developing training for volunteers;

(2) to the volunteers—

(A) orientation, training, and placement;

(B) opportunities to participate in planning and evaluating their experiences; and

(C) appropriate recognition of their services and contributions.

(g) Volunteer services staff functions shall include—

(1) development and implementation of a plan for recruitment, selection, deployment, orientation, training, supervision, evaluation, recognition, advancement, and separation of volunteers;

(2) development in collaboration with appropriate staff, of job descriptions for volunteers;

(3) maintenance of complete and accurate records, including, but not necessarily limited to—

(A) hours of volunteer service rendered;

(B) individuals and organizations providing services;

(C) materials and moneys received; and

(D) operational budget.

(h) The staff members responsible for residential facility programs utilizing volunteers shall be responsible for providing such volunteers with on-the-job training, supervision, and consultation.

(i) The cooperation and involvement of staff and community, which is essential to a successful volunteer services program, should be achieved by means such as—

(1) a standing staff committee on volunteer services, to foster communications and cooperation, to evaluate and coordinate existing programs, and to stimulate new programs;

(2) a volunteer services advisory committee, composed of representatives of appropriate community organizations;

(3) encouragement of, and involvement with parents groups;

(4) collaboration with appropriate agencies and community groups; and

(5) recruiting volunteers representative of the community served by the residential facility, in respect of age, sex, socioeconomic, religious, racial, and ethnic groups.

(j) There shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the volunteer services program, in accordance with stated goals and objectives.

(1) A residential facility staff member shall be designated to be responsible and accountable for volunteer services—

(A) where the size of the residential facility and scope of the program warrant, the person responsible for volunteer services shall devote full time to this area;

(B) volunteer services shall be organized within the administrative structure of the residential facility in such a way as to be available to, and maximally utilized by, all relevant services and programs; therefore, the staff member responsible for volunteer services should report to an individual with residential facility-wide administrative responsibility; and

(C) the staff member responsible for volunteer services should have the same relationship to volunteers as a personnel officer has to paid employees.

(2) The staff member responsible for volunteer services shall have—

(A) the necessary interpersonal, consultative, leadership, and organizational and administrative skills and abilities;

(B) demonstrated ability to identify, mobilize, and deploy volunteer resources to meet the needs of residents;

(C) knowledge of community organization;

(D) knowledge of current practices and concepts in mental retardation and other developmental disabilities; and

(E) training and/or experience in organizing and administering volunteer services, as appropriate to the nature and size of the residential facility, and preferably—

(i) a baccalaureate degree in a behavioral science; and

(ii) 3 years of experience in volunteer services or related area.

(k) Appropriate to the size of the residential facility, there should be a staff development program designed to maintain and improve the skills of volunteer services staff, through means such as—

(1) seminars, workshops, and conferences;

(2) college and university courses;
(3) participation in professional organizations;
(4) participation in interdisciplinary groups;
(5) visits to other residential facilities; and
(6) access to relevant professional literature.

(l) There shall be adequate and accessible space, facilities, equipment, and supplies for providing efficient and effective volunteer services. If a canteen is operated by the residential facility, it shall—
(1) be operated for the benefit of the residents;
(2) be open to residents, staff, families, and visitors, without segregation by space or hours of use, so as to facilitate interaction;
(3) provide opportunities for residents to purchase items for their personal needs;
(4) provide opportunities for the training of residents; and
(5) be operated so that any profits derived are utilized for the benefit of residents.

CHAPTER 4.—RECORDS

Subchapter I—Maintenance of Residents' Records

SEC. 272. (a) A record shall be maintained for each resident that is adequate for—
(1) planning and continuous evaluating of the resident's habilitation program;
(2) providing a means of communication among all persons contributing to the resident's habilitation program;
(3) furnishing documentary evidence of the resident's progress and of his response to his habilitation program;
(4) serving as a basis for review, study, and evaluation of the overall programs provided by the residential facility for its residents;
(5) protecting the legal rights of the residents, residential facility, and staff; and
(6) providing data for use in research and education.

(b) All information pertinent to the above-stated purposes shall be incorporated in the resident's record, in sufficient detail to enable those persons involved in the resident's program to provide effective, continuing services. All entries in the resident's record shall be—
(1) legible;
(2) dated; and
(3) authenticated by the signature and identification of the individual making the entry.

(c) Symbols and abbreviations may be used in the record entries only if they are in a list approved by the residential facility's chief executive officer and a legend is provided to explain them. Diagnoses should be recorded in full and without the use of symbols or abbreviations.

Subchapter II—Content of Records

SEC. 273. (a) The following information should be obtained and entered in the resident's record at the time of admission to the residential facility:
(1) name, date of admission, date of birth, place of birth, citizenship status, marital status, and social security number;
(2) father's name and birthplace, mother's maiden name and birthplace, and parents' marital status;
(3) name and address of parents, legal guardian, and/or next of kin;
(4) sex, race, height, weight, color of hair, color of eyes, identifying marks, and recent photograph;
(5) reason for admission or referral problem;
(6) type and legal status of admission;
(7) legal competency status;
(8) language spoken or understood;
(9) sources of support, including social security, veterans' benefits, and insurance;
(10) provisions for clothing and other personal needs;
(11) information relevant to religious affiliation;
(12) report(s) of the preadmission evaluation(s); and
(13) reports of previous histories and evaluations.

(b) Within the period of one month after admission there shall be entered in the resident's record—
(1) a report of the review and updating of the preadmission evaluation;
(2) a statement of prognosis that can be used for programing and placement;
(3) a comprehensive evaluation and individual program plan, designed by an interdisciplinary team; and
(4) a diagnosis based on the appropriate nationally recognized professional association's manual on terminology and classification in mental retardation and other developmental disabilities and, where necessary, the diagnostic and statistical manual of mental disorders, most recent edition, published by the appropriate nationally recognized professional psychiatric association.

(c) Records during residence should include—
(1) reports of accidents, seizures, illnesses, and treatments thereof, and immunizations;
(2) record of all periods of restraint, with justification and authorization of each;
(3) report of regular, at least annual, review and evaluation of the program, developmental progress, and status of each resident;
(4) observations of the resident's response to his program, recorded with sufficient frequency to enable evaluation of its efficacy;
(5) record of significant behavior incidents;
(6) record of family visits and contacts;
(7) record of attendance and leaves;
(8) correspondence;
(9) periodic updating of the information recorded at the time of admission; and
(10) appropriate authorizations and consents.

(d) At the time of discharge from the residential facility, a discharge summary shall be prepared that should—
(1) include a brief recapitulation of findings, events, and progress during residence, diagnosis, prognosis, and recommendations and arrangements for future programing;
(2) be completed and entered in the resident's record within 7 days following discharge; and
(3) with the written consent of the resident or his guardian, be copied and sent to the individual or agency who will be responsible for future programing of the resident.

(e) In the event of death—
(1) a copy of the death certificate should be placed in the resident's record; and
(2) when a necropsy is performed, provisional anatomic diagnoses should be recorded within 72 hours, where feasible, and the complete protocol should be made part of the record within 3 months.

Subchapter III—Confidentiality of Records

SEC. 274. (a) All information contained in a resident's records, including information contained in an automated data bank, shall be considered privileged and confidential—
(1) the record is the property of the residential facility whose responsibility it is to secure the information against loss, defacement, tampering, or use by unauthorized persons;
(2) the record may be removed from the residential facility's jurisdiction and safekeeping only in accordance with a court order, subpena, or statute;
(3) there shall be written policies governing access to, duplication of, and dissemination of information from the record; and
(4) written consent of the resident or his guardian shall be required for the release of information to persons not otherwise authorized to receive it.

Subchapter IV—Central Record Service

SEC. 275. (a) The residential facility shall remain an organized central record service for the collection and dissemination of information regarding residents. A centralized or decentralized system of recordkeeping may be used in accordance with the needs of the residential facility—
(1) there shall be a unit record that contains all information pertaining to an individual resident for all admissions to the residential facility;
(2) where particular professional services require the maintenance of separate records, a summary of the information contained therein shall be entered in the unit record at stated intervals;
(3) records shall be readily accessible to authorized personnel;
(4) where a centralized system is used, appropriate records shall also be available in the resident-living units; and
(5) a periodic review of the content of the records should be made by—
(A) record personnel, to assure that they are current and complete; and
(B) a committee of appropriate staff, including the record librarian, to assure that they meet the standards set forth in section 278;
(6) there shall be a master alphabetical index of all residents admitted to the residential facility; and
(7) records shall be retained for the period of time specified by the residential facility, but at least for the period of time consistent with the statute of limitations of the State in which the residential facility is located.

Subchapter V—Statistical Records

SEC. 276. (a) While the type and amount of statistical information will depend upon the residential facility's particular needs, such information should include at least the following:
(1) number of residents by age groups, sex, race, and place of residence;
(2) number of residents by level of retardation, according to the appropriate nationally recognized professional association on mental deficiency classification;
(3) number of residents by level of adaptive behavior, according to the appropriate nationally recognized professional association of mental deficiency classification;
(4) number of residents with physical disabilities;
(5) number of residents who are ambulatory and nonambulatory (mobile and nonmobile);
(6) number of residents with sensory defects;
(7) number of residents with convulsive disorders, grouped by level of seizure control;
(8) number of residents by etiological diagnoses, according to the appropriate nationally recognized professional association and, where necessary, the DSM–II classifications;
(9) movement of residents into, out of, and within the residential facility; and
(10) length of stay.

(b) Data shall be reported to appropriate Federal and other agencies as requested.

Subchapter VI—Records Personnel

SEC. 277. (a) There shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to facilitate the accurate processing, checking, indexing, filing, and prompt retrieval of records and record data.

(b) The record system should be supervised on a full- or part-time basis, according to the needs of the residential facility, by an individual who—
(1) is a registered record librarian; or

(2) is an accredited record technician; or

(3) has demonstrated competence and experience in administering and supervising the maintenance and use of records and reports.

(c) Record personnel should—

(1) be involved in educational programs relative to their activities, including orientation, on-the-job training, and regular inservice education programs; and

(2) participate in workshops, institutes or correspondence education courses available outside the residential facility.

(d) There shall be adequate space, facilities, equipment, and supplies for providing efficient and effective record services.

CHAPTER 5.—RESEARCH

Subchapter I—Encouragement of Research

SEC. 278. (a) Recognizing that the understanding, prevention, and amelioration of mental retardation and other developmental disabilities ultimately depends upon knowledge gained through research, the administration and staff of the residential facility (and, in the case of public facilities, the appropriate governmental agency) shall encourage research activity.

(1) opportunities and resources should be made available to members of the staff who are equipped by interest and training to conduct applied and/or basic research. Research resources and/or necessary research assistance should be made available to all staff members who have identified researchable problems related to the programs for which they are responsible;

(2) research by qualified investigators who are not staff members of the residential facility shall be encouraged. There shall be a written policy concerning the conduct of research in the residential facility by investigators who are not staff members. Outside researchers shall fulfill the same obligations relative to staff information and feedback as do residential facility staff members. Consideration should be given to the assignment of a residential facility staff member to each research project conducted by outside investigators; and

(3) where feasible, there shall be ongoing, cooperative programs of research and research training with colleges, universities, and research agencies.

(b) The administration of the residential facility shall make provision for the design and conduct, or the supervision, of research that will objectively evaluate the effectiveness of program components and contribute to informed decisionmaking in the residential facility.

Subchapter II—Review of Research Proposals

SEC. 279. (a) An interdisciplinary research committee shall review all proposed studies to insure—

(1) adequacy of research design; and

(2) implementation of ethical standards in the design.

(b) Residential facility staff members shall be consulted regarding the planning of research and the utilization of research findings in their areas of competence and interest.

Subchapter III—Conduct of Research

SEC. 280. (a) The residential facility shall follow, and comply with the statement of assurance on research involving human subjects required by the United States Department of Health, Education, and Welfare for projects supported by that agency or any appropriate more stringent such statement, as appropriate.

(b) Investigators and others directly involved in the research shall—

(1) adhere to the ethical standards of their professions concerning the conduct of research; and

(2) have access to the record of informed consent.

Subchapter IV—Reporting Research Results

SEC. 281. (a) The principal investigator of each research project shall be responsible for communicating to the staff of the residential facility the purpose, nature, outcome, and possible practical or theoretical implications of the research. Copies of the reports resulting from research projects shall be maintained in the residential facility.

(b) Where research findings are made public, care shall be taken to assure the anonymity of individual residents and parents.

(c) Clearly defined mechanisms shall exist for informing staff members of new research findings that have applicability to the programs and administration of the residential facility. There shall be evidence that currently applicable research results are being implemented in the residential facility's programs.

CHAPTER 6.—SAFETY AND SANITATION

Subchapter I—Safety

SEC. 282. (a) The requirements of the Secretary shall be met, with specific reference to the following—

(1) provision of adequate and alternate exits and exit doors;

(2) provision of exit ramps, with nonskid surface and slope not exceeding one foot in twelve; and

(3) provision of handrails on stairways.

(b) There shall be records that document strict compliance with the regulation of the State or local fire safety authority that has primary jurisdiction over the residential facility—

(1) aisles and exists shall be free from all encumbrances and floors shall be uncluttered;

(2) flammable materials shall be properly stored and safeguarded;

(3) attics and basements shall be kept orderly and free of rubbish;

(4) there shall be records of periodic fire safety inspections and reports.

(c) There shall be a written staff organization plan and detailed, written procedures, which are clearly communicated to, and periodically reviewed with staff, for meeting all potential emergencies and disasters pertinent to the area, such as fire, severe weather, and missing persons.

(1) The plans and procedures should include—

(A) plans for the assignment of personnel to specific tasks and responsibilities;

(B) instructions relating to the use of alarm systems and signals;

(C) information concerning methods of fire containment;

(D) systems for notification of appropriate persons;

(E) information concerning the location of firefighting equipment; and

(F) specification of evacuation routes and procedures.

(2) The plans and procedures shall be posted at suitable locations through the residential facility.

(d) Evacuation drills shall be held at least quarterly, for each shift of residential facility personnel and under varied conditions, in order to—

(1) insure that all personnel on all shifts are trained to perform assigned tasks;

(2) insure that all personnel on all shifts are familiar with the use of the firefighting equipment in the residential facility;

(3) evaluate the effectiveness of disaster plans and procedures;

(4) evacuation drills shall include actual evacuation of residents to safe areas during at least one drill each year, on each shift. There shall be special provisions for the evacuation of the physically handicapped, such as fire chutes and mattress loops with poles; and

(5) there shall be a written, filed report and evaluation of each evacuation drill.

(e) An active safety program shall be maintained by a multidisciplinary safety committee that investigates all accidents and makes recommendations for prevention. Records of the activities of the safety committee shall be kept. There shall be adequate safety shields on the moving parts of all dumbwaiters, elevators, and other machinery, as provided for in applicable standards and codes.

(f) All buildings and outdoor recreation facilities constructed after 1971 shall be accessible to, and usable by, the nonambulatory and shall meet standards of the Secretary for making building accessible to, and usable by, the physically handicapped—

(1) all existing buildings and outdoor recreation facilities shall be modified so as to conform to the above standards by December 31, 1976; and

(2) existing residential facilities shall provide—

(A) entrance ramps wide enough for wheelchairs, not exceeding a rise of one foot in twelve, with nonslip surfaces, and with rails on both sides;

(B) doorways and corridors wide enough for wheelchairs; and

(C) grab bars in toilet and bathing facilities.

(g) Paint used in the residential facility shall be lead free. Old paint or plaster containing lead shall have been removed, or covered in such manner that it is not accessible to residents.

(h) Appropriate provisions shall be made for emergency auxiliary heat by means of alternate sources of electric power, alternate fuels, and/or standby equipment.

Subchapter II—Sanitation

SEC. 283. (a) There shall be records that document strict compliance with the sanitation, health, and environmental safety codes of the State or local authorities having primary jurisdiction over the residential facility. Written reports of inspections by State or local health authorities, and records of action taken on their recommendations, shall be kept on file at the residential facility.

(b) The holding, transferring, and disposal of waste and garbage shall be done in a manner that will not create a nuisance, nor permit the transmission of disease, nor create a breeding place for insects or rodents—

(1) waste that is not disposed of by mechanical means shall be—

(A) kept in leakproof, nonabsorbent containers with close-fitting covers; and

(B) disposed of daily;

(2) containers shall be thoroughly cleaned inside and out, each time they are emptied; and

(3) impervious plastic liners should be used.

(c) Handwashing facilities shall be available in, or immediately adjacent to—

(1) bathrooms;

(2) toilet rooms;

(3) sleeping areas; and

(4) kitchens.

(d) There shall be adequate insect screens on all windows and doors where needed and adequate janitorial equipment and storage space in each unit of the residential facility.

CHAPTER 7.—ADMINISTRATIVE SUPPORT SERVICES

Subchapter I—Functions, Personnel, and Facilities

SEC. 284. (a) Adequate, modern administrative support shall be provided to efficiently meet the needs of, and contribute to, program services for residents, and to facilitate support of a variety of resources, which may include, but need not be limited to, the following kinds of services: clerical, communication, dietary, financial, housekeeping, laundry, personnel, physical plant, records, safety and security, and supply and purchasing.

(b) Administrative support functions should be directed by a qualified administrator, trained and experienced to provide

skilled and efficient coordination of these services, to adequately meet the residential facilities' program objectives. In larger residential facilities, provision may be made for both executive direction, via a chief executive officer (superintendent, director, and so forth), and administration of support services (via a business manager, and so forth). In smaller residential facilities, a single person may provide both program direction and administration of support services—

(1) the administrator of support services should—

(A) have at least a baccalaureate degree; or

(B) have completed formal graduate education in health administration or its equivalent;

(2) all administrative support personnel shall have sufficient understanding and appreciation of the nature and behavior of the mentally retarded and developmentally disabled resident, to assure that each employee's work and his or her relations to the residents contribute positively to their welfare.

(c) There shall be adequate office space, facilities, equipment, and supplies for the efficient conduct of all administrative support functions.

PART D—STANDARDS FOR COMMUNITY FACILITIES AND AGENCIES; PROGRAMS FOR MENTALLY RETARDED AND OTHER PERSONS WITH DEVELOPMENTAL DISABILITIES

Subpart 1—Individual Support Systems

CASE FINDING

SEC. 285. (a) For the purposes of this part the term "case finding" means the processes of systematically reaching into the community for the purposes of identifying persons in need of services provided pursuant to this title; alerting persons and their families to the availability of such services; locating providers of such services; and assisting persons to enter the service delivery system.

(b) Facilities and agencies receiving Federal assistance under this Act shall—

(1) establish written policies for its case finding program;

(2) designate a staff member to monitor and to follow up the case finding process;

(3) maintain evidence of its case finding activities in the following areas:

(A) identifying persons in need of services, locating services to meet their needs, and assisting them in entering the service delivery system;

(B) alerting relevant agencies and individuals of the importance of early detection, especially with high risk populations, and of their role as case finders;

(C) coordinating its case finding activities with the case finding activities of relevant agencies and practitioners; and

(D) reaching out to meet the expressed or unexpressed needs of the inarticulate.

ENTRY INTO THE SERVICE DELIVERY SYSTEM

SEC. 286. (a) "Entry", for purposes of this part, means actions taken by a facility or agency to bring a person in need of services into the service delivery system, and to the actions taken by such facility or agency immediately preceding and following actual entry.

(b) In addition to the requirements of section 302(b), facilities and agencies receiving assistance under this Act shall—

(1) establish written policies regarding its entry procedures, and stipulate in such policies that persons are accepted for entry services without regard to ethnic origin, sex, or ability to pay and without regard to the ability of the facility or agency to provide direct services;

(2) obtain, provide, or coordinate any services needed to facilitate entry, including assurances that—

(A) the facility's or agency's hours of operation shall be arranged to enable easy accessibility for total family units;

(B) staff members responsible for the entry interview shall be readily accessible;

(C) transportation shall be arranged, or a home visit made if necessary, for the initial interview;

(D) available sources of funding shall be identified for the person and his or her family;

(3) service, at the point of referral, any followup required to facilitate the person's entry into the service delivery system, and such facility or agency—

(A) shall obtain from the person and his or her family, and from other appropriate sources, the information needed to determine appropriate referrals;

(B) may use the recorded information to make appropriate referrals to other agencies; and

(C) shall have policies and procedures that define the conditions of discharge and procedures for reentry if needed;

(4) insure that the entry procedure shall be evaluated annually, and that such evaluation shall include maintenance of a log of requests for information, entries, referrals, follow-up services, dispositions, and reasons for rejection, the data from which log shall be reviewed as a basis for planning, evaluating, and modifying the facility's or agency's role and as a part of the community coordinating process, that such data is shared with other agencies for use in planning, evaluating, and modifying the service delivery system in such a way that it does not reveal the identity of the individuals.

FOLLOW-ALONG SERVICES

SEC. 287. (a) "Follow-along" as used in this part means provision for a continuing relationship with the person and his or her family, which may extend over the life of the person, for the purpose of assuring that changing needs are recognized and appropriately met. The facility or agency which provided services to a person shall remain available as a contact for persons who are no longer receiving services but who seek support or guidance with respect to needs formerly accommodated by such facility or agency.

(b) Facilities and agencies receiving assistance under this Act shall—

(1) provide follow-along services to persons as needed;

(2) educate persons it serves to seek follow-along the services when such services are needed to enhance the independence of such persons; and

(3) provide to each person served specific point of contact within the facility or agency, in order to receive follow-along service.

(c) Each facility and agency, together with other appropriate facilities or agencies, shall identify each person's primary follow-along agency, in order to promote efficient service and reduce duplication of efforts. The person and his or her family shall be informed by the appropriate facility or agency of the procedures for terminating or reentering a follow-along service program. Such facility or agency shall insure that the follow-along service assists with the transition to a new service, as necessary; that the person's right to privacy is not violated; and that the person's status is recorded at least annually. A facility or agency providing follow-along service may have access to any appropriate information in the person's records.

INDIVIDUAL PROGRAM PLAN

SEC. 288. (a) The individual program plan (hereafter in this section referred to as "IPP") is a written plan of intervention and action that is developed, and modified at frequent intervals, with the participation of all concerned. It shall specify objectives and goals, and identify a continuum of development, outlining projected progressive steps, and the developmental consequences of services.

(b) Facilities and agencies receiving assistance under this Act shall insure that—

(1) each person enrolled in a service has an IPP;

(2) the initial IPP is developed within five days after the person is enrolled in a service;

(3) the IPP includes, at a minimum, assessment data with respect to the person's sensorimotor development, communicative development, social development, affective development, and cognitive development;

(4) the objectives of the IPP are developed with the participation of the person, his or her family, all relevant agency staff members, and staff of other agencies involved in serving the client;

(5) each objective of the IPP is stated separately, sequenced within a time frame, and expressed in behavioral terms that provide measurable indices of progress;

(6) the IPP describes the conditions, activities, or barriers that interfere with the achievement of the objectives;

(7) the IPP specifies modes of intervention for the achievement of the stated objectives;

(8) the IPP identifies agencies capable of delivering the services required;

(9) the IPP identifies a designated focus of responsibility for utilizing and coordinating services provided by different practitioners or agencies;

(10) the IPP included day-to-day training activities designed to assist in attaining the stated objectives;

(11) the IPP is written in terms that are understandable to the person and his or her family;

(12) the IPP is reviewed at least quarterly in order to measure the person's progress, modify the objectives as necessary, determine the services that are needed, and provide guidance and remediation techniques to modify barriers to growth; and

(13) the IPP includes a written agreement that specifies the role and objectives of each party to the implementation of the IPP, and provides for at least semiannual review of the plan by all parties concerned.

PROGRAM COORDINATION

SEC. 289. (a) Program coordination is the process of establishing responsibility for implementation of the person's individual program plan. Such process includes providing support, procuring direct services, coordinating services, collecting and disseminating data and information, and monitoring the progress of the person.

(b) Facilities and agencies receiving assistance under this Act shall insure that—

(1) each person served by the agency is assigned a program coordinator responsible for implementing his or her individual program plan;

(2) the person and his or her family shall participate in the selection of the program coordinator, and that the program coordinator is identified to the person, to his or her family, and to appropriate staff members;

(3) the program coordinator attends to the total spectrum of the person's needs including, but not limited to, housing, family relationships, social activities, education, finances, employment, health, recreation, and records;

(4) the program coordinator determines whether or not the person's needs are being met, and how the person's needs are being met;

(5) the program coordinator arranges supportive services for the person and his or her family, locates and procures services outside the agency when needed, and coordinates the delivery of all services to the person;

(6) in order to keep the individual program plan up to date the program coordinator secures relevant data from other agencies providing service;

(7) the program coordinator provides documentation relevant to the review of the in-

dividual program plan required by section 284;

(8) the program coordinator monitors the operation of the services that are provided to the person; and

(9) the program coordinator facilitates the transfer of the person to another service or agency when such transfer is determined to be appropriate.

PROTECTIVE SERVICES

SEC. 290. (a) Each State which receives assistance under this Act shall establish a system of continuing legal and social protection which shall monitor programs and assist persons in securing their rights under law, and their entitlements. Each such State shall provide advice and guidance to persons and, if necessary, actively intervene in social and legal processes.

(b) Each State providing protective services shall insure that—

(1) the protective services function shall be independent of any facility or agency providing direct services;

(2) the programs of each facility and agency are monitored and audited to an extent which assures the receipt by each person served of all of the benefits, services, and rights to which they are entitled;

(3) services are provided to persons in congregate living situations, as well as those living alone or in families;

(4) protective intervention is provided in cases of abuse or neglect of either children or adults;

(5) no right of a person protected pursuant to this section may be abridged without due process, which shall include—

(A) notice to the affected person, appropriate family members, and other interested persons in advance of the proposed abridgement, and an explanation to the affected person and his or her family of the reason for such abridgment, his or her rights, with respect thereto, and the means for appeal from such abridgement;

(B) evaluation of the appropriateness of such abridgement by individuals professionally qualified to do so;

(C) the modification of the right shall be specific to the person's ability to exercise that right; and

(D) opportunity for judicial review.

(6) there is provision for periodic review of the need to abridge the right of any person, and for restoration of any right that is abridged, should the circumstances justify its restoration;

(7) each facility and agency shall participate in educating law enforcement agencies and the local bar association concerning the nature of mental retardation and other developmental disabilities, and the special needs of persons with such disabilities, and that each facility and agency shall make its resources available to law enforcement officials in the event that such persons are subjected to arrest, questioning, or detention;

(8) each facility and agency shall work with law enforcement officials and the courts in establishing a system for processing the developmentally disabled offender that provides recognition of diminished responsibility and a means for avoiding unnecessary or undue confinement; and

(9) each facility and agency shall instruct each person it serves concerning the law and how he or she may obtain assistance if arrested, and shall provide any such person who has communication problems, or who desires this service, with a means of identifying himself or herself to law enforcement officials.

PERSONAL ADVOCACY SERVICES

SEC. 291. (a) Personal advocacy services include the provision of competent individuals to assist mentally retarded and other developmentally disabled persons to cope with problems, including the exercise of their personal and legal rights.

(b) Each facility and agency providing personal advocacy services shall—

(1) identify persons needing personal advocates;

(2) select, recruit, and train volunteers as advocates;

(3) assess the ability of each volunteer to perform competently as an advocate;

(4) provide practical assistance to personal advocates, and secure any legal and professional services that may be needed by the advocate for the person;

(5) mediate the assumption of a legal role, such as guardian or adoptive parent, by a personal advocate;

(6) evaluate the performance of each advocate and the adequacy and effectiveness of the personal advocacy services program at least quarterly;

(7) have written procedures for terminating advocacy service at the request of either the advocate or the person;

(8) solicit recommendations of advocates and persons with respect to the expansion or modification of personal advocacy services;

(9) publicize the program to consumers, interested citizens, and cooperating agencies; and

(10) prepare and publish material for use in orienting and training personal advocates.

(c)(1) Each personal advocate assigned pursuant to this section shall monitor individual program plans for persons assigned to him for advocacy services.

Each such advocate shall be known to the client program coordinator and to the protective services worker assigned to the person.

(2) In accordance with the needs of the person, the personal advocate's functions and supportive social activities shall include, but are not limited to—

(A) providing companionship in activities of daily living;

(B) providing assistance in solving problems of daily living;

(C) supplying missing or needed affective relationships, as parent or sibling substitute, or as friend;

(D) working to increase the person's competency and independence;

(E) helping to obtain needed services; and

(F) challenging agency practices that appear to discriminate against the person.

(3) Each facility and agency shall coordinate its activities with personal advocacy services personnel to insure that the persons it serves receive personal advocacy services if needed. If personal advocacy services are not otherwise available, the agency shall proceed to establish them.

GUARDIANSHIP SERVICES

SEC. 292. (a) Guardianship services are those services provided by a person in a public or private agency who is serving as a guardian when there is no suitable relative or friend available to assume this responsibility for the person receiving services.

(b) Each facility and agency assisted under this Act shall—

(1) assist the person, his or her family, and the court in determining the need for guardianship, including a determination of whether guardianship of either the person or the property or of both is needed, whether such guardianships should be combined or separate and, where State law provides for both plenary and limited guardianship, the appropriate level of guardianship;

(2) assist the person, his or her family, and the court in assuring that a qualified private individual or a qualified individual in a public or private agency is available as a guardian to such person, insuring that no individual or agency who is responsible for rendering a direct service to a person will also be appointed guardian of that person;

(3) if State law provides for corporate guardianship (guardianship by an organization rather than by an individual), assist in establishing procedures that will eliminate conflicts of interest;

(4) assist the guardian in understanding mental retardation and other developmental disabilities, and in fostering increased independence on the part of his or her award;

(5) assist guardians to become more effective in securing the rights, benefits, and services for their wards' needs, and to which they are entitled; and

(6) the agency shall work with the client, his or her family, and the court to insure that all guardianship procedures provide for due process.

(c)(1) In those cases in which a guardian is compensated for his or her services, the facility or agency shall demonstrate its efforts to insure that such compensation is in accordance with actual duties performed, rather than based solely on the income or assets of the ward and that no person will be denied legal guardianship services due to inadequate resources.

(2) The agency shall assist the client, his or her family, and the court in assuring that timely and appropriate procedures are available for the orderly continuation or reestablishment of guardianship upon the attainment of the age of majority, or for the person who otherwise needs continuation or reestablishment of guardianship, and, where appropriate, the appointment of a suitable successor guardian.

(3) The agency shall further assist the person, his or her family, and his attorney in the appropriate utilization of property management devices such as wills and trusts, educate the community concerning the need for and the availability of guardianship services, and if guardianship services are not available, the facility or agency shall establish one.

Subpart 2—Agency Service Components

PURPOSE

SEC. 293. (a) The client program coordinator shall assist in the carrying out of the individual program plan by selective use of the direct services available. Each facility and agency that supplies one or more services shall publish a clear statement of the extent and limitations of the service or services that it provides. Such facility or agency shall demonstrate a willingness to modify its services in relation to the needs of the person and his or her family, in relation to other services, and in response to community planning processes.

(b) Each agency shall be evaluated on the basis of the specific component services that it provides. Each of the service components described in this subpart shall be available within the service delivery system of each State.

INDIVIDUAL ASSESSMENT

SEC. 294. (a) Individual assessment means an empirical process to determine if, and to what degree, a person has developmental deficiencies, and what interventions and services are needed to increase the independent functioning of such person. The individual assessment shall identify the present developmental level of the person, the conditions that impede his development, and, where possible, the etiology of the disability.

(b) Each facility and agency receiving assistance under this Act shall—

(1) provide or procure assessment services, identify for persons it serves and their families those areas in which it is competent to offer assessment services, and have written procedures for referring the person to other agencies for assessment services that it does not provide;

(2) include in each individual assessment, in order to provide data for the individual

program plan, comprehensive assessments of sensorimotor, communicative, social, affective, and cognitive development;

(3) provide, through an interdisciplinary team constituted of members drawn from, or representing, such professions, disciplines, or service areas as are relevant in each particular case, a comprehensive medical examination, dental evaluation, visual and auditory screening, speech and language screening, and psychological and social assessments, including specialized assessments, where needed;

(4) insure that all State licensure, certification, and registration laws regulating the professional disciplines authorized to perform specific diagnostic tests shall be observed;

(5) assign specific responsibility for synthesizing, interpreting, and utilizing the results of the assessment components provided by different practitioners or agencies;

(6) insure that the assessment process is adapted to the cultural background, language, and ethnic origin of the person and his or her family;

(7) insure that assessment data are recorded in terms that facilitate clear communication across disciplines and with persons;

(8) insure that each assessment identifies the symptomatology of problems or disabilities, and, where possible, their etiologies;

(9) insure that the assessment process identifies all available alternatives for the selection of needed services, establishes a focus of responsibility for those services, and that such process involves the person and his or her family and that they are advised of the assessment findings.

(c) A preliminary individual assessment shall be completed within thirty days after entry. Reassessment shall be provided at developmental intervals during childhood, adolescence, and adulthood; provided at times of crisis; and available when behavioral responses indicate the need. Assessment reports may be sent to other facilities or agencies that provide services to the person and his or her family if written permission to do so is provided by such person or his or her family.

ATTENTION TO HEALTH NEEDS

SEC. 295. (a) Health needs include the needs for health care that are common to all persons, and any special health needs that arise from problems associated with mental retardation and other developmental disabilities.

(b) Each facility and agency receiving assistance under this Act shall—

(1) have identifiable procedures for the early detection and remediation of the special health needs of the person;

(2) provide or procure health assessments for each person served, including dental evaluations, at regular intervals, but at least annually;

(3) provide for the detection, diagnosis, and treatment of sensorimotor deficits;

(4) provide or procure corrective or prosthetic devices in accordance with specialists' recommendations, along with periodic reevaluation of corrective or prosthetic devices by appropriate professional personnel, to ascertain their continued applicability and fitness, and to recommend changes as needed, and instruction to parents and to pertinent staff members in the proper use and care of such devices;

(5) provide or procure home health services to foster implementation of the home aspects of the special health remediation program;

(6) insure that the special health needs of persons served are met by the generic resources of the community;

(7) provide that health supervision for disabled children shall conform to the regulations of the Secretary;

(8) provide nutritional services to assist in planning adequate and proper diets, including special diets when needed;

(9) provide services to develop functional oral systems such as sucking, swallowing and chewing;

(10) have written policy regarding the administration of all medications used by persons served, including those not specifically prescribed by the attending practitioner, except that no medication shall be administered to a person without a written order by a physician; and written policy specifying the procedures to be followed in medical emergencies, and in rendering emergency medical care;

(11) insure that each person who requires medication shall receive appropriate medical supervision, which includes regular evaluation of his or her response to the medication, with appropriate monitoring and laboratory assessment;

(12) have policies and procedures for persons with infectious and contagious diseases which conform to State and local health department regulations, and copies of such policies and procedures shall be available to all staff, persons served, and their families;

(13) include in its inservice training program instruction in the proper handling of persons with convulsive disorders, and insure that such instruction is given to all personnel who work with such persons;

(14) make available to persons served and their families specialized family planning services and genetic counseling services.

(c) Any facility or agency which does not provide specialized health services shall refer each person and his or her family to the appropriate agencies and follow up on such referrals.

ATTENTION TO DEVELOPMENTAL NEEDS

SEC. 296. (a) Attention to developmental needs means the provision of specific opportunities for growth and development.

(b) Effective programs for mentally retarded and other developmentally disabled persons shall be based upon a developmental model which assumes that (1) change and development begin at conception and continue throughout the life span of every human being, (2) human development progresses in a sequential, orderly, and predictable manner, (3) specific opportunities for development must be provided if development is to occur, and (4) the rate and direction of development are influenced by many factors, some of which can be significantly modified by utilizing and controlling certain physical, psychological, and social aspects of the environment. The objective of services which attend to developmental needs shall be to enhance development and increase adaptive behavior by modifying the rate and direction of behavioral change.

(c) Attention to developmental needs shall be made available by each facility and agency receiving assistance under this Act to every person served, regardless of age, or type or degree of disability. Programs shall be designed to (1) enable such persons to develop an increasing degree of control over his or her environment, and (2) to gradually produce more complex behavior patterns that increase the person's capacity to cope with his or her environment. The person's individual program plan must specify the progressive developmental steps and goals that are to be attained.

(d) Basic goals for development shall include understanding, appreciating, and caring for the natural world; promoting esthetic experiences and creating emotional stability; learning to perform work for reimbursement; and learning a critical or intellectual method by which to evaluate experiences and environment.

(e) The objectives of education and training programs shall be to maximize the person's development. Arbitrary time and age limits shall not be imposed on any process of education.

(f) Each facility and agency receiving assistance under this Act shall—

(1) assist in initiating developmental programs that begin in infancy and continue throughout the lifespan;

(2) insure that its program is determined by individual developmental needs, and is not contingent on age or time restrictions;

(3) implement in each person's individual program plan the progressive developmental steps and goals that are to be attained;

(4) define the responsibilities of both the agency and the family as they affect individual attainment of developmental objectives, and the communication mechanism;

(5) provide or procure formal education and training services that begin with early childhood programs and continue through post-secondary schools and vocational training activities including opportunities for continuing education and retraining without arbitrary time and age limits, and which are directed toward integrating the person in the most appropriate learning environment that is available in the community;

(6) insure that the objectives of its education and training programs shall be related to the long-range goals of its clients, to include the achievement of academic knowledge and the development of competence in activities of daily living;

(7) insure that education and training programs meet the standards established by the appropriate State agency and that instructional techniques, physical settings, and materials are appropriate to the ages and developmental levels of each person served;

(8) identify programs and services available to the person and his or her family from other sources, to reinforce and enrich its education program;

(9) document the person's participation in the selection of alternatives relating to activities of daily living;

(10) prohibit the use of corporal punishment and verbal abuse (shouting, screaming, swearing, name calling, or any other activity that would be damaging to a person's self-respect) and seclusion (defined as the placement of a person alone in a locked room); and

(11) have a written policy that defines the use of behavior modification programs, the staff members who may authorize their use, and a mechanism for monitoring and controlling their use, in which—

(A) noxious or aversive stimuli shall be employed only in very extreme situations and only when reviewed and approved by the agency's or facility's research and human rights committees, conducted with the consent of the client's family, and the use of such stimuli is described in written plans;

(B) medication shall not be used as punishment, for the convenience of staff, as a substitute for a program, or in quantities that interfere with a developmental program; and

(C) persons shall not discipline other persons, except as part of an organized self-government program that is conducted in accordance with written policy.

SENSORIMOTOR DEVELOPMENT

SEC. 297. (a) Motor development means the development of those behaviors that primarily involve muscular, neuromuscular, or physical skills, and varying degrees of physical dexterity. Sensory development includes the development of perceptual skills.

(b) Each facility and agency receiving assistance under this Act shall—

(1) include in each individual program plan objectives relating to sensorimotor development, including, but not limited to, the development of balance and posture, perceptual-motor skills, locomotor skills, manipulative skills, and body image; and shall evaluate and record each person's development at least quarterly;

(2) have specific programs directed to the

sensorimotor development of nonambulatory individuals;

(3) have individually prescribed sensorimotor development activities performed by each person regularly, where appropriate, which are designed to increase individual skills, strength, and endurance, modified in accordance with the person's progress toward his or her sensorimotor development objectives;

(4) provide direct services or obtain consulting services from professionally qualified persons to assist the person and his or her family in sensorimotor training; and

(5) demonstrate functional integration of sensorimotor activities and therapeutic interventions in the educational, social, recreational, developmental, or vocational programs that it provides.

COMMUNICATIVE DEVELOPMENT

SEC. 298. (a) Communicative development means the development of communication skills, transmitting meaning to others, either verbally or nonverbally.

(b) Each facility and agency receiving assistance under this Act shall—

(1) include in each individual program plan objectives relating to communicative development, and the progress of the person toward these objectives shall be recorded at least quarterly;

(2) provide appropriate training in the areas of sensory stimulation, awareness, appropriate gestures, receptive skills, speaking, writing, reading, listening, and expression;

(3) provide specialized services or procure to correct structural or habit deficits that interfere with persons' communicative development;

(4) provide for each person specific opportunities for the use of functional communication skills in activities of daily living; and

(5) provide instruction concerning the availability and utilization of all forms of communication media, such as radio, television, telephone, and such specialized equipment as may be required.

SOCIAL DEVELOPMENT

SEC. 299. (a) Social development means the formation and growth of self-help and interpersonal skills that enable a person to establish and maintain appropriate roles and maintain fulfilling relationships within his or her environment.

(b) Each facility and agency receiving assistance under this Act shall—

(1) insure that each individual program plan contains objectives relating to social development, and that the progress of the person relative to these objectives shall be recorded at least quarterly;

(2) provide for the development of culturally normative behavior by persons it serves, including a sequential life education program, opportunities for social development appropriate to the person's chronological age, and activities that promote the development of socially adaptive relationships with the opposite sex;

(3) provide activities for individual social interaction outside the training programs;

(4) provide programs to (A) assist the person with clothing selection and grooming appropriate to various social situations, such as work, school, church, and leisure time activities; and (B) as a part of the social development program, provide special training relating to safety in all activities of daily living;

(5) design a program for use by the person's family to encourage independent functioning through the acquisition of self-help and interpersonal skills;

(6) provide counsel for the person and his or her family concerning interpersonal conflicts, or conflicts arising from isolated or disorganized families, and if referral is made for counseling, it shall provide follow-up to insure resolution of the conflict.

AFFECTIVE DEVELOPMENT

SEC. 299A. (a) Affective development means the development of feelings and emotions, including behaviors that relate to, arise from, or influence, interests, attitudes, emotions, and values.

(b) Each facility and agency receiving assistance under this Act shall—

(1) include in each individual program plan objectives relating to affective development, and the progress of the person toward these objectives shall be recorded at least quarterly;

(2) develop, with the client and his or her family, a plan for developing the expression of appropriate emotionl behaviors;

(3) provide a warm, accepting environment that is conducive to the development of positive feelings, including opportunities for the expression of appropriate feelings;

(4) provide for the development and enhancement of the person's self-concept through activities that promote awareness of self and the experience of success and security;

(5) provide a variety of experiences to develop the client's interest in and appreciation of the esthetic components of his environment; and

(6) provide specific training objectives for persons displaying maladaptive behavior that lead to more adaptive behavior, and maintain records of significant maladaptive behavior, and of actions taken by parents and staff as a consequence of such behavior, and, when necessary, provide specialized therapeutic techniques to develop constructive adaptive behaviors.

COGNITIVE DEVELOPMENT

SEC. 299B. (a) Cognitive development means the development of those processes by which sensory input is transformed, stored, recovered, and used, including processes and abilities involved in perceiving, recognizing, remembering, conceiving, judging, reasoning, thinking, and knowing.

(b) Each facility and agency receiving assistance under this Act shall—

(1) include in each individual program plan objectives relating the cognitive development which are written in behavioral terms, and progress relative to these objectives shall be recorded at least quarterly;

(2) help parents to recognize and implement their roles in fostering the cognitive development of the child;

(3) provide initial activities in the development of cognitive skills at the most basic developmental level, including sensory stimulation;

(4) provide specialized services to remediate or compensate for specific barriers to learnings; and

(5) provide opportunities for alternatives leading to independent action, including evaluation of the consequences of the person's decisions.

SERVICES TO SUPPORT EMPLOYMENT AND WORK

SEC. 299C. (a) Each person shall be prepared for opportunities to engage in productive work or other meaningful occupation that leads toward making an economic contribution to society and securing a decent standard of living.

(b) Each facility and agency receiving assistance under this Act shall—

(1) include work objectives in each individual program plan directed to maximizing the independence of the person, which are established in cooperation with the person, based on a recorded evaluation of work potential, and which include the attainment of at least partial employability or self-support, or other meaningful occupation;

(2) provide opportunities for, and assist the client in the selection of, alternatives in vocational training and retraining;

(3) integrate its work and employment programs with the community by providing or obtaining occupational training, adjunctive therapy-bio-engineering consultations, or other services that are designed to maximize the person's level of work functioning; establishing locations in the community where on-the-job training takes place; facilitating the placement of persons in full-time employment at the Federal minimum wage or higher; providing or obtaining reimbursed work experiences for those persons whose evaluations document that they are unable to utilize or attain on-the-job training, full-time employment, or sheltered work in the community; and providing or obtaining follow along to insure that the employee has opportunity for job upgrading or reevaluation, in order to increase employment potential;

(4) provide the person with materials for productive work at his or her place of residence, when this is in his or her best interest;

(5) provide support to the person by helping him or her make constructive use of leisure time; assisting in the development of peer relationships in leisure time activities; and maximizing opportunities for increasingly independent living by minimizing the effects of the disability;

(6) maintain at least yearly contact with the advocate, guardian, family, or other responsible person to evaluate the work expectations and performance of the person;

(7) maintain documentary evidence of each person's production level earning rate;

(8) insure that persons who are paid for productive work shall be provided benefits that include, but are not limited to effective grievance procedures; provisions for paid vacations, holidays, and sick leave; workmen's compensation; provisions for health insurance and retirement; opportunities for continuing educational activities; and provisions for recognizing outstanding contributions to the agency; and

(9) utilize definitive time study procedures and competitive bidding practices.

RECREATION AND LEISURE

SEC. 299D. (a) Recreation means the satisfying use of leisure time. Recreation and leisure activities may be elements of a person's daily life in which participation may be planned, requested, or self-initiated to meet a basic need and to provide personal enjoyment.

(b) Each facility and agency receiving assistance under this Act shall—

(1) provide or obtain recreation and leisure time activities that are designed to allow the person to choose whether or not to participate, and to choose the type of activity in which he or she wishes to participate; develop skills and interests leading to enjoyable and satisfying use of leisure time; provide opportunities to be successful; provide experiences that develop social interaction skills; provide activities that promote physical and emotional health; and provide individualized therapeutic activities for the alleviation of disabilities and the prevention of regression;

(2) plan and organize recreation programs and activities to include a specific set of objectives for each person, based upon his or her individual program plan; assessments of the person's abilities and performance level, to determine the type of recreation activities that are appropriate; grouping of persons according to their expressed wishes and probable abilities; careful selection of the method of presentation, in accordance with the abilities of the participants; availability of and access to desired activities; communication and coordination with other agencies to develop wider opportunities in programing; opportunities to participate with nondisabled people; and parent and family education concerning leisure time activities;

(3) provide recreation activities to persons who are served by other agencies, and to others who are not served by any direct pro-

gram, through daytime activities for children; after-school activities; after-work and evening activities; weekend activities; and summer activities;

(4) if generic, community recreation programs are not available to the disabled, initiate action with appropriate agencies in order to make such programs available, including consultation and training services to generic agencies in developing and implementing programs for persons served;

(5) insure that recreation programs are available to severely and multiple disabled persons; and

(6) keep the population that it serves informed of all recreation opportunities.

FAMILY RELATED SERVICES

SEC. 299E. (a) Family related services are those that specifically serve both the person and his or her family, to include a range of services provided both within and without the home by a variety of agencies and disciplines. The term also includes services for a disabled adult who is married and has a family.

(b) All services provided to persons under this Act shall include consideration and involvement of his or her family, and the special emotional, social, and educational needs of the family must be recognized. Family members shall be assisted to increase their understanding of the impact of disability, to improve their understanding of the person and their relationships with him or her, and to mobilize their own strengths in coping with the disability in a constructive fashion. Instruction in ways of facilitating the development of the person, including training in specific management techniques, shall be provided.

HOME TRAINING SERVICES

SEC. 299F. (a) Home training services means specialized services that are provided to a person and his or her family in the home setting, an extension of his or her total program.

(b) Each facility and agency receiving assistance under this Act shall—

(1) provide home training services through a home trainer, who shall:

(A) develop with the family a developmentally sequenced management and training program that is a component of the individual program plan, and that is carried out in the home;

(B) instruct the family in how to carry out the program;

(C) provide for family use of specialized instructional material;

(D) provide information on developmental disabilities and developmental patterns;

(E) develop with the family a method of assessing the assets, liabilities, and level of performance of the person;

(F) assist the person and the family in incorporating the therapy offered by various disciplines into the daily regime;

(G) coordinate the person's activities with services delivered by others;

(H) demonstrate special procedures;

(I) help adapt home equipment;

(J) help the family make or identify resources for obtaining specialized equipment;

(K) assist the family with special clothing adaptations; and

(L) provide continuing support and assistance;

(2) coordinate its efforts with other agencies and services that are involved with the person and his or her family and if home training services are not available the facility or agency shall initiate such services.

HOMEMAKER SERVICES

SEC. 299G. (a) Homemaker services means services in caring for the family in the home during periods of need or crisis, and teaching family members techniques of home management.

(b) Each facility or agency receiving assistance under this Act shall insure that—

(1) homemaker services shall be available, when needed, to families with a disabled person living at home, and to disabled adults living in their own homes;

(2) the homemaker shall teach appropriate techniques of home management, including good health care, meal planning, marketing, budgeting, and housekeeping;

(3) the homemaker's home management skills shall be sufficient to meet a variety of family emergencies, include relief in a crisis;

(4) evaluation of the family's needs shall be made prior to the placement of a homemaker, and shall continue after the homemaker is in the home;

(5) the homemaker shall be apprised of the family situation prior to entering the home;

(6) the homemaker shall be prepared to assist with the training program of the person, so that he or she may remain in the home; and

(7) if homemaker services are not available, the agency shall initiate such services.

RESPITE CARE

SEC. 299H. (a) Respite care means short-term, out-of-the-home care of a person that is provided for the temporary relief of his or her family.

(b) Each facility and agency receiving assistance under this Act shall—

(1) provide day and night respite care services;

(2) identify to persons and their families other agencies that provide respite care;

(3) have a written plan for the recruitment, selection, training, and evaluation of persons who provide respite care;

(4) monitor respite care services to insure continuity with the normal living patterns of those being served; and

(5) if respite care services are not available initiate such services.

SITTER SERVICES

SEC. 299I. (a) Sitter services means in-the-home care of a person for the temporary relief of his or her family.

(b) Each facility and agency receiving assistance under this Act shall—

(1) provide sitter services, available on an hourly or weekly schedule;

(3) have a written plan for the recruitment, selection, training, and evaluation of persons who provide sitter services;

(3) insure that sitter services presonnel shall have specialized training and experience in the management of disabled persons;

(4) if the agency does not provide sitter services, identify sources for obtaining qualified sitter services; and

(5) if sitter services are not available, initiate such services.

FAMILY EDUCATION SERVICES

SEC. 299J. (a) Family education services means the provision of opportunities for the family to increase its knowledge and understanding of mental retardation and other developmental disabilities, and of other concerns relating to the family unit

(b) Each facility and agency receiving assistance under this Act shall—

(1) provide family education opportunities on a regularly scheduled basis and as family needs arise, in which family members are involved in the development and evaluation of family education programs; and in which family education techniques shall be adapted to the cultural, educational, and economic characteristics of the families being served;

(2) insure that family members have an opportunity to observe the person in a service setting, establishing procedures by which these observations are discussed with the appropriate staff;

(3) insure that planned conferences between staff members and individual families are held on a regularly scheduled basis, as needs arise, and either in or out of the home, as appropriate;

(4) provide parent-to-parent counseling activities for newly identified parents and in times of crisis;

(5) conduct group meetings for siblings of persons who are disabled;

(6) maintain a resource library relating to mental retardation and other developmental disabilities, available for use by the family, which includes basic information on mental retardation and other development disabilities, information on developmental patterns, information on techniques of management and training, information relating to attitudes and feelings toward, and understanding of, the developmentally disabled, and instructional materials, including games and toys, and information on their use; and

(7) have a planned program for mobilizing and utilizing parent leadership skills.

ATTENTION TO NEEDS FOR MOBILITY

SEC. 299K. (a) Mobility means the ability of persons to move within, and thereby interact with, their environment. Attention to needs for mobility means helping nonambulatory persons to become mobile or partially mobile, as well as enabling them to use public and private transportation systems to meet their normal needs.

(b) Each facility and agency receiving assistance under this Act shall—

(1) provide services to increase the mobility of disabled persons as specified in their individual plans, including services and equipment necessary to improve ambulation and to promote mobility, and training in mapping and orientation within the person's immediate environment;

(2) promote maximum safety in the use of all mobility devices and procedures, including inspection at least quarterly of all equipment used in the mobility program to insure that it is in proper working condition;

(3) actively strive to eliminate architectural barriers, and to modify equipment and facilities to overcome barriers, insuring that multistory buildings are equipped with elevators for the use of mobile nonambulatory persons, and that restrooms, water fountains, and other facilities are accessible for use by mobile nonambulatory persons;

(4) shall make driver education available to those persons who are capable of learning to drive;

(5) promote or help establish generic community transportation services that are usable by disabled persons;

(6) assist persons in securing transportation that enables them to have access to needed programs and services, including transportation after hours and on weekends;

(7) insure that the transportation system is licensed by a State agency; that a current State inspection report is available; that all drivers are trained and licensed; that adequate insurance coverage, including collision, comprehensive, and liability, is in force; that overloads are not permitted; and that transportation provided is adapted to the special needs of the persons receiving such service; and

(8) compile data concerning persons denied or excluded from services because of their unique mobility needs.

Subpart 3—Community Organization

PURPOSE

SEC. 299L. The service delivery system shall be so organized that each person has services available at the time of need, and in close proximity to his or her home. One agency or facility in the service delivery system shall be responsible for implementing a systematic method of collecting data useful for planning and coordinating activities, and shall make available to other facilities and agencies current information on the resources available in the community for

serving mentally retarded and other developmentally disabled persons.

RESOURCE INFORMATION AND DATA DOCUMENTATION SERVICES

SEC. 299M. (a) A resource information service shall be established by the agency identified in section 299H to compile and disseminate current and complete listings of all appropriate resources, referred procedures, and other pertinent information. A data documentation service shall be established by the same agency to collect and disseminate data that is useful for planning and coordinating activities.

(b) Within each community a single agency shall provide a centralized resource information and data documentation service.

(c) Each community whose facilities and agencies receive assistance under this Act shall—

(1) maintain a resource information service which shall be an easily identified point of contact for professionals and agencies seeking assistance, and which shall:

(A) maintain a current directory of local resources;

(B) have directories of regional and State agencies and facilities serving the local area;

(C) have standing procedures for obtaining, cataloging, and updating information concerning resources and services;

(D) have written policies describing minimum standards for services to which referrals are made;

(E) have regularly followups on its referrals to determine if they were completed, and if they were appropriate to the request for assistance;

(F) analyze referral requests quarterly to determine changing needs and programs, and provide feedback for planning and coordinating purposes;

(G) actively disseminate information about activities, so as to facilitate the resources information and referral activities of other agencies and facilities;

(H) work with other agencies and facilities to improve resource information and referral services;

(I) make materials available for inservice training and community education; and

(J) provide consultation services to support community organization activities;

(2) maintain a data documentation service which shall coordinate its activities with those of other data collection agencies, so as to minimize duplication of effort and encourage the use of standardized reporting systems, and which shall:

(A) collect data at least yearly from all agencies and facilities in the service delivery system;

(B) provide consultation to local agencies in the design of agency reporting systems;

(C) disseminate data for community education and social action programs;

(D) regularly categorize the reasons that persons are rejected for service, and report this information to planning and coordinating bodies as a means of stimulating program modification and development;

(3) work with other agencies in the service delivery system to develop a continuum of services to meet all the needs of the disabled; and

(4) participate in a regular, at least annual, review of the service delivery system that includes, but is not liimted to, an analysis of:

(A) the design of system and agency approaches to solving problems;

(B) joint efforts among agencies and facilities to resolve problems in providing services;

(C) the need for integration of ongoing programs within the system;

(D) the identification and resolution of conflicting policies and practices;

(E) the identification and resolution of unnecessary duplication or uneven distribution of services;

(F) the need for simplification and combination of administrative, operational, and funding procedures;

(G) the coordination of data collection and the use of data to study the characteristics and needs of the community; and

(H) the development of standards for personal selection and performance, and for program evaluation.

COORDINATION

SEC. 299N. (a) Coordination means the process of bringing together all necessary resources in the appropriate sequence in order to accomplish a given objective. Coordination involves initiating, sustaining, and interrelating the various parts of the service delivery system.

(b) Each facility and agency receiving assistance under this Act shall—

(1) have a written statement that clearly defines its role and function within the service delivery system;

(2) have a directory of all other resources and services within the service delivery system;

(3) have cooperative agreements with other components of the service delivery system; and

(4) have established and written procedures for coordination with other components of the service delivery system, including procedures for coordinated planning of services with other agencies, referrals of persons to other agencies, and follow-up referrals.

AGENCY ADVOCACY

SEC. 299O. (a) Agency advocacy means a social action program in which an agency acts to support and safeguard the rights and interests of disabled persons.

(b) Each facility and agency receiving assistance under this Act shall—

(1) participate, where appropriate, with a coalition of other agencies in developing a coordinated plan for agency advocacy, and such a plan shall identify communitywide problems that confront disabled persons and their families, methods for resolving problems within the service delivery system, and strategies for resolving legal or legislative problems that compromise the rights and privileges of disabled persons;

(2) periodically, or as the need arises, make its findings and recommendations known to the public and to appropriate governmental bodies; and

(3) encourage and demonstrate the participation of persons served, their families, and their advocates.

COMMUNITY EDUCATION AND INVOLVEMENT

SEC. 299P. (a) Community education and involvement means an active program of ready, open, and honest communication with the public, aimed at creating community awareness of the needs of mentally retarded and other developmentally disabled persons, and at stimulating social action to meet those needs.

(b) Each facility and agency receiving assistance under this Act shall—

(1) conduct an ongoing community education program that is designed to create community awareness and acceptance of mentally retarded and other developmentally disabled persons, focusing specific attention on understanding the general and special needs of disabled persons, and on the right of disabled persons to participate in the mainstream of community life;

(2) establish a fixed point for collecting and disseminating information and have procedures for disseminating such information during a crisis;

(3) participate in making the community aware of the causes of mental retardation and other developmental disabilities;

(4) educate the general public concerning community programs that are available and needs that remain unmet;

(5) educate the community by employing a variety of techniques such as brochures on services currently provided, fact sheets describing program components, newsletters, audiovisual materials, a speakers bureau, program presentations, meetings, and seminars, school and college class presentations, a total media publicity program, including press releases, staff interviews, and consumer interviews, and a library and bibliography of books and publications for staff, families, and the general public;

(6) identify, and conduct informational sessions for, special audiences, such as public officials;

(7) conduct educational sessions for public and private officials on the advantages of normalized living arrangements for disabled persons, to promote the adoption of zoning ordinances that promote normalization, and licensing standards that promote normalization; and

(8) promote community involvement by methods that include, but are not limited to:

(A) using volunteers in the community education program;

(B) involving citizens in writing and contacting their legislators in support of needed legislation;

(C) sponsoring special events that appeal to broad community interests in support of program needs;

(D) conducting activities that express and recognize citizen support of program needs;

(E) recognizing community leaders for their participation in and support of new program developments;

(F) encouraging fraternal, civic, and social organizations to support programs for mentally retarded and other developmentally disabled persons; and

(G) encouraging organizations to invite mentally retarded and other developmentally disabled persons to become members, and to participate in activities with their peers.

PREVENTION

SEC. 299Q. (a) Prevention means the process of arranging forces in the society so as to mitigate or eliminate those factors which contribute to mental retardation or other developmental disabilities.

"(b) Each agency or facility receiving assistance under this Act shall—

(1) maintain current information concerning preventive services available in the community, including information necessary to make referrals;

(2) insure that preventive services are readily accessible to any family, regardless of the family's ability to pay for such services;

(3) make provisions for providing or procuring preventive services for all conditions known to entail risk of mental retardation or other developmental disability;

(4) have provisions for ongoing child health programs, including immunization, screening, regular assessment of physical and mental health, and periodic assessment of development;

(5) insure that highly specialized preventive services, such as genetic screening and counseling, are available, at least on a regional basis; and

(6) insure that services are offered to those who are not aware of their problems, or who are unaccustomed to asking for help;

(7) include current information concerning prevention in orientation and inservice training programs for staff;

(8) participate where appropriate, with a coalition of other agencies in implementing communitywide preventive activities;

(9) provide opportunities for young people and parents to learn about child develop-

ment and child rearing, designed to enable participants to understand children by appreciating the various stages of child development, and develop ability and confidence in child rearing;

(10) undertake preventive activities in environmental areas including; amelioration of conditions that adversely affect health, amelioration of social and racial discrimination, reduction of cultural conflicts, and working to make community resources accessible to those who need them;

(11) undertake biomedical preventive activities including: immunization programs that comply with standards established by the American Academy of Pediatrics, voluntary detection or screening programs for infections, voluntary detection or screening programs for endocrine and metabolic disorders, comprehensive health care programs for all women of childbearing age, family planning services, comprehensive prenatal care programs (including nutrition education and services, detection of abnormalities of the placenta and of blood group incompatibilities, and precautions to reduce complications due to radiation, medication, and drug abuse), and comprehensive natal and neonatal care programs to reduce risks due to mechanical, infectious, endocrine, metabolic, neurologic, and nutritional factors, and to toxic drugs; and

(12) undertake special preventive services including genetic screening and counseling and accident prevention and safety programs.

MANPOWER DEVELOPMENT

SEC. 299R. (a) Manpower development means the cooperative process through which the agencies in a community strive to assure the availability of an adequate present and future supply of qualified personnel to work in programs providing services to mentally retarded and other developmentally disabled persons.

(b) Each facility and agency receiving assistance under this Act shall cooperate with other agencies to assure the availability of an adequate present and future supply of qualified personnel through activities such as:

(1) establishing working relationships between agencies and nearby colleges and universities to,

(A) make credit courses, seminars, and workshops available to agency staff, in accordance with their needs, and as related to their occupations,

(B) make agency resources available for training and research, while maintaining the primary goal of serving mentally retarded or other developmentally disabled persons,

(C) permit exchange of staff between agencies and colleges or universities for teaching, research, and consultation,

(D) allow students to visit and observe agency programs, and

(E) allow students to participate in field placements that are supervised by agency staff;

(2) establishing working relationships with other nearby manpower training centers to,

(A) provide follow-up and feedback regarding the effectiveness of training programs,

(B) identify new manpower training needs, and

(C) evaluate manpower training programs yearly; and

(3) participating in training programs conducted by university affiliated facilities, where available.

VOLUNTEER SERVICES

SEC. 299S. (a) Volunteer services means an organized and carefully supervised activity in which the varied skills of unpaid personnel are utilized to support and supplement the efforts of paid agency staff.

(b) Each agency or facility receiving assistance under this Act shall—

(1) use volunteers to support and supplement the activities of its paid staff;

(2) follow established written policies concerning recruitment, selection, training, assignment, supervision, evaluation, recognition, and separation of volunteers,

(3) insure that volunteer participation is open to all persons regardless of sex, race, creed, age, or national origin;

(4) insure that volunteer participation complies with all appropriate State and Federal laws, including those relating to labor and insurance;

(5) insure that volunteer services are available to all persons served, regardless of age, ability, or handicap;

(6) designate a staff member to be responsible for conducting the volunteer services program who shall have education or experience in the administration of volunteer services, devote sufficient time to the administration of the program, in accordance with its size, and have the same relationship to volunteers as a personnel officer has to paid employees;

(7) maintain accurate records concerning volunteer services, including, but not limited to the types, hours, and results of volunteer services provided, individuals and organizations providing services; materials and moneys received, and operational expenditures; and

(8) provide a volunteer services advisory committee, composed of representatives from the agency, the consumer population and the community, plans, reviews, and recommends improvements in the volunteer program.

Subpart 4—Program Evaluation

PROGRAM EVALUATION

SEC. 299T. (a) Program evaluation means a process in which program outcomes are measured against the previously stated goals and objectives of the agency.

(b) Each agency or facility receiving assistance under this Act shall—

(1) have a written statement of its goals and objectives, insuring that such objectives are related to the objectives of the service delivery system of which the agency is a part, and to the identified needs of the population served by such service delivery system, and that such objectives define the population to be served, the services to be provided, and the modalities to be utilized in providing these services;

(2) periodically, and at least annually, evaluate its performance against its stated goals and objectives, including in such evaluation assessment of the agency's objectives, the relation of the agency's objectives to the objectives specified in the individual program plans, agency program standards, program methodologies, staff performance, staffing requirements;

(3) provide for staff, persons served and family involved in the evaluation process;

(4) measure the effectiveness of its programs and services in terms of the progress of persons served toward the objectives specified in their individual program plans;

(5) have procedures for continuous monitoring of the person's progress toward the objectives stated in his individual program plan;

(6) provide in its evaluation process mechanisms for the consequent review and modification of objectives, policies, and practices;

(7) insure where cooperative efforts among agencies are designed to achieve a common goal, provide that services are evaluated cooperatively and in relation to one another;

(8) have evidence of its cooperative efforts with other agencies to develop a continuum of services to meet all of the needs of mentally retarded and other developmentally disabled persons; and

(9) insure that the number of persons served by agencies in the service delivery system is consistent with the needs for service, as determined by a survey of community needs;

(10) insure that appropriate alternatives and options exist within the system to meet the varied needs of mentally retarded and other developmentally disabled persons; and

(11) provide its funding sources with qualitative evidence of accomplishments and shortcomings in relation to its stated goals and objectives, documenting its efforts to facilitate maximum coordination among its funding sources with respect to licensing requirements, required reports, accountability requirements, and delays between approval and receipts of funds.

Subpart 5—Research and Research Utilization

RESEARCH AND UTILIZATION

SEC. 299U. (a) Research means a systematic and detailed attempt to discover or confirm facts relating to the problems associated with mental retardation and other developmental disabilities. Research utilization shall include the dissemination of research findings and the use of such findings to improve services to and for mentally retarded and other developmentally disabled persons.

(b) Each agency and facility receiving assistance under this Act shall—

(1) indicate in its statement of purposes whether or not the agency will engage in research activities;

(2) provide a written policy concerning the purpose and conduct of all research involving the agency's staff, persons served, or services;

(3) consult agency staff members regarding the development of research efforts in their areas of competence and interest, and make available to staff members who have identified researchable problems, and who are equipped by interest and training to conduct applied or basic research opportunities, resources, and other necessary research assistance and insure that an agency staff member is assigned to provide liaison with each research project conducted by outside investigators.

(4) establish an interdisciplinary research committee that includes both agency staff members and qualified persons who are not members of the agency's staff who shall be qualified by training and experience to conduct initial and continuing reviews of research projects; and such committee shall review all proposed studies to insure adequacy of research design, implementation of ethical standards in the design, and compliance with the regulations published by the Department of Health, Education, and Welfare, maintaining a continuing review of all research activity;

(5) establish a human rights committee to assure that the rights and welfare of research subjects are protected, and such committee shall include disabled persons or their representatives, and relevantly qualified professionals who are not involved in the research project under review; and the committee shall insure that informed consent is obtained by adequate and appropriate methods, that methods for obtaining informed consent are reviewed at least annually, and that disabled persons are not used as a captive source of research subjects for purposes unrelated to their specific welfare, unless they or their families have agreed to the research, and the research is in no way detrimental to their welfare;

(6) provide procedures for obtaining informed consent that include:

(A) a fair explanation of the procedures to be followed, including an identification of those that are experimental;

(B) a description of the attendant discomforts and risks;

(C) a description of the benefits to be expected;

(D) a disclosure of appropriate alternative

procedures that would be advantageous for the subject;

(E) an offer to answer any inquiries concerning the procedures; and

(F) an instruction that the subject is free to withdraw his or her consent and to discontinue participation in the project or activity at any time;

(7) insure that the written or oral agreement entered into by the subject includes no exculpatory language through which the subject is made to waive, or appear to waive, any of his or her legal rights, or to release the agency or its agents from liability for negligence;

(8) insure that the individual conducting research involving human subjects is affiliated with or sponsored by an agency that can and does share responsibility for the protection of the subjects involved;

(9) provide appropriate guidelines to deal with any emergency that may develop, even in the course of seemingly routine research activities;

(10) insure that investigators and others directly involved in research adhere to the ethical standards of their professions concerning the conduct of research and obtain informed consent from each subject, or have access to the record of informed consent;

(11) insure that the principal investigator of each completed research project is responsible for communicating to the staff of the agency the purpose, nature, outcome, and possible practical or theoretical implications of the research and that outside researchers have the same obligations relative to staff information and feedback as do agency staff members;

(12) insure that copies of reports resulting from research projects shall be maintained in the agency and that the agency assists in disseminating the results of its research to other units of the service delivery system, assuring that when research findings are made public, the anonymity of individual persons and parents is maintained;

(13) have a mechanism to review research findings external to the agency, and to implement those findings that will improve the quality of services being provided; and

(14) cooperate with programs of research and research training that are conducted by colleges, universities, and research agencies, or by other qualified investigators.

Subpart 6—Records

RECORDS

SEC. 299V. (a) The person's record is a compilation of data that provides the basis for planning and evaluating his or her individual program plan; that provides a means of communications among all staff members who are involved in implementing that plan; that furnishes evidence of the person's progress; that serves as a basis for review and evaluation of the agency's programs; that assists in protecting the legal rights of the person, the staff, and the agency; and that provides data for use in research and education.

(b) The establishment and maintenance of a functional records system shall be an essential activity of each community service program. Records shall document the services provided the person, and any action taken in his or her behalf, contacts with persons who were rejected for service, or who were referred to other agencies, shall be available to parents and persons served upon demand, and shall record only objective data and observable behaviors.

(c) Each facility and agency receiving assistance under this Act shall—

(1) insure that a record is maintained for each person that is adequate for:

(A) developing and continuously evaluating the individual program plan;

(B) providing a means of communication among all persons contributing to the individual program plan;

(C) recording progress in achieving the objectives specified in the individual program plan;

(D) serving as a basis for review, study and evaluation of the programs provided by the agency for its patients;

(E) protecting the legal rights of the person, agency, and staff; and

(F) providing data for use in research and education;

(2) insure that all information pertinent to the above stated purposes is incorporated in the person's record in sufficient detail and clarity to enable those persons involved in implementing the individual program to provide effective, continuing services, and insure that all entries in the record are legible, dated, authenticated by the signature and identification of the person making the entry, to the extent possible, written in nontechnical terms, and include symbols and abbreviations only if they are in a list approved by the agency's chief executive officer, and if a legend understood by the staff is provided to explain them;

(3) assist the family in establishing and maintaining a record to document its role plan;

(4) insure that the person's record shall be available to the family and that person upon demand;

(5) insure that the following information shall be obtained and entered in the person's record at the time of entry to the program:

(A) name, date of initial conduct, date of birth, citizenship status, marital status, and social security number;

(B) sex, race height, weight, color of hair, color of eyes, identifying marks, and recent photograph;

(C) name and address of parents, legal guardian, advocate, and/or next of kin;

(D) reason for entry, referral, or rejection;

(E) legal competency status;

(F) language spoken or understood;

(G) sources of support, including social security, veterans' benefits, and insurance;

(H) information relevant to religious affiliation;

(I) reports of previous histories, evaluations, or observations;

(J) age at onset of disability;

(K) name and address of family physician or health facility providing medical care; and

(L) medication history;

(6) insure that within the period of three months after initial contact, there shall be entered in the person's record:

(A) a report of the review and updating of the entry information;

(B) a statement of short-term goals that can be used for programing and placement;

(C) a comprehensive assessment and individual program plan, designed by an interdisciplinary team; and

(D) when possible, a diagnosis based on the American Association on Mental Deficiency (AAMD) Manual on Terminology and Classification in Mental Retardation; the Diagnostic and Statistical Manual of Mental Disorders, second edition (DSM–II), published by the American Psychiatric Association; or another accepted standard nomenclature;

(7) insure that record entries during the period of service shall include:

(A) reports of regular and specific reviews and evaluations of the individual program plan;

(B) observations of response to the individual program plan, recorded with sufficient frequency to enable evaluation of its efficiency;

(C) records of significant behavior incidents;

(D) records of agency contacts with the person's family or guardian;

(E) records of services provided, and attendance;

(F) periodic updating of the information recorded at the time of initial contact;

(G) appropriate authorizations and consents; and

(H) medication response profile;

(8) insure that a discharge summary shall be entered in the record within seven days after the time of termination of agency services, which shall include—

(A) a brief recapitulation of findings, events, and progress during the period of service;

(B) specific recommendations and arrangements for future programing and follow along services; and

(C) the agency's evaluation of the appropriateness of the reason for terminating agency services, when termination is contrary to the agency's recommendation;

(9) insure that all information contained in the person's record, including information contained in an automated data bank, shall be privileged and confidential, including assurances that—

(A) the agency shall be responsible for safekeeping of any record, and for securing it against loss or use by unauthorized persons;

(B) the record may be removed from the agency's jurisdiction and safekeeping only in accordance with court order, subpena, or statute;

(C) there shall be written policies governing access to, duplication of, and dissemination of information in the record;

(D) information in the record may be released only after the requesting individual or agency clearly documents the need to know; and

(E) written account of the person or his or her family shall be required for the release of information to persons not otherwise authorized to receive it;

(10) maintain an organized record system for the collection and dissemination of information regarding persons served, which is compatible with an existing community or State system; contains all information pertaining to the person; where particular professional services require the maintenance of separate records, includes a summary of the information entered in the person's unit record; and readily accessible to authorized personnel; are periodically reviewed to assure that they are current and complete, and that they meet agency, community or State standards; include a master index of all persons seen by the agency; and are retained for a reasonable period of time as specified by the agency;

(11) insure that statistical information includes at least the following:

(A) number of persons served by age group, sex, race, and place of residence;

(B) number of persons served by level of retardation, according to the American Association on Mental Deficiency classification;

(C) number of persons served by level of adaptive behavior, according to the American Association on Mental Deficiency classification;

(D) number of persons with physical disabilities;

(E) number of persons served who are ambulatory, mobile nonambulatory, and nonmobile;

(F) number of persons with sensory defects;

(G) number of persons with communication handicaps;

(H) number of persons with convulsive disorders;

(I) number of persons with emotional and behavioral problems;

(J) number of persons served by etiological diagnoses, according to the American Association on Mental Deficiency Manual on Terminology and Classification in Mental Retardation; the Diagnostic and Statistical Manual of Mental Disorders, second edition, pub-

lished by the American Psychiatric Association; or another accepted standard nomenclature;

(K) number of persons with multiple disabilities, inclusive of numbers listed separately in preceding categories;

(L) movement of persons into, out of, and within the agency; and

(M) length of service; and

(12) insure that data is reported to appropriate community, State, and Federal agencies as required.

Subpart 7—Administration

PHILOSOPHY, POLICIES, AND PRACTICES

SEC. 299W. (a) Administration means that segment of an agency that determines its mission and purpose, and that is responsible for planning, organizing, directing, controlling, and coordinating the activities of the organization.

(b) Each agency or facility receiving assistance under this Act shall—

(1) have a written statement of philosophy that stipulates its mission, purpose, and role in the service delivery system:

(A) Copies of this statement shall be distributed to agency staff and shall be available to persons served, consumer representatives, and the interested public;

(2) insure that the ultimate aim of the agency is to foster those behaviors that maximize the human qualities of the disabled person, increase the complexity of behavior, and the enhance ability to cope with the environment:

(A) the agency shall accept and implement the principle of normalization, defined as the use of means that are as culturally normative as possible to elicit and maintain behavior that is as culturally normative as possible, taking into account local and subcultural differences; and

(B) the agency's philosophy and goals shall require the use of the least restrictive alternatives that are consistent with the developmental needs and objectives of its clients;

(3) facilitate integration by seeking to make generic services accessible to the consumer population when appropriate to its needs;

(4) insure that the agency and its service delivery unit shall be located within, and shall be conveniently accessible to, the population served;

(5) regulate its services and resources to those of all other agencies in its community;

(6) have a written statement of policies and procedures concerning the rights of the consumer population that;

(A) assures the civil rights of all persons;

(B) is in accordance with the Declaration of General and Special Rights of the Mentally Retarded of the International League of Societies for the Mentally Handicapped;

(C) is in accordance with the Bill of Rights for the Handicapped published by the United Cerebral Palsy Associations;

(D) is in accordance with the Bill of Rights adopted by the National Association for Autistic Children; and

(E) defines the means of making legal counsel available to persons, for the protection of their rights;

(7) have a written statement of policies and procedures that protect the financial interests of its consumer population and that provide for:

(A) determining the financial benefits for which consumer population are eligible; and

(B) assuring that consumer population receive the funds for incidentals and for special needs (such as specialized equipment) that are due them under public and private support programs;

(8) have evidence that the views and opinions of the person on matters concerning him or her are elicited and given consideration in defining the processes and structures that affect the person, unless the person is clearly unable to communicate in any way:

(A) The agency shall have written procedures for the appeal of agency decisions by a person or his or her family; and

(B) The agency shall have written procedures for notifying a person's family in the event of an emergency;

(9) have a waiting list policy and procedure that specifies the interim services to be provided persons who have not been admitted to programs. The agency shall provide assisted referral services to any persons upon request.

(10) require that services provided its consumer population by other agencies meet the standards for quality of services as stated in this title, and all contracts for the provision of such services stipulate that these standards shall be met.

(11) insure that residential services provided by the agency comply with the Standards of title II of this Act.

(12) have documentary evidence of its source of operating authority:

(A) A public agency shall have documents that describe the administrative framework of the governmental department in which it operates;

(B) A private agency shall have documents that include its charter, its constitution and bylaws, and, where required, its state license.

(13) insure that the governing body of the agency shall exercise general direction and shall establish policies concerning the operation of the agency and the welfare of the clients served:

(A) If the governing body is a board:

(i) its members shall visit all program components of the agency during operating hours; and

(ii) the agency shall provide orientation and training for new members.

(14) insure that the governing body shall establish a job description for the position of chief executive officer, including appropriate qualifications of education, experience, personal factors and skills:

(15) insure that the governing body employs a chief executive officer so qualified, and delegates to him or her authority and responsibility for the management of the affairs of the agency in accordance with established written policy. Procedures shall provide for the designation of an individual to be in charge of the agency when the chief executive officer is not available.

(16) provide for meaningful and extensive consumer and public participation in the development of agency policies, through the following means:

(A) If the agency has a governing board, its members include consumers and/or their representatives, interested citizens, and relevantly qualified professionals presumed to be free of conflicts of interest;

(B) If the agency does not have a governing board, its governing body actively seeks advice from an advisory board composed as described above; and

(C) The agency shall provide for periodic peer review, or consumer advisory committee assessment, of agency practices and services, including services provided by other agencies that support those provided by the agency itself.

(17) be administered and operated in accordance with sound management principles. The type of administrative organization of the agency shall be appropriate to the program needs of its consumers. The agency shall have a current table of organization that shows the governance and administrative pattern of the agency. The organization shall provide effective channels of communication in all directions.

(18) have a policies and procedures manual that describes the current methods, forms, processes, and sequences of events that are utilized to achieve its objectives and goals. These policies and procedures shall be:

(A) consistent with the needs of the agency's consumers;

(B) consistent with the agency's philosophy and objectives;

(C) consistent with currently accepted theories, principles, and goals;

(D) consistent with the resources available; and

(E) applicable to all services provided.

(19 have copies of the laws, rules, and regulations that are relevant to its functions.

(20) have implemented a plan for a continuing management audit to insure that:

(A) effective implementation of its stated policies and procedures; and

(B) compliance of its policies and procedures with laws and regulations.

(21) have a written plan for improving the quality of staff and services that reflects the staff's programmatic responsibilities in establishing and maintaining standards for services to clients:

(A) Each program component of the agency shall be licensed by the appropriate State agency; and

(B) The services of consultants not directly associated with the agency shall be available to the staff of each program.

(22) provide for effective staff and consumer participation and communication in the following ways:

(A) Staff meetings shall be held regularly;

(B) Standing committees appropriate to the agency shall meet regularly;

(C) Committees shall include client participation whenever appropriate;

(D) Minutes and reports of staff meetings and of standing and ad hoc committee meetings, including records of recommendations and their implementation, shall be kept and filed;

(E) Summaries of the minutes and reports of staff and committee meetings shall be distributed to participants and to appropriate staff members; and

(F) Summaries of the minutes and reports of governing board meetings shall be distributed to staff and to consumer representatives.

(23) have a sufficient number of appropriately qualified and adequately trained personnel to conduct its programs in accordance with the standards specified in this title.

(24) provide space, equipment, and an environment that is appropriate and adequate for conducting its program in accordance with the standards specified in this title.

(25) insure that funds are budgeted and spent in accordance with the principles and procedures of program budgeting:

(A) The fixed and incremental costs for adequate programing for the person shall be recorded;

(B) The budget requests submitted by the agency shall reflect its program needs, as developed by its staff;

(C) The budget requests submitted by the agency shall be documented and interpreted;

(D) Budget performance reports shall be prepared at appropriate intervals and shall be submitted to those staff and governing board members who participate in budget and management responsibilities; and

(E) There are provisions for rebudgeting of funds in accordance with changing program needs;

(26) insure that individuals acting on the agency's budget requests (such as board members, State budget officials, and members of appropriations committees) shall have firsthand knowledge of its operation and needs, obtained by regular visitation and observation of its programs;

(27) insure that a full audit of the agency's fiscal activities is performed annually

by a qualified accountant independent of the agency;

(28) insure that fiscal reports are prepared annually and communicated to the agency's public;

(29) insure that there are written purchasing policies regarding authority and approvals for supplies, services, and equipment;

(30) have insurance that includes, but is not limited to, insurance against public and professional liability, fire, theft, and disaster;

(31) provide that charges for services shall have a written schedule of rates and charge policies that is available to all concerned;

(32) insure that fundraising activities comply with local and State laws and with applicable ethical practices.

(33) insure that adequate services for personnel administration shall be provided by means appropriate to the size and function of the agency;

(34) provide a statement of its personnel policies and practices which insures:

(A) the hiring, assignment, and promotion of employees shall be based on their qualifications and abilities, without regard to sex, color, creed, age, irrelevant disability, marital status, ethnic or national origin, or membership in an organization;

(B) there shall be written job descriptions for all positions;

(C) personnel shall be licensed, certified, or registered as required by the State in which the agency is located;

(D) paraprofessional personnel shall be supervised by qualified and licensed, certified, or registered supervisory personnel;

(E) each professional staff member shall be familiar with and shall adhere to the code of ethics and standards of practice promulgated by his or her professional organization;

(F) all personnel shall be medically determined to be free of communicable and infectious diseases at the time of employment and annually thereafter. All personnel shall undergo a medical examination at the time of employment and annually thereafter;

(G) all employees shall be appointed for a limited probationary period in order to determine if they are capable of fulfilling the specific requirements of their jobs;

(H) each employee shall be evaluated at least annually after the initial trial period. The evaluation shall be:

(i) reviewed with the employee; and

(ii) recorded in the employee's personnel record;

(I) there shall be an authorized procedure, consistent with due process, for suspension or dismissal of an employee for cause;

(J) methods of improving the welfare and security of employees shall include:

(i) a merit system or its equivalent;

(ii) a salary schedule covering all positions;

(iii) effective grievance procedures;

(iv) provisions for vacations, holidays, and sick leave;

(v) provisions for health insurance and retirement;

(vi) permitting employee organizations;

(vii) opportunities for continuing educational experiences, including educational leave; and

(viii) provisions for recognizing outstanding contributions to the agency;

(K) a statement of the agency's personnel policies and practices shall be provided to all its employees;

(35) develop with each consultant, professional, and paraprofessional staff member a performance description of his or her assigned duties. Each performance description shall include, but not be limited to:

(A) the staff member's accountability for accomplishing mutually determined objectives;

(B) the staff member's role in implementing individual program plans;

(C) the development of outcome measures to evaluate the staff member's performance;

(D) specified performance evaluation techniques; and

(E) a signal performance description agreement between the agency and the staff member;

(36) provide a written statement of the agency's policies and procedures for handling cases of neglect or abuse of its clients. Alleged violations shall be reported immediately:

(A) all alleged violations shall be thoroughly investigated, using specified investigation procedures;

(B) at least preliminary results of such investigations shall be reported to the chief executive officer, or his or her designated representative, within twenty-four hours of the report of the incident;

(C) the results of the investigation shall be recorded in the employee's personnel record; and

(D) sanctions shall be involved when an allegation is sustained;

(37) Staff shall be sufficient so that the agency is not dependent upon the use of the consumer population or volunteers for productive services. There shall be a written policy for protecting persons from exploitation when they are engaged in training and productive work. Persons who function at the level of staff in occupational or training activities shall have the same privileges as staff, and be paid at the same legally required wage level when employed in other than training situations;

(38) insure that a staff development program is provided that includes:

(A) orientation for all new employees to acquaint them with the philosophy, organization, program, practices, and goals of the agency;

(B) induction training for each new employee, so that his or her skills in working with the consumer population are increased;

(C) inservice training for employees who have not achieved the desired level of competence, and opportunities for continuous inservice training to update and improve the skills and competencies of all employees;

(D) supervisory and management training for all employees in, or candidates for, supervisory positions;

(E) training programs designed to facilitate an increase in personal effectiveness, as well as lateral and upward movement;

(F) emphasis on interdisciplinary training programs;

(G) studies to assess the training needs of the staff; and

(H) participation of appropriate staff in staff development programs; and

(39) insure that provision is made for all staff members to improve their competencies by:

(A) attending staff meetings;

(B) attending seminars, conferences, workshops, and institutes;

(C) attending college and university courses;

(D) visiting other agencies and facilities;

(E) participating in professional organizations;

(F) conducting research;

(G) publishing studies; and

(H) having access to a professional library.

(40) If the agency provides food services, provide a written statement of goals, policies, and procedures that:

(A) shall govern all food service and nutrition activities;

(B) shall be in compliance with State and local regulations;

(C) shall provide for a planned, nutritionally adequate diet;

(D) shall contain provisions for feeding persons who have special needs, and for the development of self-feeding skills, including attention to such matters as the texture of food and needs for special diets, feeding techniques, and equipment;

(E) shall be prepared by, or with the assistance of, a nutritionist or dietitian;

(F) shall be reviewed regularly by the nutritionist or dietitian; and

(G) shall be distributed to agency personnel;

(41) Persons with special eating disabilities are provided with an interdisciplinary approach to the diagnosis and remediation of their problems, consistent with their developmental needs;

(42) Provide when food services are not directed by a nutritionist or dietitian, that regular consultation with a nutritionist or dietitian shall be documented; and

(43) Provide that copies of the daily menu shall be posted; and kept on file for at least thirty days.

(44) Insure that the requirements of the National Fire Protection Association Life Safety Code, shall be met, with specific reference to the following:

(A) provision of adequate and alternate exits and exit doors;

(B) provision of exit markings at each exit;

(C) provision of exit ramps, with nonskid surface and slope not exceeding one foot in twelve; and

(D) provision of handrails on stairways;

(E) There shall be records that document compliance with the regulations of the State or local fire safety authority that has primary jurisdiction over the agency;

(F) Aisles and exits shall be free from all encumbrances, and floors shall be uncluttered;

(G) Flammable materials shall be properly stored and safeguarded; and

(H) There shall be records of periodic fire safety inspections and reports;

(45) insure that records that document compliance with the sanitation, health, and environmental safety codes of the State or local authority having primary jurisdiction over the agency:

(A) Written reports of inspections by State or local health authorities shall be kept on file; and

(B) Handwashing facilities shall be available in, or immediately adjacent to, all restrooms, kitchens, and treatment rooms;

(46) have evidence that it is aware of the provisions of the Occupational Safety and Health Act of 1970;

(47) insure that insurance company written inspection reports and records are kept on file;

(48) have a written staff organization plan and written procedures, that are communicated to the staff and reviewed by the staff annually, for meeting all potential emergencies and disasters, such as fire, severe weather, and missing persons:

(A) the plan and procedures shall be posted at suitable locations throughout the agency;

(49) insure that evacuation drills are held at least quarterly for each shift of agency personnel, and under varied conditions and the results of each drill shall be recorded;

(50) insure that all buildings and outdoor recreation facilities after December 31, 1974, are accessible to, and usable by, the nonambulatory, and shall meet all applicable specifications for making buildings accessible to, and usable by, the physically handicapped;

(A) All existing buildings and outdoor recreation facilities shall be modified so as to conform to the above requirements not later than December 31, 1979; and

(B) Existing facilities shall provide,

(i) Entrance ramps wide enough for wheelchairs, not exceeding a rise of one foot in twelve, with non-slip surfaces, and with rails on both sides,

(ii) Doorways and corridors wide enough for wheelchairs, and

(iii) Grab bars in toilet and bathing facilities; and

(51) use paint that is lead free and insure that old paint and plaster containing lead shall be removed or covered in such a manner that it is not accessible to any person.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The ACTING PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

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

Mr. RANDOLPH. Mr. President, 18 months ago, on behalf of the Subcommittee on the Handicapped, I requested the General Accounting Office to conduct a full review of the developmental disabilities program. In January of this year, we received a two-volume report from the GAO which dealt with Public Law 91–517, the Developmental Disabilities Services and Facilities Construction Act of 1970. The subcommittee took testimony from more than 30 witnesses and officials of the Department of Health, Education, and Welfare. After careful study of the GAO report and review of the testimony and statements of the witnesses, we have what the members of the Committee on Labor and Public Welfare unanimously agree is a comprehensive bill.

This legislation has been a joint effort; I commend Senators JAVITS, KENNEDY, STAFFORD, CRANSTON, and WILLIAMS for their continuing vigorous commitment to activities of our subcommittee.

This bill focuses on a program to assist States in developing a comprehensive plan which will bring together all of the resources available in a coordinated way so the developmentally disabled individuals are appropriately served. Our goals are to plan for and eventually provide emphasis on careful planning and evaluation. This legislation provides many changes in the programs and the way they are administered.

These changes include:

ADMINISTRATION

The Division of Developmental Disabilities will be moved from the Social and Rehabilitation Service into the Office of the Secretary of the Department of Health, Education, and Welfare. This recommendation has received the support of officials in the Department of Health, Education, and Welfare. We are pleased that they have agreed that this program should be placed in an administrative unit which focuses on planning and evaluation. This will assure the expertise the Secretary will require to develop an evaluation system to serve as a model which States may use to adapt to their own needs as they develop individual evaluation systems.

DEFINITION

Developmental disabilities are presently identified and limited to those suffering from mental retardation, cerebral palsy, or epilepsy. In the opinion of many in the professional community, the original definition omitted a large number of persons who were, in fact, developmentally disabled and who could greatly benefit from the planning and its resulting services mandated by this legislation. Therefore, S. 3378 would broaden the definition to include autism and specific learning disabilities. The committee has retained other existing requirements that first, the disability must originate before age 18; second, it must continue indefinitely; and third, it must constitute a severe handicap to the individual.

CONSTRUCTION, RENOVATION, AND MODERNIZATION

Funds for construction are to be used for the renovation and modernization of facilities in order to bring those facilities into compliance with standards developed pursuant to the Architectural Barriers Act of 1968.

SATELLITE CENTERS

There are several new approaches to improving the developmental disabilities program. Perhaps one of the most innovative ideas, proposed by the ranking minority member of the subcommittee, Mr. STAFFORD of Vermont, is the development of an outreach program by the university affiliated facilities—UAF's. This will be accomplished by the development of satellite centers by those UAF's which were constructed under Public Law 88–164. These satellite centers would provide a communication and support system which would make the knowledge, skills, and resources of UAF's available to urban and rural areas. It is hoped that satellite centers will be developed upon a base of existing services which would enable the funds to be used for expansion rather than initiation of clinical service programs. However, if a State does not have an existing, nonprofit clinical service program within a service agency which is appropriate for expansion, then Federal funds may be used for the initiation of new programs. This procedure takes advantage of a 10-year Federal investment in UAF's, eliminates duplication of efforts, and brings the highest quality services to developmentally disabled individudals at the community level.

NATIONAL COUNCIL

The National Council on Services and Facilities for the Developmentally Disabled must assume a more active role in the administration of this program. This can be accomplished by their working on planning and evaluation with the Secretary; together they will provide the thrust to make this program maximally affective. The expertise of the members of the National Council will be invaluable to the Secretary during the decision-making process on grants of national significance. These grants are the only discretionary funds allowed the Secretary; they are designed for projects of national scope which will provide a focus on issues which, first, cannot be attacked in a fragmented way and, second, are greater than one region or state could justify.

The National Council is for the first time placed in the Office of the Secretary and has designated members: the Deputy Commissioner of the Bureau of Education for the Handicapped, the Commissioner of the Rehabilitation Services Administration, the Administrator of the Social and Rehabilitation Service, the Director of the National Institute of Child Health and Human Development, the Director of the National Institute of Neurological Diseases and Stroke, the Director of the National Institute of Mental Health, the Assistant Secretary of the Office of Human Development, and three other representatives of the Department of Health, Education, and Welfare. At least 5 of the 16 civilian members shall be consumers of services for persons with developmental disabilities, or their parents or guardians.

STATE PLANNING COUNCILS

The State planning councils have been strengthened under this legislation in order to meet their greater responsibilities. Each council is to be appointed by the Governor. The committee has tried to develop a system by which the State planning councils can devote their time and energies to planning for the needs of the developmental disabilities community; this planning should take in the entire spectrum of relevant State and Federal programs. The burden of day-to-day administration of grants should not lies with the council, but with the State agency or agencies responsible for the expenditure of funds in accordance with a design for implementation which has been approved by the State planning council. In fact, the council is to act in a leadership advocacy and advisory role: to be responsible for the State plan, for the general direction and goals of the program, for the identification of gaps and of needs, and to provide the uniform planning authority that is needed for the maximum effective utilization of available resources.

STATE PLANS

The State plans, which are drawn up by each individual State Planning Council, must contain the following priorities and goals: First, to reduce and eventually eliminate inappropriate institutional placement; Two, to improve the quality of care and rehabilitation within institutions; Three, to provide early screening, diagnosis, and evaluation; Four, to provide counseling, program coordination, follow-along services, protective service, and personal advocacy; Five, to support establishment of community programs; Six, to protect the human rights of all persons with developmental disabilities; and Seven, to provide for interdisciplinary training programs for professional personnel. The requirements of the State plans make very clear the importance of coordinating existing services and planning for new community services to prevent the occurrence of developmental disabilities insofar as possible, to provide early diagnosis, treatment, and evaluation when the conditions are present, and finally to serve fully and adequately those persons who suffer from developmental disabilities.

TITLE II—BILL OF RIGHTS FOR THE MENTALLY RETARDED AND OTHER INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

This title is designed to establish minimum standards which residential and

community facilities and agencies must meet in order to protect the rights of those individuals needing services. These minimum standards—in parts C and D—are guided by the principal of normalization of persons with developmental disabilities—to enable these individuals to live as normal lives as possible. Part B provides alternative procedures and criteria which facilities and agencies may use in lieu of compliance with the detailed standards in parts C and D. It provides for individualized written habilitation plans, a program coordinator for each person served, a system of personal and protective advocacy, record keeping requirements, and such minimum standards as visiting rights, prevention of improper admission to a facility, regular review of a person's status and progress, prohibition of mistreatment, provision of training, promotion of normalization, provision of educational opportunity, and rehabilitation to the highest possible level of function.

Mr. President, the endeavors of the Subcommittee on the Handicapped, which I am privileged to chair, are directed toward legislation and oversight of issues affecting all handicapped persons. The substantive direction of our efforts is toward the goal of equal rights to all handicapped Americans. Legislation such as the Developmentally Disabled Assistance and Bill of Rights Act is one of the cornerstones to the construction of programs that will meet these goals.

I commend the staff of the Subcommittee on the Handicapped, the staff of the members of the committee, and the staff of the legislative counsel's office: Jack Andrews, Jay Cutler, Patria Forsythe, Mike Francis, Ann Hocutt, Dr. Larry Horowitz, Bob Humphreys, Danny Murray, Ellie Parker, Louise Ringwalt and Lisa Walker. The hours of research and study performed by them, in cooperation with representatives of national organizations for the handicapped, was the basis for this vitally needed bill.

Mr. STAFFORD. Mr. President, it is always a pleasure to work with the distinguished Senator from West Virginia (Mr. RANDOLPH) whose leadership in this field is well known.

Mr. President, I would like to share with my colleagues some of the items which I think are of immense importance to us as we look to providing the necessary services to the developmentally disabled community and all members of the handicapped community.

If my fellow Senators have had the time to read portions or all of the report prepared by the Rand Corp. on services for handicapped youths, they would find that while our hearts are right in what we want to do to help the handicapped individual, we had better start taxing our minds to try to begin the development of a coordinated system for delivery of the multitude of services needed for assisting the handicapped individual.

Mr. President, I ask unanimous consent that a portion of the overview of this Rand report be included in the RECORD at this time.

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

PROBLEMS OF THE PRESENT SERVICE SYSTEM

With nearly $5 billion expended by all levels of government annually, handicapped youth are receiving many needed services. Humanitarian concerns are clearly evident in the expansion of programs and services in recent years. There is no question that the government programs serving handicapped children and youth have very beneficial effects; however, the system faces major problems.

To ascertain problems, we tapped published material and agency data files, utilized a mail questionnaire soliciting views on problems from every major state agency serving handicapped youth in all 50 states, and interviewed dozens of families having handicapped children. To uncover and better understand problems, we looked at the system from a number of perspectives: those of the Office of the Secretary of Health, Education and Welfare; those of the state and Federal operating agencies; and those of the handicapped person and his family. We also looked at the service system disaggregated by agency, type of service, type of handicap, severity of handicap, age of the youth, geographic location, program, objectives, roles the Federal Government plays, and the functional mechanism used to implement the Federal program. Each view and disaggregation adds a different and important perspective to the problems summarized below and documented in the full report.

Problems described throughout the full version of this report can be grouped into five major classes, each of which is described below: (1) inequity, (2) gaps in services, (3) insufficient knowledge, (4) inadequate or deficient control, and (5) insufficiency of resources. Obviously these are not new problems, nor are they unique to this system. But from several different perspectives, they are critical and demand full examination. To begin this task, we compiled most of the available data to document their existence and extent; to complete this task, we will analyze these and other data to determine what might be done to resolve the problems.

INEQUITY

If one accepts the premise that federally supported services should be distributed fairly to the population in need, then, by any reasonable standard of fairness, a great deal of inequity exists in the service system for handicapped youth. There is marked unevenness in the accessibility to, and the level of, services. Each program area has large and often extreme variation in per capita expenditures and services delivered across states and among handicaps. Eligibility rules vary across agencies. Within states, the preschool children and rural youth are short-changed by the service system, as are certain classes of urban children.

For example, consider the vocational rehabilitation program: In 1970, the number of youth rehabilitated 100,000 of the general population aged 14 to 21 ranged from less than 100 per 100,000 in some states to over 500 per 100,000 in other states; and VR program expenditures per youth rehabilitated varied across the states from $800 to $4500. Next, consider the special education program area: The estimated portion of the handicapped youth aged 5 to 17 being served varies across the states from less than 20 percent to more than 90 percent, and the portion served varies among the types of handicaps from less than 25 percent of the hard-of-hearing or emotionally disturbed up to more than 75 percent of the speech impaired. Special education expenditures per youth served vary across the states for all handicaps from a minimum of $168 to a maximum of $2463. In some programs, there is an apparent tendency to "cream off" and serve the less severely handicapped youth (i.e., those requiring fewer services and having greater potential for success). Vocational rehabilitation and special education are cited as examples, not because they are worse than other programs, but because data are available on these two programs.

GAPS IN SERVICES

Certain critical types of services are neglected and underdeveloped, particularly the prevention service, the identification of those needing service, and the direction or referral service. We know, for instance, that in many geographic areas actual gaps exist in available services; however, without a meaningful local direction service there may be gaps in the mix of services actually provided to meet a child's needs, even if a full range of services actually exists. The present institutional emphasis on single types of services sometimes does not meet a handicapped person's total needs. Many services, which are usually the "underdeveloped" ones, are not the prime responsibility of any one agency. Other gaps exist regarding age (e.g., preschool deaf children are not receiving services important for their language development) and type of handicap by state (e.g., eligibility exclusions deny services to some types of children in one state, while in an identical type of program in a neighboring state different exclusions exist). The problem of an inadequate classification system for handicaps, with respect to needed services, also results in gaps or inappropriate services delivered to individuals.

INSUFFICIENT KNOWLEDGE

Management improvements in most program areas are hampered by lack of reliable data related to the benefits and effectiveness of programs serving handicapped youth. Usually, even if an agency collects management data, the data are limited to resource inputs and not to service outputs. (There are, however, occasional notable exceptions—the vocational rehabilitation program is a rare and commendable example.) There is also a problem of low quality or nonexistent planning and evaluation efforts stemming partially from the root problem of poor or nonexistent data. In most programs, methods to obtain high quality data on program effects have not been established. In some programs, no one really knows who is doing what for whom or with what effect.

INADEQUATE CONTROL

The vast system providing services to this Nation's handicapped children is varied, fragmented, uncoordinated, and not particularly responsive to an individual's total needs. The sheer number of institutions dispensing funds and services under many enabling legislations contributes to a situation in which no one individual or group of individuals plans, monitors, or controls the handicapped service system in any comprehensive fashion. Policymaking, funding, and operating decisions are often made by entirely different groups of people, based in each case on an almost total lack of data about program effectiveness; and as a result, accountability is generally very weak.

Agencies responsible for a service sometimes do not even have control over the flow of funds for that service; e.g., only about half of the Federal funds for educational services for the handicapped flow through the U.S. Bureau of Education for the Handicapped. Interrelations among agencies at the management level are often perfunctory at best, and in some areas responsibilities overlap considerably. For example, the Crippled Children's Service and the Medicaid program both fund medical services for needy handicapped youth, but generally do so without benefit of formal coordination in the states; and, in practical terms, education projects for the handicapped supported under ESEA (Title III) and EHA (part B) may be quite similar but are administered separately. Lack of control at the level of

the individual service recipient is evidenced by the neglected and highly underdeveloped direction or referral service for matching the needs of the handicapped person with the appropriate mix of locally available services.

INSUFFICIENT RESOURCES

Current resources devoted to services for handicapped youth are clearly insufficient, if service to each person in need is the criterion. Large unmet needs exist; for example, in the special education area less than 60 percent of those in need are served. Inadequate resources (dollars, personnel, and facilities) was the problem most often cited in previous studies and reports, by special commissions, by officials in the agencies we interviewed, and in the responses to our mail survey. Still, resources are not the only problem, and a great deal could be done to improve the services themselves, the mixes of services delivered, and the institutional structure even if the present funding levels are not increased.

Mr. STAFFORD. Mr. President, this portion that I have included deals with the problems uncovered in the present service system and it breaks it down into five problem areas. They are: the inequities, the gaps in the services, the insufficient knowledge on the part of the administrators of the programs, the inadequacy of efficient controllers, and the insufficient resources to meet the needs.

We have always faced the fifth problem of insufficiency of resources to meet all the needs that we see have to be met in this country. However, I do not see any reason that we should have to have three of the other four problems since mainly these are administrative and managerial. In the case of inequities, this is a congressional problem that we must remedy.

I want to state at this point that I do not want my remarks to be taken as any support for the melding of the categorical programs that we now have into any broad generic program. I do feel that we must start looking for methods of bringing together for cooperation, coordination, and informational purposes those programs we have so that we may get the maximum feasible value of the limited dollars which we can now find to support these programs.

Our goal is to provide services and assistance to handicapped individuals and we should do it with programs which work together for one common goal; service to the individual.

Mr. President, in developing the new approach of title I of the development disabilities bill, I had this concern in mind. We must begin somewhere to give someone the authority and the initiative to start looking across bureaucratic agencies and program lines in an attempt to plan for the many needed services for one segment of the handicapped population.

The State Planning Council for the developmental disabilities programs has the authority to prepare the State plan and to monitor and evaluate the implementation of the plan. The council has the ability to coordinate the aspects of the many service plans which provide assistance to the developmentally disabled. This is an important first step in trying to provide a better delivery system to the developmentally disabled population and later to extend this concept to the total handicapped population.

In the bill before the Senate, we have restructured the State Planning Councils as advocates for persons with developmental disabilities who shall develop the State plan to provide for better coordination of all the programs in involving the developmentally disabled individual. The council, which prepares and approves the State plan and establishes priorities for the distribution of funds within the State, will be responsible for the monitoring and evaluation of implementation of the plan as it serves the individual.

It is our intent in drafting this legislation that the council appointed by the Governor of the State be made up of advocates for the developmentally disabled, agency heads, and the developmentally disabled themselves to provide for better coordination and expenditure of funds to serve this population. This council I believe is a crucial first step that the Congress must provide in order to give better service to the developmentally disabled citizen.

In conjunction with the new State council authority the State plan requirement has been changed to reflect the committee's approach to the developmental disabilities planning functions.

Under existing law, State planning councils perform two functions. First, that of the planner of services to the developmentally disabled community; and second, that of the grant administrator for the funds under the Developmental Disabilities Act.

The study of the developmental disabilities program conducted by the Comptroller General of the United States brought to the committee's attention that, in the case of most States, the planning function had taken a rear seat to the grant dispersing function.

Also under existing law, the developmental disabilities funds were not meant to provide a separate service delivery system to the developmental disabilities community, but through planning, State councils would identify gaps in existing service systems and fill these gaps in existing programs so that greater resources could be brought to bear on the problems of the developmentally disabled individual.

The GAO study pointed out that moneys did not necessarily provide the gap-filling function but were distributed to local agencies in such a way that the fund did not bear a relationship to the real needs of the developmental disabilities community.

Faced with the GAO study, the committee set forth to develop a system by which the State developmental disabilities councils could devote their time to planning for the needs of the developmental disabilities community. The committee also decided to relieve the burden on the council of the day-to-day administration of grants.

This bill, S. 3378, contains a system which provides for the cooperation between State agencies and State planning councils. The system is designed to relieve the State council of the grant administration function by placing such administration within a State agency, however, it does provide for the detailed listing of expenditures of funds for implementation of goals set forth by the State council. The funds can only be expended in accordance with a "design for implementation" which has been approved by the State Planning Council.

In the past the States have not fully responded to the priorities and the needs of the developmentally disabled community and the State Planning Councils could not respond because they split these resources among many projects so that the impact on programs serving developmentally disabled was insignificant.

By giving the State agency a share in planning and distribution of funds, it is the intent of the committee to bring about a coordination in the delivery of services to the developmentally disabled community.

The procedures set forth in the State plan section is designed to bring the State agency and the State Planning Council together in planning and delivering of services to the developmental disabilities community.

It is our expectation that the State Planning Councils and the State agencies will develop a close working relationship that will benefit the developmentally disabled individual.

Another provision I would like to address myself to is the philosophical orientation of the program in management structure. This bill requires the establishment of the Office of the Developmentally Disabled within the Office of the Secretary of Health, Education, and Welfare.

As my colleagues are aware, on March 5 of this year, I introduced S. 3108 which passed the Senate on the 11th of this month. This legislation would transfer the functions of the Rehabilitation Services Administration to the Office of the Secretary of Health, Education, and Welfare. At the time of introduction and passage, I expressed my philosophical concern that such programs that deal with the development of the human potential of an individual should not be buried in an administration that is primarily a welfare agency. I am glad that the committee has agreed with the philosophical intent that I expressed in S. 3108 for this human development program and has incorporated it into section 4 of this bill.

Another area of major significance in this bill is the provisions relating to university-affiliated facilities. As background for my colleagues, the basic concept of the UAF's is interdisciplinary training.

However, the concept of UAF has officially or in some instances, unofficially, come to mean involvement by the facility in several other activities besides training. The role UAF's have been mandated or encouraged to assume has expanded since the enactment of Public Law 88–164, the authority which provided the impetus to build many of these facilities.

Public Law 88–164, enacted in October 1963, intended UAF's to be clinical facilities which would serve three main functions:

First. Provide clinical training of physicians and other specialized personnel to serve the mentally retarded.

Second. Demonstrate new techni-

ques—exemplary services—to diagnose, treat, educate, train, and care for the mentally retarded.

Third. Provide inpatient and outpatient services for the mentally retarded.

Public Law 90–170 in 1967 expanded the UAF's role to include persons with other neurological conditions that are related to mental retardation and to include research incidental to the facility's program.

A third major piece of legislation affecting UAF's was Public Law 91–157—developmental disabilities—passed in October 1970. It officially introduced the term "interdisciplinary training" to emphasize that UAF training should be cross-disciplinary in nature. Further, it directed UAF's to focus their activities on the developmentally disabled which included not only the mentally retarded, but also epileptics and cerebral palsied.

From the beginning UAF's have been funded from numerous sources which have slight relationships in goals and objectives to the developmental disabilities program.

After the initial building of facilities established under Public Law 88–164, UAF's were set loose to search out sources of funds to operate training programs. According to data supplied by the General Accounting Office, UAF's receive the backbone of their funds from the maternal and child health service provisions of section 511 of the Social Security Act. In 1973, the maternal and child health contributed $14.6 million to support training programs for 20 of the 33 UAF's in existence.

The bill before us reflects the view of the committee that the UAF's have much to offer the developmentally disabled community in terms of training, manpower resources, and the provision of interdisciplinary services as a function of their training programs.

It is the intent of S. 3378 to provide for better cooperation between the UAF's and the State Planning Councils to maximize the resources for the developmentally disabled community. Amendments I offered in subcommittee were adopted to facilitate a better planning and resource utilization process for the developmentally disabled individual.

The subcommittee adopted a system of UAF satellite centers located in areas where the need exists for the UAF resource and the placing of a representative of the UAF on every State council as a means to accomplish the desired coordination and cooperation for the developmentally disabled community. Simply stated, the goal is getting the necessary and needed services to the severely handicapped individual who is the focus of the program.

Finally I would like to address myself to a most important aspect of this bill. I refer to title II, the Bill of Rights for Mentally Retarded and other persons with developmental disabilities.

This title seeks to establish residential and community facilities and agencies for the protection of the rights of those individuals needing services and to develop alternative procedural and performance criteria that may be used by facilities to comply with standards of the title.

Title II was added to the bill to assist in the protection of the rights guaranteed under the Constitution for those individuals that will require institutionalization or the need for the use of comunity facilities and programs.

The residential standards were originally introduced by Senator JAVITS, and they form a major contribution toward the protection of the rights of the developmentally disabled individual.

The title is designed to provide that the system be evaluated on the outcome of the individuals receiving the services that either the residential institution or community facility is providing.

An amendment by Senator JAVITS and myself was adopted to establish an alternative procedure for compliance with the intent of the standards for residential and community facilities.

The goal which the standards in the title seek to achieve is one of development for the developmentally disabled individual who is in need of the services. The alternative procedural standards of our amendment—part B of title II—seek to measure a residential or community program's performance in terms of development of the individual receiving the services.

The alternative procedure does not attempt to set the criteria by which to evaluate development, but only seeks to establish procedural criteria for the protection of the developmentally disabled individual who is participating in the services.

The Secretary of Health, Education, and Welfare is charged with the responsibility for setting performance criteria after his 18-month evaluation study is completed and he is also responsible for the evaluation of compliance with the criteria.

Mr. President, title II of this bill is absolutely essential if we are to keep our commitment to the handicapped individual that he or she, like every other American, is protected by the Constitution.

Mr. President, in closing, this bill we are considering today is an attempt to meet the needs of the developmentally disabled individual and protect his rights, and this Senator urges his colleagues to support the passage of S. 3378.

Mr. JAVITS. Mr. President, today the Senate has before it S. 3378, the Developmentally Disabled Assistance and Bill of Rights Act of 1974. I urge its favorable consideration by my colleagues.

This measure has broad bipartisan support, and was unanimously reported from the Labor and Public Welfare Committee. Title II of S. 3378 is based upon S. 458, the bill of rights for the mentally retarded which I authored and introduced originally in the 92d Congress with over 50 cosponsors. I am gratified that the same broad bipartisan support continues with respect to S. 3378 today.

The purpose of title II is to establish standards for residential and community facilities and agencies for the protection of the rights of those individuals needing services, and to develop alternative procedural and performance criteria that may be used by facilities to comply with standards of this title. It is organized as follows.

Part A sets forth general provisions for residential and community facilities and agencies serving mentally retarded and other developmentally disabled individuals.

Section 201: A definition section containing the necessary definition of terms used in title II. The term "developmental disabilities" is again defined here, and is consistent with the definition in title I. Also there is a definiton of "informed consent" which parallels that in the Human Experimentation Act.

Section 202: Establishes a national advisory council for residential and community facilities to review and recommend changes to the standards for facilities serving the mentally retarded and other individuals with developmental disabilities. Effective 90 days after enactment, the Secretary of HEW shall appoint the council which shall consist of 15 members. Such council shall be made up of members from appropriate public agencies providing services to individuals with developmental disabilities, professional and voluntary organizations representing people with developmental disabilities, and at least one-third of the council shall be consumers or the parents or guardians of individuals who are receiving services from publicly operated or publicly assisted residential and community facilities and agencies.

It is the duty and function of the council to advise the Secretary with respect to regulations promulgated under this title and on the standards set forth in parts C and D to study and evaluate the standards of parts C and D of this act and their effectiveness, conduct sight visits or studies and recommend changes in the standards, and to assist the Secretary in developing specific performance criteria for use in the alternative standards procedure of part B of this title.

The Secretary shall appoint members to the council within 30 days of the effective date of establishing the council and shall fill all subsequent vacancies within 30 days of their occurrence.

The council is authorized such sums as may be necessary for staffing and performance of duties in this section.

Section 203: Assessing compliance with standards. This section sets forth the mechanism by which a State must provide assurance to the Secretary that those facilities, both residential and community, must provide assurance for compliance with either the standards set forth in parts C and D of title II, and the establishment of a compliance plan, or that the residential or community facility or agency is meeting the requirements of part B of this title.

This section makes the Secretary responsible for insuring compliance with title II.

Any State desiring to receive assistance under this title shall submit a State plan setting forth the schedule for compliance of standards established in parts C and D of title II assuring reasonable State financial participation, demonstrating the need for continuing resi-

dential services, specifying how the State intends to evaluate and assess the compliance of residential and community facilities with the standards set forth in parts C and D of the title, provide for reviewing of this State plan by the State planning council, set forth a schedule of cost and demonstration procedures to assure that the primary emphasis on programs, relating to the mentally retarded and other developmentally disabled individuals will be to place these individuals in the least restrictive program and living environment commensurate with their capability.

Section 204: Authorizes such sums as may be necessary to help existing residential and community facilities and agencies to comply with the standards set forth in this title. The section also establishes a Federal share of 75 percent of the necessary cost determined by the Secretary.

Section 205: Maintenance of Effort. This section sets forth provisions for the maintenance of effort by States in relations to all Federal programs which have a bearing on those individuals in residential and community facilities and agencies to insure that the financial effort on the part of the State shall not be lessened with any increase in Federal aid. This language was developed in conjunction with the Office of Management and Budget and requires reports to the Congress of noncompliance with this section.

Section 206: Withholding of grants. This section provides that 5 years after the date of enactment of this title, no residential or community facility or agency for individuals with developmental disabilities shall be eligible to receive payments either directly or indirectly under any Federal law unless the facility meets the standards presented in parts C and D of this title or has demonstrated to the Secretary for a reasonable period of time that it has implemented requirements of part B of this title.

It provides in the case of withholding of grants to these facilities that the individual on whose behalf the grant or payments are being made shall not lose his entitlement and that the Federal Government shall hold these funds in trust for that individual.

Section 207: Evaluation and performance criteria. The section directs the Secretary of HEW to create an evaluation system of the performance criteria that is consumer oriented. Such system shall be developed in consultation with the National council, and transmitted to the Congress within 18 months of enactment of this title. $1,000,000 is authorized for this purpose in both fiscal year 1975 and fiscal year 1976.

Part B: Alternative criteria for compliance in lieu of standards for residential and community facilities and agencies, provided in parts C and D of this title.

Section 210: The purpose of this section is to provide for an alternative means for residential and community facilities to comply with standards set forth in parts C and D of the title by the use of specified procedural criteria set for in this part, by compliance with certain minimum standards set forth in this part, and by additional compliance with specific performance criteria developed by the national council and the Secretary and deemed necessary for the protection of the rights of individuals receiving services in residential and community facilities and agencies.

Section 211: Individualized written habilitation plan. The Secretary shall insure that an individualized written habilitation program is developed for every individual who is in or served by a residential facility, community facility, or agency for which standards have been established under this act.

Every plan shall be developed jointly by representatives of the facility or agency responsible for the developmentally disabled individual or his representative. Such plans shall be reviewed periodically but at least annually.

Such plans shall include the statement of long-term habilitation goals for the individual, intermediate habilitation objectives, statement of specific service to be provided, dates for initiation and anticipated duration, objective criteria, and evaluation procedures. The plan is intended to assure the greatest latitude of choice for the individual and shall be written in language that is as understandable to all concerned as possible.

Under subsection F the Secretary is required to specify detailed performance criteria to further evaluate the progress attained by individuals through the use of such habilitation plans.

Section 212: Program coordination. Every person served by an agency shall have a program coordinator who is responsible for implementing the person's individual written habilitation plan. It shall be the function of the coordinator to attend to the total spectrum of the person's needs and be the focal point of responsibility for the provision of service to that person. The person—where practicable—or his family shall participate in the selection of this coordinator.

Section 213: Protective and personal advocacy. Under this section the Secretary shall insure that provisions are made for the establishing of a system of protection and personal advisory service within each State to monitor programs and services to protect the human and legal rights of every developmentally disabled individual served by a residential or community facility or agency.

Such programs shall be independent of the agency providing direct service. The newly established agency shall set such an independent compliance mechanism which has authority to review all complaints regarding infringement of rights or denial of benefits. Decisions of the independent compliance board shall be subject to appropriate judicial review.

Section 214: Record requirements. This section requires facilities using procedure of part B to keep records that the Secretary may deem appropriate to evaluate the effectiveness and compliance with this part and that such facilities shall review those individuals refused for service and the reasons for their refusal at least semiannually and that the information shall be reported to the Secretary and the State.

Section 215: Minimum standards for use with alternative procedures. This section sets forth provisions which shall be required when a residential or community facility or agency selects to use part B in lieu of the standards set forth in C and D.

These minimum standards comprise basic necessities for the individual to develop without violation of his human or civil rights. These minimum standards set forth certain physical requirements for the facilities opting to use part B procedures and provides certain minimum protections of the human rights of the individual.

Part C: Provides detailed minimum standards for residential facilities as developed by the major accrediting councils and associations in the field of care for the developmentally disabled. These are minimum standards guided by the principal of normalization of persons with developmental disabilities, which insure that persons receiving services from residential facilities are protected from violation of their human and civil rights.

Part D: Provides detailed minimum standards for community facilities and agencies serving persons with developmental disabilities. These are minimum standards, developed by the same groups which developed part C standards, are consistent with part C and likewise are guided by the principle of normalization of persons with developmental disabilities while insuring that the human and civil rights of these persons are not violated when they receive services from community facilities and agencies.

CONGRESS MUST ACT

The tragic conditions of Willowbrook and other large institutions for the mentally retarded throughout our Nation must be ended. Television exposés which stir public indignation have failed to stir enough official action. No one denies the need for minimum standards to protect the basic human and civil rights of the mentally retarded. Yet years after this tragic situation became burned into the national conscience by disclosure of the situation in Willowbrook, Partlow, Rosewood, and many other facilities in this country, there is still inadequate direction, no adequate common focal point for improvement, no adequate national guidance.

It is for this reason Congress must act—to provide the national leadership our citizens demand, and to insure the human dignity of the mentally retarded which is their right.

S. 3378 provides this direction. The standards set forth in this legislation constitute a valid and realistic framework for improving the overall situation of this country's mentally retarded and other developmentally disabled citizens. It is the responsibility and duty of this Congress to enact S. 3378 to insure that this Nation will have a realistic, attainable goal toward which to strive in the field of mental retardation and developmental disabilities.

Mr. GRAVEL. Mr. President, as Senator RANDOLPH's bill of rights for the

disabled (S. 3378) was brought to the floor today, I feel it extremely important to insure my colleagues are aware of a very criitcal and vital section of this legislation—that regarding the screening and early diagnosis of those with specific learning disabilities. Having introduced legislation which would identify children with specific learning disabilities, and after having personally suffered from dyslexia, as well as witnessing my son do the same, I know too well the importance of screening elementary education schoolchildren to insure early detection and treatment of this condition.

Statistics prove that children whose identification and treatment begin early in life respond faster and frequently better than those further advanced in age. It is during the formative years, when rapid development of the brain is taking place, that behavior is modifiable. With the increasing interest in early identification comes an increasing concern over the dangers of mainstreaming children into categories rather than isolating and effectively treating their mental or physical problems.

At its worst, screening for specific learning disabilities can produce labels and nothing more, while at its best, screening insures the accountability and responsibility over a child with specific needs.

Neurologic disorders, which affect a minimum of 3 percent of the Nation's schoolchildren, has become a recognized cause of school failure, emotional disturbance, and even juvenile delinquency. It is estimated that 20 percent of the school-age population may have learning problems of some sort—that is, more than the total population of New York City.

Despite the general public recognition and support of major programs to alleviate this situation, there remains a notable reluctance on the part of our education, political, and private institutions to respond boldly in opening the avenues of opportunity in our society to the exceptional among us.

The right of all children to be afforded equal educational opportunities in developing their full potential must not be denied to those with seemingly limited potentialities for making a contribution to society. It is our responsibility as legislators to insure that the right of every child to an education is guaranteed—that the right to an education does not belong only to the normal child—that the right to an education for every child is guaranteed in the equal protection clause of the Constitution.

It is appropriate and rewarding at this time to look back at what has been accomplished in this area, but it is more necessary to look forward to all that remains to be done. We must continue as concerned parents, legislators, and friends to respond to the challenge of educating exceptional children.

In view of the extreme importance of early diagnosis and identification of behavioral disorders in children, I am gratified may colleagues favorably considered this proposal earlier today. The present lack of services in proper identification compounded with the inefficient usage of those available services make clear the unfair burden being placed on families with specific learning disabilities.

We have debated and we have discussed the definition of specific learning disabilities. We have formulated and we have categorized the results of this condition. We must now continue to act decisively and swiftly to insure adequate diagnosis and treatment for those with this handicap.

Mr. HUMPHREY. Mr. President, over 9 million Americans today suffer from developmental disabilities. They truly constitute a "silent minority" in our society, and because they are unable to plead their own case, I speak today on their behalf.

Shocking abuses in institutions for the mentally retarded have been publicized in recent months, and some positive steps have been taken to improve the lot of these people. However, for so many developmentally disabled persons, some of whom have been institutionalized since birth, life is a perpetual nightmare, offering little respite from neglect, physical abuse and inadequate medical care. They lack the educational opportunities to help them realize their own capacities for self-fulfillment. Many are given regular doses of tranquilizers and do little more than vegetate. Isolated from society, they are given little opportunity to develop skills or patterns which would equip them to live outside the institution.

We wrongly assume that most mentally disabled persons are unable to take care of themselves. In reality, all developmentally disabled persons have varying capacities for learning. With proper training, approximately one-third of these people could be integrated into society. Many could become totally self-reliant.

Those severely disabled persons who must be institutionalized indefinitely are no less deserving of basic human rights than their more fortunate brothers and sisters. I am staunchly dedicated to the struggle to improve conditions and services in such institutions and to the conviction that every human being should be afforded full opportunity to realize his own potential.

In recent years, we have learned much about how to help the handicapped. We know what kind of facilities they need. We have developed new innovative educational techniques, and we have gained some understanding of the nature of these handicaps. In order to provide the needed facilities, the specially trained teachers, and the specialized programs to effectively help handicapped people, we need a great deal of money.

It is my belief, however, that the cost of rehabilitation is repaid many times over when these people become productive members of society.

I want to offer my wholehearted support to the legislation before us today, S. 3378, the Developmentally Disabled Assistance and Bill of Rights Act, of which I am original cosponsor. The authorization under the 1970 Developmental Disabilities Act expired last year, and the continuing appropriations which have sustained its programs expire today. Therefore, passage of this legislation, which extends and improves programs initiated under the 1970 legislation, is urgently needed.

This bill will do more than merely "extend and improve" existing programs. It establishes minimum operating standards for institutions for the developmentally disabled and authorizes funds to help bring publicly operated and supported facilities into compliance with these minimum standards.

This legislation creates a bill of rights for the developmentally disabled. It sets standards for more effective diagnosis of developmental disabilities, which would help avoid improper institutionalizations. It establishes a coordinating and planning mechanism at national and State levels, to help pull together resources to aid the handicapped. It urges States to develop alternative programs of care for the handicapped, with the objective of integrating all those capable into the outside world.

This legislation would make great strides in both the quality of general institutional care and in the development of community residential facilities.

President Kennedy's bold initiatives launched the first major Federal program for the construction of desperately needed facilities for the mentally ill and retarded. There has been encouraging progress since then, but not nearly enough. The 1970 Developmental Disabilities Services and Facilities Construction Act was an outgrowth and amendment to the Kennedy legislation.

S. 3378 will redirect programs so that more handicapped persons will receive direct benefits.

A CASE IN POINT: FOREST HAVEN

Many of my colleagues will recall my statements on problems at Forest Haven, the residential facility operated by the District of Columbia government for care and treatment of the mentally retarded. I will not reiterate here the long list of abuses to which many residents of this facility have been subjected. Forest Haven, like many such institutions, has suffered from severe staff shortages. With only one counsellor for every 30 residents, and a nurse-patient ratio of 1 to 14, it is easy to see why the residents here for the most part just exist, with minimal custodial attendance. The low wages paid to staff, its inconvenient location, and the redtape of hiring procedures together account for many staff vacancies.

At my request, the District of Columbia Department of Human Resources has outlined an 8-year program of improvement of Forest Haven, with an estimated cost of $8.2 million. It is an impressive plan, which includes expansion into a community-oriented system. It is directed away from the old "custodial approach," toward a therapeutic-rehabilitative approach.

In response to my request and the urgent appeals of others, the Senate Appropriations Subcommittee on the District of Columbia has sought to provide additional funding to enable the hiring of more staff persons at Forest Haven.

Committee consideration has also been given to further funding for program and facility improvements.

It is a national disgrace and an affront to human dignity that conditions such as those at Forest Haven are allowed to exist in this affluent country of ours

IMPORTANT INNOVATIONS IN MINNESOTA

My own State of Minnesota has made some significant progress in the area of providing services for the developmentally disabled. A Rand Corp. study recently named Minnesota as a leading State in its efforts for the handicapped.

With Federal assistance, State planning and advisory councils have been organized, composed of consumers of services, heads of appropriate public agencies and project sponsors. The council includes seven standing committees which develop recommendations for further State legislation, to establish standards for facilities, to make funding decisions, and to educate the public.

Five regional planning groups have been established and several projects are now underway in Minnesota, including one "early intervention" program to detect and treat symptoms of developmental disabilities in infants; a program sponsored by the Minnesota Association for Retarded Children to establish new residential facilities in local communities; and a project sponsored by the Minnesota Epilepsy League to locate epileptics and help them to obtain services.

Unfortunately, Minnesota, like other States, suffered from severe Federal cutbacks in assistance for social services, making the task that much harder. But Minnesota is still a good example of what can be done.

OTHER SENATE BILLS ON BEHALF OF THE HANDICAPPED

Several legislative proposals to aid the handicapped are now under congressional consideration.

It is important that action be completed without delay on H.R. 14225, the Rehabilitation Act Amendments of 1974. I am hopeful that the House will accept amendments to this legislation, recently passed by the Senate.

While the Senate did not take favorable action on my amendment to provide for a demonstration program on wage supplements for handicapped persons in sheltered workshops, it is my expectation that this long unmet need will finally be addressed directly by the Senate Labor and Public Welfare Committee during hearings early in the next Congress.

Certainly, providing a wage supplement such as I propose is a small price to pay for enabling a handicapped person to achieve some self-reliance or partial independence, when compared with the cost of permanent incapacity and institutionalization—often over $15,000 a year for the lifetime of the person institutionalized.

The enactment, after previous Presidential vetoes, of the Rehabilitation Act of 1973, was a legislative landmark in congressional efforts to establish firm national policies on providing comprehensive services to handicapped persons. I am gratified that this law includes several provisions based on legislation which I originally sponsored, including measures to affirm the equal protection of the civil rights of handicapped persons in all programs receiving Federal assistance, and in employment under Federal contracts.

I have also been encouraged by Senate legislative initiatives to affirm the right of several million handicapped children in America to obtain an education, in response to court decisions providing a clear mandate that this vital opportunity shall no longer be denied.

The Senate last spring passed an amendment which I cosponsored with Senator MATHIAS, to the education bill, H.R. 69, to provide over $600 million for the education of handicapped children. This is an emergency, short-term measure, which is badly needed at this time.

I have recently joined other Senators in urging that initial funds be made immediately available under pending supplemental appropriations legislation.

Present funds for teaching the handicapped are pitifully low. Appropriations in the last year usually totaled only 17 to 18 percent of the authorizations.

Legislation which I introduced, S. 2095, would help to reverse this distorted sense of priorities by requiring States to spend at least as much on education for the handicapped as for other students in order to be eligible for any Federal education-aid funds.

To address long-range educational problems, I have also cosponsored S. 6, the Education for All Handicapped Children Act, to establish a permanent program of educational aid for the handicapped.

This legislation encourages deinstitutionalization and efforts to place handicapped children in a normal living environment.

The health, as well as the education, of handicapped children should now be placed high on the list of our national priorities. I have sought to address this urgent need through a series of provisions in S. 3106, the Child and Maternal Health Care Extension Act, which I introduced last March. This bill includes a requirement that State plans incorporate comprehensive services on behalf of all children with handicapping conditions, in programs receiving Federal assistance under title V of the Social Security Act.

Legislation on national health insurance must address the child health care crisis in America. Our children must be guaranteed the right to hope in the future, and a full opportunity to make the most of their God-given gifts and abilities. This is particularly true for children with various handicaps, who have been ignored and isolated in our society.

Finally, in this survey of Senate legislative action on behalf of millions of handicapped Americans, note should be taken of efforts to remove architectural and transportation barriers which these citizens would otherwise continue to confront in their daily lives. Senate-passed measures include S. 2651, which is similar to original legislation I introduced, to authorize airlines to provide free or reduced air travel fares for the handicapped.

CONCLUSION: S. 3378—A LONG-OVERDUE NATIONAL POLICY

Mr. President, S. 3378 is a refinement of innovative legislation introduced at the outset of the 93d Congress—S. 427, to extend and revise the Developmental Disabilities Services and Facilities Construction Act, and S. 458, to provide for the humane care, treatment, habilitation, and protection of the mentally retarded in residential facilities.

Mrs. Humphrey was privileged to present testimony on these bills at committee hearings on February 8, 1973. In her statement, she related her findings in a trip to the Soviet Union where she visited schools for retarded children.

In the Soviet Union, children are examined at birth for signs of mental retardation, and they receive subsequent follow-up examinations to note early signs of developmental disabilities. Handicapped children are sent to special schools with particular attention to individual instruction and provision of appropriate facilities and programs.

What Mrs. Humphrey witnessed at one institution which she visited was the antithesis of the conditions of many of our facilities for the handicapped. An impressive state-run boarding school, housing 150 children with "weak and strong manifestation of mental retardation."

There were 15 children in a class. The staff included a psychiatrist, a psychiatric nurse, 30 specially trained teachers and instructors. There was special emphasis on occupational training, a common feature in such schools. The atmosphere was cheerful. The kindergarten included a musicroom, gym, physical therapy room, and play yard.

It is interesting to note that in Russia teachers who work with retarded children receive higher wages than those working with normal children. The opposite is usually the case in the United States.

I see no reason why our handicapped citizens cannot be offered the same or better opportunities than those which are an integral part of the program of benefits for the developmentally disabled in the Soviet Union.

President Ford has proclaimed the week of October 6–12 as "National Employ the Handicapped Week," for which I commend him. I hope that the President, in this same spirit, will offer his support to the important legislation before us today, as well as to other initiatives on behalf of all hadicapped Americans.

Mr. President, now is the time to instill a spirit of cooperation and partnership at local, State, and National levels in developing programs for the handicapped. We must offer these "forgotten people" a genuine opportunity to find themselves, to know what it is to set their own goals and to achieve those goals. It is time we make restitution for our past injustices in the name of fiscal austerity. The vestiges of "second-class citizenship" have lingered on far too long for the handicapped and other segments of our American society.

Mr. SCHWEIKER. Mr. President, I want to express my strong support for S. 3378, the Developmentally Disabled Assistance and Bill of Rights Act. I am pleased to be a cosponsor of this legislation, which has been reported out of the Committee on Labor and Public Welfare.

I am pleased that the legislation broadens the definition of developmental disabilities to include mental retardation, cerebral palsy, epilepsy, autism, specific learning disabilities, and other conditions. Therefore, the bill would provide assistance to many more of our Nation's developmentally disabled citizens than existing law.

Mr. President, over 6 million Americans suffer from mental retardation, over 2 million from epilepsy, 750,000 are afflicted with cerebral palsy, about 80,000 with autism, and nearly 500,000 American students suffer from specific learning disabilities. A large percentage of these citizens are so severely disabled that they require a lifetime of services in order to be able to function adequately for personal or social needs. Developmentally disabled persons often suffer from two or more overlapping conditions. Obviously, these individuals require programs to provide for their specific and multiple conditions.

The committee has determined that there is a need for continued Federal concern for the treatment and dignity of developmentally disabled citizens in terms of legislation and adequate financial support. The bill therefore provides that existing programs and services for handicapped individuals be coordinated in their planning by providing a focal point for the planning money in order to coordinate the delivery of services to our Nation's handicapped individuals. S. 3378 redesigns the existing program by setting up a cooperative relationship between the State planning councils and the State agencies responsible for the implementation of the State plans, in order that an integrated and efficient delivery of services to developmentally disabled individuals can be achieved.

The last 4 years have seen a dramatic increase in public awareness of the needs of institutionalized mentally retarded and developmentally disabled persons. This has been highlighted by scandals in many institutions, by court cases, and by the efforts of the communications media. Testimony before the committee demonstrated that standards in institutions for the developmentally disabled are urgently needed and that the Federal Government should play a major role in improving the care and services provided to developmentally disabled citizens.

Mr. President, also added to the legislation is a bill of rights for the developmentally disabled. This provision was originally introduced as a bill of rights for the mentally retarded, which I also cosponsored earlier. I am pleased that the committee has included this provision in the bill, because I feel the developmentally disabled in this Nation for too long have been treated as burdensome problems, rather than with the affection and care they deserve as human beings.

I strongly support four specific requirements in this bill of rights: Humane care, treatment, habilitation, and protection in residential facilities; strict quality and control standards for facilities; better standards to reduce inappropriate admissions; and programs to stimulate regional and community programs involving residential facilities. Too often developmentally disabled persons are "put away" in an institution and forgotten. It is now time to provide alternatives to locking persons up in institutions. Treating the developmentally disabled with more human dignity can bring additional benefits to themselves, their families, and to society.

In conclusion, Mr. President, I support this legislation not because it represents the end of our efforts in this area, but because it provides a basis for a new beginning in expanded services for our Nation's developmentally disabled citizens. I urge prompt Senate passage of this important measure.

Mr. BUCKLEY. Mr. President, I want to take this opportunity to express my thanks to the distinguished majority leader and the able managers of S. 3378 for acceding to my request that passage of the bill be delayed in order that I and other members of the Senate might have a chance to obtain and review the committee report. I did not raise any objections to the bill itself last week, but only to the fact that it was about to be whisked through this Chamber without the great majority of us knowing what was in it. At that time I noted that such a situation is all too common, and that I hoped the Senate would next year establish procedures to enable each Senator to have the time to give thoughtful consideration to each bill that reaches the Senate calendar. I intend to press for such new procedures, and I am happy to say that several of my colleagues have expressed interest in such a proposal.

As regards S. 3378, I have been able briefy to review the proposal, although I would have liked the time to look more closely at it. I find that on substantial balance, it is a good bill, one that will contribute significantly to the alleviation of the often unhappy plight of developmentally disabled individuals and will help many such individuals become productive, self-respecting members of our society.

For the record, however, I think it is useful to note that various administrative and technical problems and objections to the bill have recently been raised by HEW. I feel unable to address the merits of these concerns, but I think it would be useful to put the administration comments on the bill into the RECORD, and I ask unanimous consent that they be inserted at the end of my remarks. Perhaps the conference committee can consider them.

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

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, there is one aspect of the bill that concerns me, namely, the extent of Federal control and regulation of State programs and activities. This issue exists in nearly all Federal categorical aid programs; the developmentally disabled programs are not unique in this respect. It seems inevitable that "he who pays the piper" will end up calling the tune. But the question of the proper and appropriate degree of Federal standards and regulations, both practically and theoretically, needs to be decided separately in each case.

Particularly in regard to the care of the disabled, this bill mandates strong Federal standards. I am generally opposed to requiring the States to follow a single Federal blueprint, particularly for operational activities. Perhaps a special case, here we are concerned with people who often cannot speak for or help themselves, and who have often been subject to widespread and severe abuses in the past. Had the bill been available for public review for a reasonable period of time, we might have had the benefit of constructive comments from any number of interested and informed persons. Which is why I hope our procedures will be reformed.

EXHIBIT 1

ADMINISTRATIVE OBJECTIONS TO S. 3378

(DEVELOPMENTAL DISABLED ASSISTANCE AND BILL OF RIGHTS ACT)

TITLE I

1. Section 4 would transfer the Developmental Disabilities Program from the Social and Rehabilitation Service to the Office of the HEW Secretary. While there is no objection to the concept of transferring this program, the Administration does oppose strongly organizational change through legislative mandates which may limit severely the Secretary's management flexibility.

2. Section 111 increases authorizations for State allotments from $32.5 million (FY 74) to $50 million (FY 75), with authorizations increasing to $110 million (FY 79), and the proposed special projects authority would authorize an appropriation of $17.5 million (FY 75) with a gradual increase to $27.5 million (FY 79). Because of the need to restrain any increase in Federal outlays, the Administration objects to the authorization levels in S. 3378 and recommends that the bill authorize the appropriation of such sums as may be necessary.

3. Section 116 continues the present statutory requirement that the HEW Secretary approve all construction grants awarded from State fund allocations. The Administration favors deletion of this requirement in furtherance of its objective of returning responsibility to States and localities whenever it is appropriate to do so.

4. Section 119(a) requires the HEW Secretary to publish final regulations to implement this Act within 90 days of enactment. While timely issuance of regulations is necessary and desirable the Administration proposes (a) a 60 day from enactment requirement for publication of proposed rulemaking and (b) a 180 day from enactment requirement for publishing of final regulations. This proposal is designed to assure the States and other concerned entities of complete and adequate guidance in implementing the major and complex revisions set forth in S. 3378, as reported.

5. Section 121 requires the HEW Secretary to develop within 18 months from enactment of this Act a model evaluation system to be implemented by the States for all services delivered within each State to developmentally disabled persons. Given the breadth and complex nature of this requirement, this provision is impracticable. To accomplish the same purpose, i.e., development of an evaluation capability in the States, the Administration recommends that each State be required to develop, in accordance with guidelines promulgated by the Secretary, a

system for the evaluation of services to the developmentally disabled.

6. Section 122 establishes a new Special Project grant authority. In addition, Section 112(e) of S. 3378 would continue the separate authority for national significance projects funded from a maximum 10% set-aside of State allotment funds. Apart from the disadvantages of maintaining 2 separate project grant authorities, the Administration is opposed at this time to the increased outlays that could result from the additional authority for Section 122 special projects.

7. The Administration objects to the inclusion of the term "specific learning disability" in the definition of "developmental disability" and prefers that provision of the Administration-sponsored measure which would add only "autism" to the definition.

TITLE II

We recommend deletion of Title II because of its potential adverse impact on existing State Medicaid programs, on individual facilities, and on developmentally disabled persons.

Our major objections to Title II are as follows:

1. Title II would establish standards for facilities serving the developmentally disabled which duplicate the existing Medicaid Intermediate Care Facility (ICF) standards. Implementation of Title II would conflict with the implementation of Medicaid law already underway, and could cause considerable confusion and duplication of effort for State Medicaid agencies and facilities. In addition, much of the language in the proposed standards is unenforceable because it is admonitory in nature. The ICF Title XIX standards accomplish the objectives of Title II within a shorter time frame through language which we feel can be enforced and, if necessary, defended in court.

2. Section 203 would require the preparation of State plans related to facilities for the developmentally disabled which would duplicate the State plan requirements under Title XIX (Medicaid).

3. Section 206, which would withold *all* Federal funds from institutions and agencies not meeting standards in five years, would be administratively infeasible, would require a substantial increase in the Federal monitoring function and would apply to so many facilities and to so many sources of Federal funds that it could create a sizeable administrative burden. In addition, it would be extremely difficult to enforce.

4. Section 213 would create in each State a new fair hearing system unrelated to current systems of due process safeguards. The section is so broadly drawn that it could be interpreted to authorize the State agency administering the new system to overrule a Federal agency administering benefits or services to an individual.

We are advised by the Office of Management and Budget that there is no objection to the presentation of these views from the standpoint of the Administration's program.

Mr. CRANSTON. Mr. President, the legislation before the Senate—S. 3378, the proposed Developmentally Disabled Assistance and Bill of Rights Act—is the product of intensive study by the Committee on Labor and Public Welfare, and represents a major effort to clarify the purposes of the present Developmental Disabilities Act and to improve its implementation and administration, as well as to provide greater protection for the rights of individuals with developmental disabilities.

I would like to express my admiration for the initiative and insight into the problems of individuals with developmental disabilities displayed by the distinguished chairman of the Committee on Labor and Public Welfare, Senator WILLIAMS, by the ranking minority member of that committee, Senator JAVITS, as well as by the chairman of the Subcommittee on the Handicapped, Senator RANDOLPH, and the ranking minority member of the subcommittee, Senator STAFFORD.

GAO REPORT

Mr. President, the bill which has been reported from committee provides for a clear exposition of the purposes for which support should be provided under the authorities of the act. Before undertaking an extension of this act, the subcommittee had asked the General Accounting Office to conduct an intensive review of programs supported by the act. The GAO study found there were wide variations between programs in the various States and, in addition, found programs in the same State supported under the two major authorities in current law—assistance to university-affiliated facilities and assistance to States for planning programs to aid persons with developmental disabilities — were frequently administered and operated without coordination and with different goals.

In addition, the GAO report found that there was wide latitude among the States as well as within the States as to the definition of a developmental disability, due to the lack of precision in current law in expressing congressional intent, and the Department of Health, Education, and Welfare's very limited interpretation of that intent.

DEFINITION OF DEVELOPMENTAL DISABILITIES

When legislation extending the act was first introduced, Mr. President, I expressed my intention to amend the act to make it clear that additional disabilities were to be included in the definition, and specifically, that autism was included.

I am delighted that the bill as reported from committee expends the definition of developmental disabilities to include autism. The most effective treatment programs for children suffering from autism to date have been very parallel to the type of programs established under the authorities of the Developmental Disabilities Act, so the inclusion of this disability will not add significantly to the costs of administering the act while, at the same time, making its benefits available to a group which has been excluded, unfairly I believe, from its programs.

Clarification of the definition of a developmental disability in addition should result in fewer variations and inconsistencies in programs administered under the authorities of the act.

UNIVERSITY-AFFILIATED FACILITIES

Mr. President, the university-affiliated facility—UAF—program partly supported under the authorities of the Developmental Disabilities Act, has been a valuable resource in training personnel to provide services for individuals with developmental disabilities, as well as in developing new diagnosis and treatment procedures.

However, these facilities exist in only 26 States at the present time plus the District of Columbia. To assure that the resources of these university-affiliated facilities are made available to those States not now having a facility, the bill provides that each existing university-affiliated facility may assess the needs of States within their geographic area with a view to assisting in the establishment of a satellite center where the needs assessment indicates one is needed. Such a satellite center would receive backup support from the university-affiliated facility and would, in turn, operate in close coordination with an appropriate institution or agency in its State in providing clinical services.

In providing this backup support and in conducting the initial assessment, the university-affiliated facility, efforts would be supported fully by Federal funds and matching funds provided by the State in which the satellite center would be established. I feel these university-affiliated facilities currently perform an outstanding function with very limited funding, and the additional costs involved in assisting in the establishment of satellite centers should not be out of funds needed to maintain existing UAF facilities. The reported bill fully protects the present level of UAF funding—$4.75 million—for existing programs.

COMMUNITY-BASED PROGRAMS

Mr. President, I believe one very clear basic goal has been enunciated in the legislation reported from committee. That is the need to move away from long-term institutionalization of individuals with developmental disabilities to the development of community-based programs utilizing all community resources related to treatment of habilitation of such individuals to provide comprehensive services in the home community.

However, in encouraging the movement to community-based programs, I recognize that the need for some long-term residential programs will remain. The bill specifically provides that where institutional programs are appropriate, adequate support should be planned for them so that necessary treatment and habilitation programs can be given residential patients to develop their full potential.

To reinforce the bill's commitment to these needs, the reported bill provides that for a State to qualify for support under its authorities, it must develop a State plan oriented to specific goals designed: One, to reduce inappropriate institutionalization and, two, to improve institutional care where such placement is appropriate.

The priority goals which a university affiliated facility must establish include these two specific goals as well.

The growing realization over the past decade that institutional placement of individuals with developmental disabilities is inappropriate to their full development to their maximum level of ability has been reflected in efforts in many States to develop alternative programs to State institutions. California has instituted such a program. However, in the transition to community-based programs, greater responsibility is placed

on local governments to coordinate the several community programs which are called upon to serve individuals with developmental disabilities, such as medical services, social services, educational services, and specialized services for the specific needs of such individuals.

Mr. President, where the State's program has been primarily based on residential facilities, the State has attempted to bring all these services to the facility. As the programs are transferred into the community, these varied services need to be contacted and coordinated programs developed at the local community level so that each individual will have the benefit of all the programs to which he is entitled and which will help him achieve his full potential. California has begun to face the reality of this situation with the phase out of some of its State facilities.

This major change in the method of providing services for those individuals with developmental disabilities places a new responsibility on State plans for programs to provide services to individuals with developmental disabilities to assure full coordination of all related services at the community level do well as at the State level.

STATE PLANNING COUNCIL

Mr. President, to enable the State to carry out this new and expanded responsibility, S. 3378 specifically details the makeup and duties of the State planning council and places prime responsibility for development, preparation, and implementation of the State plan in the State planning council established by the act.

So the council can function with the authority required to plan and implement a program which will cut across the jurisdictional responsibilities of several State agencies, as well as local agencies, S. 3378 as reported requires that it include representatives of the principal State agencies, local agencies, and nongovernmental agencies and groups which are concerned with services to individuals with developmental disabilities.

The Governor, as chief executive officer, is responsible for appointments to the council to insure that the council will have the cabinet-level status required to develop a State plan which will coordinate programs of several State agencies where they relate to services for individuals with developmental disabilities. In addition, Mr. President, the membership of the council must include consumers of services or their parents or guardians, who shall make up at least one-third of the membership.

COORDINATION WITH OTHER PROGRAMS

The requirements of the State plan make very clear the importance of coordinating all State and community resources in the development of programs to provide services to persons with developmental disabilities. In addition, the State plan is required to take into account the services provided such individuals by other federally assisted State programs, such as vocational rehabilitation, education for the handicapped, and maternal and child health programs among others.

Mr. President, Federal programs which I believe are particularly complementary to programs providing services for persons with developmental disabilities are those authorized by the Domestic Volunteer Service Act of 1973—Public Law 93-113—which I authored.

That act provides for support of the training of citizens of all ages in volunteer services to the community, including specifically services for individuals with developmental disabilities, especially those with severe handicaps. The involvement of RSVP volunteers and Foster Grandparents seems particularly valuable, after appropriate training has been provided them, as individual patient advocates assigned to an individual with one or more developmental disabilities. In such a role, the volunteer can provide necessary support to that individual in his effort to function independently in the community. Other voluntary groups such as service organizations should also be encouraged to devote some emphasis to programs which can increase the availability of services or otherwise aid individuals with developmental disabilities.

VOLUNTEERS

Mr. President, I ask unanimous consent that a recent article in a publication of the California Department of Health, describing the benefits of involving the Foster Grandparent program—supported under Public Law 93-113—in an institutional program in California, be inserted at this point in the RECORD.

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

FOSTER GRANDPARENTS HELP AUTISTIC RESIDENTS AT NAPA

Autism is a psychological (perhaps physiological) phenomenon well-known in state hospitals that care for the mentally ill. Nearly 250 so-called autistic children and adults are in special programs conducted at Camarillo, Napa, and Metropolitan, among others. The word "so-called" is used because the diagnosis in some cases is not all that certain.

The common denominator among the autistic is self-motivated and socially unacceptable behavior, such as head-banging, clothes-tearing, verbal obscenity, and open masturbation. The autistic patient usually lacks the ability to relate to people or objects. Their apparent inability to dress themselves, eat without help, or keep themselves clean, provides the most common excuse for their rejection as community placement candidates.

Excuses are rapidly losing validity, however, thanks to the devoted work of ward personnel and medical staff at the state hospitals in special "in-reach" programs for the autistic, such as the work started in T-5 at Napa State Hospital in January 1973. Another reason—and one which excites the technical experts—is the effect of foster grandparents on the demeanor and behavior of children and adults who exhibit autistic symptoms.

Connie, Beth, and Herb are fairly typical of the foster grandparents recruited by Nellie Owens, the Napa coordinator for elderly citizens to help others and to earn something extra in retirement. They don't earn much in a work day that spans 10 a.m. to 3 p.m.—$1.60 per hour nontaxable stipend, $1 per day for travel, and a noon meal ticket. Their most satisfying rewards are intangible.

But let Connie tell about it:

"I will be forever thankful that I became a grandma in March. I have been retired for six years and until I joined Foster Grandparents nothing I did satisfied me, and no one needed me. This year, at 71, the feeling of not being needed left in a hurry when I was introduced to my two boys.

"Boys is a misnomer because Billy is 30 and Larry is 26. They have been institutionalized most of their lives and intellectually are about six years old. They are sweet and obedient. Billy was in school up to the third grade. He loves story books and learns to read the simple ones while he traces each word with a finger.

"Larry is very precise and anything he does must be just so, or done as well as he can. He loves to please. Having a grandmother he can call his own is important to Larry. We have taken jaunts to the barber shop and to the canteen for special goodies, and on good days both of my boys have been with me in the outside yards."

And Connie concludes: "The look on your boy's face when he sees Grandma is reward enough for us who have grown to love these children in a very short time."

What the technicians have seen in Program IX is the blossoming of trust, which is another way of saying love. Billy and Larry may or may not find a home in the outside world, but their world at Napa State Hospital has been enlarged and enriched by the daily presence of foster grandparents whose only concern is to make caring about others a reality.

Mr. CRANSTON. Mr. President, that glowing description of the benefits derived both by the patient and the volunteer in an institutional setting such as a State hospital can also be achieved in community-based programs. In our fast paced and impersonal urban society it is difficult for an individual who is developmentally disabled to venture beyond his home or a community program providing services for his needs. A volunteer can provide the necessary support to enable the individual to broaden his horizons—perhaps to travel to the seashore or go on a picnic—or perhaps to provide companionship to visit a neighborhood movie.

These volunteers can also be of invaluable assistance in assisting the professional staff in community facilities to organize programs and to insure that the human and legal rights of each person served are fully protected and his interests are advocated.

INDIVIDUALIZED SERVICE

Mr. President, although S. 3378 as reported does place a good deal of emphasis on the need to organize and implement programs to provide services to individuals with developmental disabilities in the most effective and efficient manner, it does not lose sight of the fact that all the best-run programs in the world cannot take place of providing services in an atmosphere of respect and dignity for each individual. A major portion of the committee's efforts were devoted to developing a framework which would assure that each individual receiving services, whether in a community-based, or a long-term residential facility, is given the respect and attention due each person. Incentives are provided to such facilities to enable them to meet standards which will guarantee that services can be provided on a personalized basis so that each individual served can achieve his full potential.

CONCLUSION

With this multiple approach to providing quality and total services to individuals with developmental disabilities, both from an organizational as well as a humanistic viewpoint, S. 3378 as reported offers an opportunity to the States to make their programs particularly supportive of citizens' needs and relevant to todays demands.

Mr. President, I urge the Members of the Senate to give their full support to S. 3378 as reported from committee.

Mr. WILLIAMS. I am pleased to join Senators RANDOLPH and STAFFORD and other members of the Subcommittee on the Handicapped in bringing S. 3378, the Developmental Disabilities Assistance and Bill of Rights Act to the Senate floor. This legislation extends and strengthens the Developmental Disabilities Services and Facilities Construction Act, and establishes basic minimum standards for community and residential services for developmentally disabled persons.

As originally passed by the Congress in 1970 this legislation was intended to provide a comprehensive mechanism through which States could pull together, at the level of service delivery, all of the fragmented programs needed to provide integrated care, education, and other services for individuals with neurological handicapping conditions. The goal was not to duplicate or pay for existing services, but to deploy funds in a catalytic manner for systematic planning and coordination of services; funds were only to be used to support services when such services did not exist or when necessary gaps must be filled to provide comprehensive programing. The legislation before us today builds on this model and makes changes which the committee believes are necessary to further this effort.

The main focus of this legislation, both titles I and II, is the facilitation of comprehensive services in the community for persons who are mentally retarded or with other developmental disabilities.

The committee has taken steps to strengthen the efforts of State planning councils for the developmentally disabled in order to carry out this purpose, and has established as the primary goal of the legislation the provision of services to individuals in the most normalized environment possible. Because of the inadequacy of services in the community, mentally retarded and other persons with developmental disabilities have been segregated in residential living situations which provide inadequate services to meet their needs. While some services may be exemplary, there is no State in the Union which can claim that it provides good developmental care and education services for this population.

Over the past few years, the horrifying conditions which exist in most of the public residential institutions for the mentally retarded and other developmentally disabled persons have provided shocking testimony to the inhuman way we care for such persons. The conditions at Willowbrook, at Partlow in Alabama, and at Rosewood in Maryland, and at many other institutions have shown beyond a shadow of a doubt that the treatment of those individuals is worse than all of us would like to admit.

Steps to scale down many of these large custodial institutions have resulted in not-so-large institutions, often with not much improved care, and with little followup. This has been true at Willowbrook: In 1965 and again in 1972, broad criticism has been levied at this institution; all indications point toward little change, and the Willowbrook trial begins next week. While much can be said about the lack of available funds to improve conditions at these institutions, at some point this country must draw the line. The abuses are too commonplace to point at a single institution, or a single abuse and say that it is an anomaly.

Over the last 2 years, the committee has taken testimony or received reports of: Inappropriate admissions because of lack of community services, inappropriate and inhuman experimentation with residents, sterilizations and other operations performed for convenience of treatment, starvation and malnutrition, abuse and physical punishment, inadequate food and living conditions, and death.

It is impossible to deny that some improvements have occurred over the last few years. Yet, the Constitution of the United States provides equal protection of the law for all persons no matter who they are, or what their condition. A Federal district court in Alabama has ruled in the Partlow case that this includes the right to treatment for persons who are institutionalized, for without that right such persons have been incarcerated without due process. A judge in New York in a preliminary hearing on the Willowbrook case said that this includes the right to protection from harm. Despite the Constitution, despite State and local law, it would be difficult for anyone to argue that individuals who reside in these institutions receive the equal protection of any law, let alone the constitutional rights they are entitled to enjoy by being citizens of this country.

The committee has taken an approach in the legislation before us to provide a framework by which these constitutional rights may be enforced. Title I assists States in their planning toward the provision of services to meet the needs of developmentally disabled individuals. Title II of the legislation sets forth basic minimum standards for both community agencies and facilities and residential facilities. In brief:

TITLE I

Transfers the Office of Developmental Disabilities from the Social and Rehabilitation Services Administration to the Office of the Secretary.

Requires affirmative action to employ and advance in employment handicapped individuals—applies to all recipients of assistance under the act and parallels provisions in the Rehabilitation Act.

Creates a new special project grant authority in the D.D. legislation.

Strengthens the State planning and advisory councils by providing adequate staff, making them responsible for submission of a State plan and approving all plans for implementation of the State plan, including the plans for expenditure of funds, and giving them prior review and comment over other State plans for Federal assistance which affect persons with developmental disabilities.

Establishes priorities for the expenditure of funds under the act, which place primary emphasis on the establishment of community-based programs to serve persons with developmental disabilities and the deinstitutionalization of such persons.

Includes as a primary emphasis for funds for university affiliated facilities, the deinstitutionalization of persons with developmental disabilities, and provides funds for university affiliated facilities to conduct assessments of the need for facilities to train persons and provide services in State not served by university-affiliated facilities, and funds to establish satellite centers.

Mandates the development of a model evaluation system by the Secretary of HEW which will assess the adequacy of services to individuals with developmental disabilities.

Title II of the bill sets forth a means to assure that the rights of developmentally disabled individuals will be protected. As introduced, this legislation provided that all facilities for persons with developmental disabilities meet standards based on the standards of the Joint Commission on Accreditation of Hospitals for residential facilities or lose any Federal assistance within 5 years. S. 3378 as reported from committee makes change in this legislation, and provides alternative procedures for residential and community facilities and agencies providing services to persons with developmental disabilities. Under S. 3378, as reported:

A State must provide assurances to the Secretary within 1 year from enactment that each facility and agency within the State has adopted a plan for compliance with the requirements of the act, and the State must submit to the Secretary a plan which demonstrates how such compliance will be met.

A State must agree to do compliance reviews, and the Secretary is required to conduct validation surveys of such compliance reviews.

Residential and community facilities and agencies are required to meet standards based on standards of the Joint Commission on Accreditation of Hospitals within 5 years, or must meet alternative requirements which include:

Such performance criteria as developed by the Secretary;

The provision of individualized written habilitation plans;

A client program coordinator to be assigned to each developmentally disabled individual, and

Certain minimum standards relating to family visitation, admission requirements to facilities, personnel, educational services, civil rights and food, medical treatment, and safety.

Title II also provides that a system of personal and protective advocacy must be established in each State to monitor programs and services and to protect the rights of each developmentally disabled individual.

Mr. President, the focus of S. 3378 is the reinforcing of all of the aspects of service delivery to persons with developmental disabilities which are needed to provide a comprehensive service system. The committee has emphasized the need

for ancillary services in the community under title I to bolster community facilities, and community care. Such ancillary care includes: parent training and counseling, early childhood diagnostic and evaluation services, home care, and stimulation and intervention services. Continuing this emphasis on the need to develop comprehensive services which will aid in the provision of quality developmental care for all persons with developmental disabilities, the committee also transfers the Office of Developmental Disabilities from the Social and Rehabilitation Services Administration to the Office of the Secretary.

The committee has further broadened the definition of developmental disabilities to include autism and specific learning disabilities and other disabilities which are found to be closely related to mental retardation as that term refers to the general intellectual functioning or an impairment in adaptive behavior or which requires treatment similar to that required for persons who are mentally retarded. Such disabilities must: Originate before age 18, be expected to continue indefinitely and constitute a substantial handicap to the individual's ability to function normally in society. This definition stresses the chronic nature of the disability, its occurrence early in life, and its impairment of the development of an individual.

It is further important to note that in terms of development, persons with developmental disabilities are those who are the most severely impaired in both intellectual functioning or general adaptive behavior. It is for this reason that the committee has included autism and specific learning disabilities, but intends that those individuals with specific learning disabilities who are covered by this definition are persons for whom this disability is a very severe impairment.

In conclusion, Mr. President, I wish to praise my colleagues on the committee who have been most steadfast in their support and continuing examination of this legislation, and wish to thank the Senator from West Virginia (Mr. RANDOLPH), the junior Senator from Vermont (Mr. STAFFORD), the senior Senator from California (Mr. CRANSTON), and the senior Senator from New York (Mr. JAVITS) for their work on this legislation, and their staffs for their assistance.

I ask unanimous consent, Mr. President, that a recent article from the New York Times on the placement of individuals from Willowbrook be printed in the RECORD immediately following my remarks.

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

HOSPITAL IS BETTER THAN WILLOWBROOK AND YET . . .

(By Murray Schumach)

Sixty-three retardates, most of them children and all of them survivors of abuses at the state institution at Willowbrook on Staten Island, are enduring a different kind of neglect in a secluded building on Wards Island to which they were transferred by the State Department of Mental Hygiene.

These profound retardates—some of whom are blind, deaf or unable to speak—spend their days huddled in enclosed porches, crawling, shuffling, sometimes inert.

The other day, one blind child was stretched on the floor of an empty room, her body twisted, clawing at her eyes. No one knew it she was in pain.

Yet in the same building, in gaily painted rooms, are thousands of dollars worth of expensive equipment bought to help teach the retardates balance, dexterity and cooperative play, to help them develop muscles and to recognize colors and forms.

These rooms are empty most of the day.

Walter Martin, who last week was named interim director of three units for retardates, including this one, the Keener unit, is angry about the situation and has notified the Department of Mental Hygiene.

"A hell of a lot more interaction between staff and residents is needed," he said in an interview. "I know there is a shortage of staff and I am seeking more. But meanwhile we have all this fine equipment that is not being used to help anyone.

The plight of these helpless retardates—some are tranquilized because they can hurt themselves or others—was observed for two days by The New York Times as part of a continuing investigation of the deficiencies of the state's mental-health program.

"I've never seen anything so mismanaged," said one professional employe, who asked not to be identified. "I'm very much afraid this will become another Willowbrook unless something is done very soon."

"This is worse than Willowbrook, and Willowbrook was horrible," said Chris Hansen, staff lawyer for the Mental Health Law Project, which is connected with the American Civil Liberties Union. "These kids are just vegetating. If this is the state's idea of a community facility, then the state is in the wrong game."

Mr. Hansen, who visited the unit on a weekend, said there was no doctor on duty, just a phone number where a doctor could be reached.

So far as could be learned, the retardates are not abused at the Keener unit. The building is clean, although a number of the residents are not toilet-trained. They were clothed, although many cannot dress themselves.

FIVE BROTHERS UNITED

The transfers from Willowbrook over the last six months have brought to light accounts of more inexplicable cruelties of indifference at the Staten Island institution. Five brothers who were transferred to Keener, for example, had been kept in separate buildings at Willowbrook.

"We don't know if this was deliberate or just stupid," said one of the Wards Island employes. "The brothers are much better off together. They kiss one another. They like being together."

The transfers were the result of a court order April, 1973, in which Federal Judge Orrin G. Judd stressed the "inhumane and shocking conditions" at the Willowbrook State School for the Mentally Retarded.

Since then, more than 1,500 of the 5,000 retardates at Willowbrook have been transferred. The aim was to reduce the population of Willowbrook to 2,500 next year.

In addition to the Keener unit, the other units of the Manhattan Developmental Center that have received patients from Willowbrook are the Sheridan unit, at 75 Morton Street, with 110 retradates, and Gouverneur, at 621 Water Street, with 170.

REPORTS OF MORE TRANSFERS

Everything at Wards Island is excerbated by reports that the state agency will soon be transferring even more patients there from Willowbrook.

Mr. Martin is aware of these reports, which call for doubling the number of retardates at the Keener unit by next spring. When he was asked about them the other day by a lawyer from the state's Mental Health Information Service, he said:

"I've heard the reports. But the way we are right now, we cannot take any more and I won't."

Thus, more than six months after the transfers began, the building on Wards Island has very little in the way of a program and, with its present staff, employes say, could not do much even if it had programs.

For the 63 retardates there are about 70 employes, of whom only five are professionals, not counting three doctors and a few nurses. The unit has four persons on the janitorial staff and one psychologist.

"Many of these children don't even know how to laugh when they're happy," one of the professionals said. "We received children from Willowbrook who were deaf or nearly deaf and there was nothing in their records to show it."

A background of heated tension between employees and the former Keener director, Dr. Merrill Calvin, has produced a lingering atmosphere of uncertainty. At one point, a number of employes signed a complaint against the director that was sent to officials of the Department of Mental Hygiene. The director resigned last week.

It is generally conceded that many members of the staff, who were enthusiastic six months ago and anxious to meet the challenge of trying to help the retardates, are now becoming pessimistic.

"It is awful," one employee said. "Here we have a staff that is young and eager and wants to help. And we see these children getting nowhere. It seems as though our job is to stand guard over children on porches."

There are mixed reports about the attitude of the lower-echelon employes. Many are said by the administration to be devoted to the retardates. But there are reports of lateness and early departures, and of taking naps under the trees near the building.

The reactions of the retardates, particularly of the children, indicate that they are treated kindly by the attendants—at least by those who spend time with them on the enclosed porches.

The retardates go to them for affection with obvious trust. The attendants, particularly the women, pet them, talk softly to them and embrace them with an ease that indicates it is not being done just for visitors.

The three-story brick building has walls so thick that it is cool without air-conditioning. The setting of quiet and tall shade trees is soothing. But some experts say a building set in the midst of a community is preferable because it would involve more people in the plight and care of mental patients.

MORALE REPORTED SLIPPING

Mr. Martin, who has set up a committee to work out a program for the Keener Unit, says:

"I have found that morale is not as high as it was several months ago. A lot of people working here just don't know what to do."

He has assigned James Ramseur, chief of community services for the Manhattan Developmental Center, to stay at Keener and help work out a program.

Mr. Martin has also begun organizing a group of parents of retardates at Keener, all of whom come from Manhattan. One of the problems is that unless the parent has a car—and few do—it will cost two fares—by subway to 125th Street and then by bus to Wards Island—to reach the facility.

"Most of these parents are poor," Mr. Martin said. "Poverty and retarded children is not the happiest combination. The least we can do is to try to help the retardates."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be dis-

charged from further consideration of H.R. 14215 and that the bill be immediately considered.

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

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 14215) to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that Act.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed immediately to the consideration of the bill.

Mr. MANSFIELD. Mr. President, I move to strike all after the enacting clause of H.R. 14215 and to substitute the text of S. 3378, as reported and as amended.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment and the third reading of the bill.

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

The bill was read the third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 14215) was passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of H.R. 14215, as it passed the Senate.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to postpone indefinitely consideration of S. 3378.

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

(Later in the day the following proceedings occurred:)

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the action this morning on H.R. 14215 be reconsidered and that certain technical amendments that I offer on behalf of the Senator from West Virginia (Mr. RANDOLPH) to the substitute (S. 3378), as approved by the Senate to H.R. 14215, be agreed to and that H.R. 14215, as thus amended, be repassed. The purpose is to correct certain technical items.

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

The technical amendments thus agreed to before repassage are as follows:

On page 259, line 19, strike the comma.

On page 261, line 6, insert a comma after "appropriations".

On page 261, line 11, strike "insure" and insert "ensure".

On page 261, strike lines 20 through 26.

On page 262, strike lines 1 through 12.

On page 262, line 23, strike "specalized" and insert "specialized".

On page 266, line 7, strike "now".

On page 267, line 24, insert a comma after "which".

On page 268, line 11, strike "per centum" and insert in lieu thereof "percent".

On page 268, line 24, insert a comma after "learning".

On page 270, line 13, strike "to".

On page 270, line 15, strike "established under section 115".

On page 271, line 6, insert a comma after "sentence".

On page 271, line 21, strike "client".

On page 274, line 18, insert a closed parenthesis before "and".

On page 275, line 21, insert a comma after "part".

On page 276, line 14, strike the comma.

On page 280, line 8, insert "of the provisions of" after "implementation".

On page 280, line 22, insert "of the provisions of" after "administration".

On page 282, line 23, strike "client".

On page 283, line 7, insert a comma after "feasible".

On page 287, lines 19 and 20, strike "per centum" and insert in lieu thereof "percentage".

On page 287, line 22, strike "per centum" and insert in lieu thereof "percentage".

On page 287, line 23, strike "per centum" and insert in lieu thereof "percent".

On page 287, line 24, strike "per centum" and insert in lieu thereof "percent".

On page 291, line 9, strike "of 20 per centum" and insert in lieu thereof "equal to 20 percent".

On page 291, line 10, strike "no more than 30 per centum" and insert in lieu thereof "not more than 30 percent".

On page 292, line 14, strike "shall".

On page 300, line 13, strike "established pursuant to section 113".

On page 301, line 13, strike "established pursuant to section 113".

On page 302, line 13, insert "(42 U.S.C. 2661)" after "Act".

On page 304, line 14, strike "client".

On page 304, line 16, strike "client's".

Beginning on line 23, page 310, strike through line 2, page 311 and insert in lieu thereof the following:

(27) "mental retardation" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior, and manifested during the developmental period.

On page 312, line 13, strike "facility. Job" and insert in lieu thereof "facility (job".

On page 312, line 15, strike "administrator" and insert in lieu thereof "administrator);".

On page 316, line 21, strike "no" and insert in lieu thereof "not".

On page 338, line 13, strike the period and insert in lieu thereof a semicolon.

On page 342, line 8, strike "director" and insert in lieu thereof "directory".

On page 343, line 1, strike the semicolon and insert in lieu thereof "and".

On page 362, line 23, strike "and/".

On page 380, line 5, strike "and/".

On page 383, line 4, strike, "percent" and insert in lieu thereof "prevent".

On page 388, line 5, strike "equipage" and insert in lieu thereof "Furnishing".

On page 401, line 12, strike "and/".

On page 406, line 4, strike "residential" and insert in li· thereof "residential".

On page 409, line 15, insert "to" after "provided".

On page 411, line 11, strike "practicum' and insert in lieu thereof "practical".

On page 422, line 6, strike "experiant" and insert in lieu thereof "experience".

On page 429, line 13, strike "Individual" and insert in lieu thereof "Individuals".

On page 433, line 12, strike "resident" and insert in lieu thereof "residents".

On page 438, line 6, strike "last" and insert in lieu thereof "least".

On page 444, line 18, strike "and/".

On page 445, line 6, strike "and/".

On page 448, lines 22 and 23, strike "the American Council on Pharmaceutical Education" and insert in lieu thereof "an accrediting agency approved by the Secretary.".

On page 449, line 9, strike "and/".

On page 451, line 2, strike "and/".

On page 451, line 5, strike "subsection" and insert in lieu thereof "subchapter".

On page 453, line 24, strike "and/".

On page 456, line 24, strike "in" and insert in lieu thereof "required by the provisions of".

On page 459, line 2, strike "attendances at" and insert in lieu thereof "attending".

On page 460, line 6, strike "equipage" and insert in lieu thereof "furnishing".

On page 464, line 18, strike "and/".

On page 465, line 16, strike "and/".

On page 468, line 6, strike "(8)" and insert in lieu thereof "(5)".

On page 469, line 21, strike "and training/" and insert in lieu thereof "training, and".

On page 482, line 5, insert "be" after "and".

On page 489, line 14, strike "him or her" and insert in lieu thereof "the resident".

On page 491, line 21, strike "and/".

On page 491, line 23, strike "treatment/" and insert in lieu thereof "treatment and".

On page 494, line 13, strike "individual" and insert in lieu thereof "individuals".

On page 496, lines 22 and 23, strike "the National Association of Social Workers" and insert in lieu thereof "appropriate nationally recognized professional associations".

On page 498, line, 9, strike "and/".

On page 501, line 17, strike "and/".

On page 502, line 21, strike "and/".

On page 509, line 5, strike "habilitation/" and insert in lieu thereof "habilitation and".

On page 509, line 7, strike "habilitation/" and insert in lieu thereof "habilitation and".

On page 515, line 17, strike "qualified as" and insert in lieu thereof "described".

On page 516, line 15, strike "practicum" and insert in lieu thereof "practical".

On page 522, line 13, strike "and/".

On page 525, line 13, strike "and/".

On page 525, line 22, strike 'persona" and insert in lieu thereof "personal".

On page 526, strike line 1 and insert in lieu thereof "(12) reports of the preadmission evaluations;".

On page 529, line 2, strike "remain" and insert in lieu thereof "maintain".

On page 532, line 20, strike "and/".

On page 532, line 21, strike "and/".

On page 538, line 16, strike "and/".

On page 540, line 14, strike "and so forth".

On page 540, line 15, strike "and so forth".

On page 542, strike line 21.

On page 542, line 22, strike "facilities" and insert in lieu thereof "(b) Facilities".

On page 545, lines 23 and 24, strike "(hereafter in this section referred to as "IPP")".

On page 546, lines 8, 9, 11, 15, 19, and 23, strike "IPP" and insert in lieu thereof "individual program plan".

On page 547, lines 1, 3, 5, 8, 10, 12, 17, and 19, strike "IPP" and insert in lieu thereof "individual program plan".

On page 556, line 16, strike "client".

On page 585, line 7, strike "299H" and insert in lieu thereof "299L".

On page 593, line 3, strike the quotation marks.

On page 594, line 20, strike "American Academy of Pediatrics," and insert in lieu thereof "Secretary,".

On page 605, line 3, strike '299V" and insert in lieu thereof "299W".

On page 607, line 18, strike "and/".

On page 611, lines 21 and 22, strike 'the American Association on Mental Deficiency classification" and insert in lieu thereof regulations prescribed by the Secretary".

On page 611, lines 24 and 25, strike the American Association on Mental Deficiency "regulations prescribed by the Secretary".

On page 612, strike lines 13 through 19

and insert in lieu thereof "diagnosis, according to regulations prescribed by the Secretary;".

On page 613, line 5, strike "299W" and insert in lieu thereof "299X".

On page 614, strike lines 21 through 25.

On page 615, strike lines 1 through 5.

On page 615, line 6, strike "(E)" and insert in lieu thereof "(B)".

On page 617, line 16, strike the colon and insert in lieu thereof a period.

On page 618, line 4, strike "and/".

On page 626, line 11, strike "Staff" and insert in lieu thereof "staff".

On page 629, lines 9 and 10, strike "National Fire Protection Association Life Safety Code," and insert in lieu thereof "Secretary, with regard to fire safety,".

On page 263, line 13, strike "for" and insert in lieu thereof "to".

On page 263, line 20, strike "any project".

On page 268, line 24, insert "a" after "learning".

On page 276, line 7, insert "or agencies" after "States".

On page 282, strike lines 8 and 9 and insert in lieu thereof "it shall, develop, submit, and obtain the approval of the Secre-".

On page 283, insert between lines 16 and 17 the following: "Such annual State plan shall be initially submitted within 180 days after the date of enactment of this Act and.".

On page 282, line 24, insert a comma after "tion".

On page 286, line 20, strike the comma.

On page 287, line 20, insert a comma after "under".

On page 296, line 14, strike "(a)".

On page 302, line 4, insert "or disapproved" after "approved".

On page 327, line 18, strike "guardians" and insert in lieu thereof "guardian".

On page 328, line 5, strike "guardians" and insert in lieu thereof "guardian".

Mr. JAVITS. Mr. President, I move to reconsider.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE RESOLUTION 415—TO AUTHORIZE CERTAIN EXPENDITURES FROM THE CONTINGENT FUND OF THE SENATE

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask for its immediate consideration. It has been cleared on both sides.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 415) to authorize certain expenditures from the contingent fund of the Senate.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 415) was unanimously agreed to.

The resolution reads as follows:

S. RES. 415

Resolved, that expenses are authorized to be paid from the contingent fund of the Senate for such officers and staff as may be designated by the Majority and Minority Leaders to attend the Day of National Observance for the Two Hundredth Anniversary of the First Continental Congress, pursuant to S. Con. Res. 85.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) is recognized for not to exceed 15 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum, the time to be charged against me.

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

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

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

THE UNITED STATES AND CUBA

Mr. HARRY F. BYRD, JR. Mr. President, during the past several months, there has been considerable discussion as to whether there should be a major change in United States policy toward Cuba. There is considerable evidence that the Department of State is pointing itself in that direction. There has been much attention focused on this subject by the Senate recently, and by individual Members of the Senate.

A week ago, I spoke in the Senate on this subject and expressed the view that our present policy toward Cuba probably is not accomplishing a great deal. I expressed the view, also, that if there is to be a change in policy, our Government should set certain conditions that should be met prior to such a change in policy.

For example, I feel that the Castro government should make full compensation to American citizens who had their property confiscated by the Castro government some 15 years ago. I think, also, that there should be full access by the news media to each of the countries; that is, the United States news personnel should have access, freedom to move about Cuba, and the same should be the case with Cuban newsmen in the United States.

I think also, that there should be a free exchange and free access on the part of individual citizens of each country to visit the other.

The able Senator from New York (Mr. BUCKLEY) yesterday held a press conference and discussed this same subject of possible change in policy toward Cuba.

Senator BUCKLEY's discussion is a most thoughtful one. It goes into the many aspects of the Cuban situation. It points out the dependence of Cuba on the Soviet Union, and also the fact that the Soviet Union has military bases in Cuba.

The Senator from New York (Mr. BUCKLEY) says that he can understand that it may be desirable for the United States to change its policy toward Cuba, but he feels that if there is such a change, certain specific actions need to be taken on the part of Cuba.

Among other things, he stated:

To be specific, if we are to consider any lifting of current economic and political sanctions against the Castro regime, we must as a first condition require that Cuba renounce its alliance with the Soviet Union, order the withdrawal of Soviet military technicians and intelligence operatives, and deny the use of Cuban territorial waters and basing facilities to the Soviet navy.

To do otherwise would be to cooperate in relieving the Soviet Union of the high cost of subsidizing the Cuban economy without in any way diminishing the Soviet presence in this hemisphere.

I think Senator BUCKLEY raises an immensely important point and one that I hope the Department of State will take fully into consideration in considering this matter of changing our policy toward Cuba.

Indicative of the interest in the subject, two of our colleagues, the senior Senator from New York (Mr. JAVITS), and the Senator from Rhode Island (Mr. PELL) visited that island over the weekend. It was significant—that while they were there, the first members of the Senate to visit Cuba in 15 years, Mr. Castro held a violent, anti-American rally in Havana.

That is reminiscent of the time in 1958 when, as a newspaper correspondent, I was in Havana and attended an anti-American rally, attended by an estimated 1 million persons, on the grounds of the presidential palace. That was October of 1959.

The meeting started in the early afternoon and continued until 11 that night. The speakers were many, beginning with President Dorticos and ending with Fidel Castro. Castro spoke for 3 hours and 15 minutes. That was the first anti-American rally held by the new Castro government, that had been in power only 10 months.

It would appear from the rally in Havana this past weekend that Castro is still as violently anti-American as he was some 15 years ago. As I mentioned in my remarks to the Senate last week, I am not sure that the policy that we are pursuing of boycotting Cuba is accomplishing very much. However, I believe if we are going to change that policy, we must demand a quid pro quo from the Castro regime, and there are certainly several basic agreements and concessions which our Government should obtain before agreeing to lift the boycott.

Mr. President, I ask unanimous consent that if the press interview by the Senator from New York (Mr. BUCKLEY) was not published in yesterday's RECORD, it be published in the RECORD at this point.

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

(For text of Senator BUCKLEY's remarks, see CONGRESSIONAL RECORD of September 30, 1974, page 32857.)

Mr. HARRY F. BYRD, JR. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 6 minutes remaining.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum, with the quorum call to be charged against my time.

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

The assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

WASTEFUL SPENDING

Mr. HARRY F. BYRD, JR. Mr. President, I have long been concerned with the enormous deficits which the Federal Government has been running—a total of $133 billion in Federal funds in the 6 years ending next June.

Double-digit inflation has increased my concern, and I find that more and more of my colleagues share the apprehension that continued smashing deficits will produce disastrous results for the economy and for the people.

Our huge Government deficits have many adverse consequences. Not only do they create inflationary pressures through the sheer volume of spending; not only do they set an example of waste and irresponsibility for the private sector; in addition, they force the Government to borrow heavily and drive interest rates upward.

Sixty-two percent of all the lendable funds in this country are borrowed by the Federal Government.

So obviously we must get spending under control. As we seek for ways to do this, we are constantly confronted by assertions that many items in the budget are "uncontrollable," or at the very least, that cuts in spending involve difficult choices and a hard reexamination of priorities.

But whatever one believes about these matters, none should defend sheer waste.

Surely we can—right now—go after the items in the budget that represent foolish uses of the hard-earned tax funds of the people of this Nation.

With this in mind, I directed my staff this last summer to review some of the outlays of a number of Federal agencies, searching for items that appear to have little or no justification.

The list that resulted from that effort is enormous.

During the period between now and the October 11 recess of the Congress, I shall speak each day on the floor of the Senate, outlining some of the outlandish expenditures which the U.S. taxpayer is financing.

I trust that my colleagues in the Congress, and hopefully the people of the country, will find this information interesting. My guess is that they will find it appalling.

At the outset, let me say that I do not judge the question of whether these various enterprises of which I shall be speaking should be carried out at all. Some no doubt are of great value.

My contention is that they should not be funded with the money paid into the Treasury of the United States by the hard-working men and women of our country.

Let us begin.

The Inter-American Foundation is spending $10,660 to produce 65 scripts for Peruvian television, because a Peruvian organization has found that the substance and style of present radio and television are "culturally debasing and escapist." I am sure that will prove most uplifting for the hungry people of Peru.

The National Endowment for the Arts has made a grant of $4,500 to a New York composer for creation of an electronic opera for radio, utilizing "synthetic speech."

The endowment also has awarded $11,220 to a museum professional "for documentation and evaluation of 19th century American sepulcral sculpture in the Mississippi and Ohio River areas."

In its munificence, the National Science Foundation has in its current budget $77,100 for research into linguistic and cultural variations among the Athapaskan Indians.

The Agency for International Development, always a dependably generous dispenser of tax funds, is spending $18,500 a year to hire a German national to assist the government of South Vietnam to organize and administer a nationwide soccer program. Now if that does not hold off the Vietcong and the North Vietnamese, what will?

If the amounts involved in these examples seem trifling in comparison with the $305 billion which the Government proposes to spend in the current year, remember that they are but fragmentary examples from a thick book which my staff has compiled.

Moreover, some waste involves large sums. The Department of Defense, which does things on a grand scale, has paid out $16 million-plus on submarine emergency buoys which are too large for the submarines.

The Navy has spent $20 million on these buoys. That provided for 184 of them, of which 39 have been installed on Polaris subs. The rest have been put in a warehouse because they are too big for the rest of the submarines in the fleet.

In the days ahead, I shall be outlining dozens more of these outrageous examples of profligate waste by the Government. I know that some of them will seem amusing—but let us not forget that waste of tax funds is a serious business.

Public office is a public trust, and we who oversee the operations of the Government have no higher duty than to safeguard the money which our citizens pay to the Government in good faith.

We must trim the fat out of the budget, and the time to begin is now.

Mr. President, I ask unanimous consent to have printed in the RECORD similar examples of the use of public funds.

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

STATEMENT

NATIONAL ENDOWMENT FOR THE ARTS

$1,000 to a musician to spend a year playing with a Comanche Indian flutist.

NATIONAL ENDOWMENT FOR THE HUMANITIES

$73,152 to sponsor community discussions on "definitions of human rights, traditional moral theories of non-dependence and property, the nuances of the meaning of the concepts of rights, and how these different views relate to specific issues."

INTER-AMERICAN FOUNDATION

$51,360 to sponsor radio schools, women's clubs, cooperatives and youth groups among campesinos of Panama.

DEPARTMENT OF DEFENSE, U.S. ARMY

The General Accounting Office confirmed that U.S. Army troops and equipment were used to clear land for a private golf course in West Germany.

In January, 1972, the 12th Engineering Battalion of the 8th Infantry Division spent five days clearing forest land for use as a private golf course. The land is located near Bad Muenster, Federal Republic of Germany, and is owned by a German national.

The operation involved the use of 500 to 600 men and 137 army vehicles including a road grader, bulldozer, a 20 ton crane, combat engineering vehicles, and personnel carriers. About $1,000 worth of fuel was consumed to burn felled trees and to transport the men and equipment 60 miles roundtrip for the work.

An 8th Infantry Division newspaper described the operation as a community assistance project and a training exercise, but this claim was found to be erroneous on both points by the GAO investigation. According to the GAO, a request to designate this job as a community assistance project was specifically rejected by the Community Relations Officer in authority. Moreover, the GAO was unable to find any authorization for the conduct of a training exercise related to this "project."

An Army Captain, according to information not contained in the GAO report, received DM 19,500 ($7,234) from the German landowner for designing the course and for obtaining the services of the 12th Engineering Battalion.

The Army failed to take any action on this incident until the GAO inquiry in July, 1973, eighteen months after the operation occurred. Subsequent to the GAO investigation, an investigation was ordered by the Inspector General of the Army with witnesses to be questioned in the United States and Europe.

ORDER OF BUSINESS

Mr. HARRY F. BYRD, JR. Mr. President, I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the remainder of the time yielded back by the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) and the time allocated to the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) be transferred to the distinguished Senator from Ohio (Mr. METZENBAUM).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Ohio (Mr. METZENBAUM) is recognized for 9 minutes.

SENATE RESOLUTION 410—IN SUPPORT OF THE EFFORTS OF PRESIDENT FORD IN SEEKING WORLD ECONOMIC STABILITY AND A NEW UNDERSTANDING BETWEEN OIL PRODUCING AND CONSUMER NATIONS

Mr. METZENBAUM. Mr. President, at this time I shall address myself to Senate Resolution 410. I ask unanimous consent that the names of the following additional Senators be added as cosponsors of the resolution: Mr. BAKER, Mr. BAYH, Mr. DOMINICK, Mr. MATHIAS, Mr. PELL, Mr. ERVIN, Mr. HOLLINGS, and Mr. STEVENSON.

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

Mr. METZENBAUM. Mr. President, Senate Resolution 410 now has 63 co-

sponsors. I believe that quite well indicates the attitude of this body in connection with the important address recently made by the President of the United States. The same subject was thereafter addressed by the Secretary of State.

This important resolution expresses our belief that the continuing rise in oil prices will not only prevent us from controlling inflation in this country, but it will severely damage the economy of every nation in the free world.

The resolution indicates that 64 Members of the Senate, and I am certain there are more, support President Ford in his statement to the World Energy Conference that the artificial rigging of oil prices has brought and will continue to bring disastrous consequences to world economic stability.

I submit that the artificial rigging of oil prices runs counter to the basic economic principle of supply and demand. We join the President in warning that the great concentration of economic power in the Organization of Petroleum Exporting Countries, more popularly known as OPEC, could lead to global depression.

President Ford's warnings were underscored by Secretary of State Kissinger speaking before the United Nations General Assembly when he stated that the world cannot sustain even the present level of prices much less continuing increases which, he said, are caused by deliberate decision to restrict production and maintain an artificial price level.

Mr. President, this has been my concern for many months now. It is not a new subject with me because, as I have watched the OPEC nations accumulate their vast hoard of American dollars, I realize that this year alone the OPEC nations will receive $105 billion in total oil revenues compared to something in the nature of $25 billion just a year ago.

These are revenues that have strained world financial institutions and capital markets to their breaking point. Of the total $105 billion, $60 billion of it will be excess wealth, more than the oil producers can possibly use for internal purposes; and there are even some difficulties in using it in the investment market around the world.

As I stated on September 9 before the Joint Economic Committee hearing on the inflationary impact of petroleum products, of all the inflationary price increases, perhaps none has been felt so acutely by the consumer as the skyrocketing cost of the fuel.

We cannot win the battle against inflation unless we roll back the price of oil.

Only 2 years ago, according to the Washington Post, the average cost of oil imports was $2.58 per barrel, less than one-quarter of what OPEC nations demand today.

Moreover, escalating oil prices produce inflationary pressures throughout the entire world economy. For example, fertilizer prices have increased fourfold contributing greatly to the soaring cost of food.

Inflation has properly been called Domestic Public Enemy No. 1. This Nation's economy cannot tolerate the increasing price of oil, a tarantula that threatens the economic stability of the world.

What about the solution? The solution is not simple. Cutting off aid to the OPEC nations is not the solution. Had I been present yesterday I would not have been able to support that amendment because I do not believe that that would really state the problem or come up with an appropriate answer.

Saber rattling and threats are not the solution, and I disagree with the distinguished Senator from South Dakota who, the other day, suggested by implication that there were threats made in the President's speech.

But I believe that facing the reality of the situation, the economic facts of life, by the President of the United States and by this body by resolution is a step in the right direction. I think it is saying to the entire world that our economy cannot long endure if we continue to export billions of dollars overseas and have a negative balance of payments. We cannot continue in that same manner and still remain economically strong. That is a certainty.

Although I believe that there are sufficient votes in this body to pass this resolution under suspension of the rules, I believe that a prompt and early hearing on this resolution by the Committee on Foreign Relations could and would provide an excellent forum for our Nation's position to be clearly enunciated, to make it possible for the administration to spell out exactly the meaning of President Ford's statement, and to make it possible for the Senate and Congress to go on record in support of that position.

It is my understanding that the majority leader has discussed the matter of an early hearing with the distinguished chairman of the Committee on Foreign Relations and I would now ask if the majority leader would be good enough to advise the Senate with respect to the position of the chairman of the Committee on Foreign Relations as it pertains to the possibility of an early hearing on the resolution.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished Senator from Ohio (Mr. METZENBAUM), may I say that on yesterday I did discuss the possibility of hearings before the Committee on Foreign Relations with the chairman of that committee, the distinguished Senator from Arkansas (Mr. FULBRIGHT). He assured me that he would be ready to hold hearings, hopefully at the earliest possible date, and I am delighted to note the spirit in which the distinguished Senator from Ohio has raised the question because I think this is a matter which should go to the Foregn Relations Committee.

I want to assure him that, as far as I am concerned personally, I will urge the chairman of the committee, Mr. FULBRIGHT, to hold hearings as early as possible.

Mr. METZENBAUM. I thank the distinguished majority leader.

Under those circumstances, I have no objection to the resolution going over under the rules.

Mr. GRIFFIN. Will the Senator from Ohio yield to me very briefly, Mr. President?

Mr. METZENBAUM. I yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. I wish to associate myself generally with the remarks the Senator from Ohio has made in support of the pending resolution, although my name does not appear as a cosponsor, I do support his resolution.

It is important for the OPEC nations to take note of the fact that a large percentage of the Senate support this resolution, which, I suggest, reflects the mood not only of the Senate, but the mood of the American people as well.

It seems to me that one of the things we must do if we are to solve the problem pointed up by this resolution is to find ways and means of stimulating production of oil and of alternative sources of energy here in our own country.

Without going into detail, I must say that if we were ready to pay the same price we pay now for foreign oil to those in our own country who would be willing to develop and produce alternate sources of energy, we could very rapidly develop alternate sources of energy—which in turn would make us less reliant on the OPEC countries.

Certainly, it would be much better if the dollars we pay to foreign producers of oil were being paid instead to domestic entrepreneurs and developers. If that were the case, dollars being paid for energy would at least stay in this country.

So, I would hope that this resolution will serve the purpose of not only focusing attention upon the unreasonable attitudes and policies of the OPEC countries but that it will also help to spur us on here in this country—to realize here in Congress that we have to take some action, along with the administration, to stimulate the domestic production of oil, gas, and the development of alternate sources of energy.

Mr. METZENBAUM. Mr. President, I appreciate the remarks of the distinguished Senator from Michigan in support of the resolution, and I am pleased to see that he agrees with the remarks I had made earlier.

However, I would like to comment and suggest to him that the question of Project Independence, and the question of a sense of urgency which pertains to the development of alternative sources of energy, truly are partially a congressional responsibility but, to a very great extent, they are an administrative responsibility.

I would like to urge upon the distinguished assistant Republican leader that he call upon the offices of Mr. Sawhill and some of the other offices that have a responsibility in this area, to move with dispatch because, although I have not been here long—9 months—I am totally convinced that there is no sense of urgency at the FEA at this point nor in any other department of Government with respect to the development of alternative sources of energy.

Although I do not place any responsibility or blame at the doorstep of the distinguished Senator from Michigan, I

do believe that he is in a posture to prod the administration on this subject. We are not moving as rapidly as we should be moving, and I join with him in the need for both Congress and the administration to move with more rapidity.

Mr. GRIFFIN. Mr. President, will the Senator yield again?

Mr. METZENBAUM. I yield.

Mr. GRIFFIN. One of the examples I have in mind is the need to deregulate the price of natural gas. Certainly this administration and the prior administration have called on Congress to do that.

It is one example of exactly what I am talking about.

It appears that we are willing to pay $12, $13, or $14 a barrel for oil that is produced in other countries while, at the same time, we are holding the lid at a much lower level on the price for energy produced in this country. We should be doing more to provide incentive and encouragement for domestic producers and entrepreneurs to develop energy—particularly alternative sources of energy—in this country.

I agree with the Senator that perhaps the administration could do more. But so could Congress do more.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. METZENBAUM. Mr. President, I ask unanimous consent for 1 additional minute.

Mr. MANSFIELD. Mr. President, I ask that the Senator be recognized in the morning hour.

ROUTINE MORNING BUSINESS

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

The Senator from Ohio is recognized.

SENATE RESOLUTION 410—IN SUPPORT OF THE EFFORTS OF PRESIDENT FORD IN SEEKING WORLD ECONOMIC STABILITY AND A NEW UNDERSTANDING BETWEEN OIL PRODUCING AND CONSUMER NATIONS

Mr. METZENBAUM. Mr. President, in response to the Senator from Michigan, the only difference between the Senator's approach to the problem and mine is the fact that the Senators' approach talks about taking off the lid on natural gas prices. The administration talks about increasing the tax on gasoline.

In each instance there is an effort to raise the price to the consumer and that, I think, is not the right approach to the development of ultimate sources of energy.

I believe that an appropriate approach has to do with the development of coal.

The whole program for the development of a coal gasification plant has been dragging in the administration for a period of about 9 months to a year and although they originally talked about going forward promptly with this program, now they are talking about taking bids sometime next year.

Now, there is enough coal underground in this Nation, if we could take the sulfur out of it, to provide all the energy we might need for more than the next 200 years, but that program is not going forward with dispatch.

In connection with the subject of solar energy, officials of NASA told me about 8 months ago that they would be prepared to move forward with dispatch as far as the development of solar energy is concerned to make it usable for commercial purposes in a period of 5 years if they only had the go signal, but nobody has given them the go signal.

Too often we find that the proposal, or the solution, as suggested by the minority party, is that we raise the prices to the consumers of this country and in some way that will solve the problem of providing alternate sources of energy.

I think we can provide alternative sources of energy without the consumer carrying the entire burden. I think the people of this country are prepared to share the burden, but I do not think they should be expected to carry the entire burden while the oil companies continue to amass fantastic profits beyond compare.

The ACTING PRESIDENT pro tempore. Does the Senator wish to ask unanimous consent that his resolution be referred to the Foreign Relations Committee?

Mr. METZENBAUM. I do.

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

Mr. MANSFIELD. Mr. President, as a cosponsor of the Metzenbaum resolution, I think I should make my position clear again as I did at the time this resolution was presented to the Senate by the distinguished Senator from Ohio on Wednesday or Thursday, I believe, of last week.

At that time I stated that I did not look upon this resolution as seeking a confrontation between the oil producing states and the United States. I stated at that time that it was my impression that what President Ford had to say at the United Nations, and again a week ago yesterday at Detroit, and what Secretary Kissinger later said, and also Secretary Simon, on what they were attempting to do was to paint a broad picture of the situation which confronted not only the Western World, the consumer nations, but, in effect, which confronted the producing nations as well.

So confrontation is not the answer. I am afraid that some of us have used the word "war" too easily and too glibly because war, no matter how it is defined, economic and physical, aggressive or whatnot, just is not the answer and will not succeed.

The purpose, as I see it, is to try and work out a reasonable agreement among reasonable men representing reasonable countries—if all can be reasonable—to the end that the deficits in the consuming countries can be overcome and that these consuming nations, rapidly becoming the have-not nations, can have their needs reasonably taken care of.

I think we have spent too much time talking about the Arab producers and I believe, if my memory serves me correctly, that the great majority of the oil imported into the country comes from Venezuela and Canada, rather than from the Middle East.

That does not denigrate the problem to any extent, but I hope it clears up the picture somewhat, because we are too prone to say, "the Arabs," and let it go at that, and not recognize the fact that oil is at least a three-dimensional subject because we have huge holdings in other parts of Asia outside of the Middle East, huge beginnings in certain African countries like Nigeria and Gabon, and certainly, north Africa in the Arabic part, Libya, Algeria, and supposedly in the western part of Egypt itself.

Then, of course, we have the tremendous holdings in Venezuela, plus new developments in Ecuador, Bolivia, and elsewhere on the Latin American Continent.

So I would hope we would not let our emotions get the better of us and recognize that there may be ways and means through which an accord can be reached. I would hope as well that we concentrate on what we can do to develop our own resources in all the fields of energy under the right conditions; and finally prepare ourselves for the sacrifices which must be made if we are ever to become anywhere near self-sufficient.

It is my understanding that Secretary Simon said last year that 40 percent of our energy is wasted.

Certainly, there are some ways in which we can find means to draw down on this shortage, if not to eliminate it, at least to decrease it, and that way we can help to overcome our needs for imported products.

There must be sacrifices. We have been too materialistic. We all wanted that second car, or that third TV set, or that fifth radio. We do not like to walk anymore. If we have to go five blocks we will call a taxi.

I think the people of this country have a very important function to perform, if they will do it, because if they do not they are going to face a repetition of what happened last year, not only in oil, because it goes beyond that commodity, because we find cartels being created to fix the price and control production on bauxite, for example, which is very important to the manufacture of aluminum, a necessity as a matter of fact.

We even find the coffee and banana producing nations forming cartels for the purpose of controlling production and fixing the price upward.

We can get along without coffee; we can get along without bananas; but we cannot get along without oil. We cannot get along without bauxite. We cannot get along without copper—and the imports are increasing there—iron, and other commodities, because, I have to repeat, Mr. President, that this Nation, which used to be a have nation, is rapidly becoming more and more of a have not nation in too many spheres. I think that partially the fault is ours because we have been too freewheeling. We have been too prodigal in wasting our resources. I think it is about time that we wake up and face the reality of modern

times, and do what must be done as a people, and do what must be done on the part of Congress and the executive branch working together.

As President Ford said, we are all soldiers in the war against inflation. In that respect, I approve the use of the word "war." Inflation knows no party, recognizes no label, and will affect all of us if we do not face up to what it entails and the responsibilities which we must assume.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. STAFFORD. Mr. President, I want to agree fully with what the distinguished majority leader has just said. Only semifacetiously would I say there are times at 7 o'clock in the morning when I am not sure that a good share of the country can do without coffee.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. METZENBAUM. Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Ohio has used his time available under morning business.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator be recognized because no other Members are in the Chamber.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized for not to exceed 3 minutes.

Mr. METZENBAUM. I thank the distinguished majority leader. I rise only to indicate my appreciation of the remarks of the majority leader, and also to compliment him on the broad breadth of knowledge that he brings to this subject, as well as so many others, in the Senate.

I wanted to address myself to one point. That is to point out that nowhere in the resolution, nor in any of the remarks that I have made in support of that resolution, have I used the words "Arab nations." I have consistently talked about the OPEC nations because I fully recognize that the OPEC nations include a great many nations other than those that are in the Arab world, including Venezuela, Canada, Iran, particularly, as well as a number of the other nations.

I wanted to be certain that this record on this subject, as far as debate in the Senate is concerned, not be closed without my making it very clear that I do not consider this to be an Arab problem. I consider it to be an OPEC nation problem.

I yield back the remainder of my time.

Mr. MANSFIELD. The Senator is correct. There is no reference, as such, to the Arab nations. When I spoke about OPEC, I was doing it entirely on my own responsibility, and in no way related to the resolution which is now in the hands of the Foreign Relations Committee.

I am delighted that the distinguished Senator from Ohio has once again emphasized the point which he did when the resolution was first introduced.

The ACTING PRESIDENT pro tempore. Is there further morning business?

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

APPROVAL OF BILL AND JOINT RESOLUTION

A message from the President of the United States stated that on October 1, 1974, he had approved and signed the following bill and joint resolution:

S. 3270. An act to amend the Defense Production Act of 1950 and to establish a National Commission on Supplies and Shortages.

S.J. Res. 244. A joint resolution to extend the termination date of the Export-Import Bank.

REPORT OF THE ECONOMIC STABILIZATION PROGRAM—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate a message from the President of the United States transmitting the final quarterly report of the economic stabilization program covering the first 3 months of 1974, and the month of April 1974, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs. The message is as follows:

To the Congress of the United States:

In accordance with section 216 of the Economic Stabilization Act of 1970, as amended, I am hereby transmitting to the Congress the final quarterly report of the Economic Stabilization Program. This report covers the first three months of 1974 as well as the month of April, 1974—the last month before legislative authority for the program expired.

When the Economic Stabilization Program was begun in 1971, President Nixon emphasized his hope that it would be temporary. This objective has now been met, as all mandatory wage and price controls have been lifted, except for those on petroleum which have been mandated separately by the Congress.

Looking back I believe this program gave all Americans a better appreciation of how powerful the forces of inflation are in our economy and how difficult it is to harness them. It also gave us convincing proof that wage and price controls are not the right way to solve the long-range problems of our economy. In retrospect this may have been the program's greatest lasting value.

GERALD R. FORD.

THE WHITE HOUSE, *October 1, 1974.*

MESSAGES FROM THE HOUSE

At 1:02 p.m., a message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker has affixed his signature to the following enrolled bills:

H.R. 15301. An act to amend the Railroad Retirement Act of 1937 to revise the retirement system for employees of employers covered thereunder, and for other purposes; and

H.R. 15323. An act to amend the Atomic Energy Act of 1954, as amended, to revise the method of providing for public remuneration in the event of a nuclear incident, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

At 3:20 p.m., a message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House has passed without amendment the following Senate bills and joint resolution:

S. 1276. An act for the relief of Joe H. Morgan;

S. 2337. An act for the relief of Dulce Pilar Castin (Castin-Casas);

S. 2382. An act for the relief of Caridad R. Balonan; and

S.J. Res. 192. A joint resolution to grant the status of permanent residence to Ivy May Glockner, formerly Ivy May Richmond nee Pond.

The message also announced that the House insists upon its amendments to the amendments of the Senate to the bill (H.R. 12628) to amend title 38, United States Code, 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, disagreed to by the Senate; agrees to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. DORN, Mr. TEAGUE, Mr. HALEY, Mr. DULSKI, Mr. HELSTOSKI, Mr. HAMMERSCHMIDT, Mrs. HECKLER of Massachusetts, Mr. ZWACH, and Mr. WYLIE, were appointed managers of the conference on the part of the House.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution adopted by the City Council of New Rochelle, N.Y., urging Congress to revise Daylight Saving Time. (Ordered to lie on the table.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF THE SECRETARY OF DEFENSE

A letter from the Assistant Secretary of Defense transmitting, pursuant to law, a confidential report listing contracts pursuant to section 139 of title 10, United States Code (with an accompanying report). Referred to the Committee on Armed Services.

MILITARY PROCUREMENT ACTIONS FOR EXPERIMENTAL, DEVELOPMENTAL, TEST, OR RESEARCH WORK, JANUARY THROUGH JUNE 1974

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, listings of Department of Defense contracts negotiated during January–June 1974 (with accompanying documents). Referred to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE DISPOSAL OF TIN, LEAD, AND SILVER FROM THE NATIONAL AND SUPPLEMENTAL STOCKPILES

A letter from the Administrator, General Services Administration, transmitting drafts

of proposed legislation that will authorize disposal of tin, lead, and silver from the national and supplemental stockpiles (with accompanying papers). Referred to the Committee on Armed Services.

DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS, JULY 1973–JUNE 1974

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report of Department of Defense Procurement from Small and Other Business Firms for July 1973–June 1974 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

LOAN, GUARANTEE AND INSURANCE TRANSACTIONS SUPPORTED BY EXIMBANK TO YUGOSLAVIA, ROMANIA, THE UNION OF SOVIET SOCIALIST REPUBLICS, AND POLAND DURING JULY 1974

A letter from the President and Chairman, Export-Import Bank of the United States, reporting, pursuant to law, on loan, guarantee and insurance transactions supported by Eximbank to Yugoslavia, Romania, the Union of Soviet Socialist Republics, and Poland during July 1974. Referred to the Committee on Banking, Housing and Urban Affairs.

ELEVENTH ANNUAL REPORT OF COMSAT

A letter from the President, Communications Satellite Corporation, transmitting, pursuant to law, the eleventh annual report of the operations, activities and accomplishments of the Communications Satellite Corporation (COMSAT) (with an accompanying report). Referred to the Committee on Commerce.

PUBLICATION OF THE FEDERAL POWER COMMISSION

A letter from the Chairman of the Federal Power Commission transmitting for the information of the Senate a copy of the publication entitled "Environmental Research Task Force Report" (with an accompanying publication). Referred to the Committee on Commerce.

REPORT OF THE NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Vice President of the National Railroad Passenger Corporation transmitting, pursuant to law, a report on the operation of the Corporation for the month of August 1944 (with an accompanying report). Referred to the Committee on Commerce.

REPORT OF THE NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report of the National Professional Standards Review Council (with an accompanying report). Referred to the Committee on Finance.

PROPOSED LEGISLATION BY THE DEPARTMENT OF STATE

A letter from the Assistant Secretary of State transmitting a draft of proposed legislation to authorize certain officers and employees of the Department of State and of the Foreign Service to carry firearms for the purpose of protecting designated individuals (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORT OF THE INTERNATIONAL DEVELOPMENT AGENCY

A letter from the Assistant Administrator of the Agency for International Development transmitting, pursuant to law, the report of the Agency for the fiscal year 1974 (with an accompanying report). Referred to the Committee on Government Operations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Problems in Providing Education Overseas for Dependents of U.S. Personnel" (with an accompanying report). Referred to the Committee on Government Operations.

PROPOSED LEGISLATION BY THE DEPARTMENT OF THE INTERIOR

A letter from the Acting Assistant Secretary of the Interior transmitting a draft of proposed legislation to provide for the establishment of the Father Marquette National Memorial in St. Ignace, Mich., and for other purposes (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

REPORT OF THE FEDERAL ENERGY ADMINISTRATION

A letter from the Administrator of the Federal Energy Administration transmitting, pursuant to law, a report of hydroelectric generating facilities (with an accompanying report). Referred to the Committee on Government Operations.

ORDERS OF THE IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders entered in cases in which the authority of the Service was exercised in behalf of such aliens (with accompanying papers). Referred to the Committee on the Judiciary.

MODIFICATIONS OF PROPOSED FAMILY CONTRIBUTION SCHEDULES

A letter from the Commissioner of Education reporting, pursuant to law, on proposed modifications of the family contribution schedules for the basic educational opportunity grant program for the 1975–76 academic year. Referred to the Committee on Labor and Public Welfare.

REPORT OF THE DEPARTMENT OF THE INTERIOR

A letter from the Secretary of the Interior transmitting, pursuant to law, the annual report for the calendar year 1973 on the administration of the Federal Metal and Nonmetallic Mine Safety Act (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

PROPOSED LEASE ACQUISITION OF SPACE

A letter from the Administrator of the General Services Administration transmitting, pursuant to law, a prospectus which proposes lease acquisition of space to be occupied by the Federal Energy Administration in Washington, D.C. (with accompanying papers). Referred to the Committee on Public Works.

REPORT OF THE VETERANS' ADMINISTRATION

A letter from the Acting Administrator of the Veterans' Administration transmitting, pursuant to law, a report on the activities of the Veterans' Administration for the fiscal year 1974 for the programs of exchange of medical information and sharing of medical resources (with an accompanying report). Referred to the Committee on Veterans Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 1534. A bill for the relief of Doctor Lawrence Chin Bong Chan (Rept. No. 93–1196).

H.R. 6477. A bill for the relief of Lucille de Saint Andre (Rept. No. 93–1197).

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

S. 3397. A bill for the relief of Jose Ismarnardo Reyes-Morelos (Rept. No. 93–1198).

H.R. 14597. A bill to increase the limit on dues for United States membership in the International Criminal Police Organization (Rept. No. 93–1199).

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

S. Res. 203. A resolution refer the bill (S. 2698) for the relief of John J. Egan to the Chief Commissioner of the Court of Claims (Rept. No. 93–1201).

H.R. 3532. An act for the relief of Donald L. Tyndall, Bruce Edward Tyndall, Kimberly Fay Tyndall, and Lisa Michele Tyndall (Rept. No. 93–1202).

H.R. 6202. An act for the relief of Thomas C. Johnson (Rept. No. 93–1203).

H.R. 7135. An act to amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, with respect to the settlement of claims against the United States by members of the uniformed services and civilian officers and employees for damage to, or loss of, personal property incident to their service (Rept. No. 93–1204).

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

S. 3718. A bill for the relief of Leah Maureen Anderson (Rept. No. 93–1205).

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

H.R. 13342. An act to amend the Farm Labor Contractor Registration Act of 1963 by extending its coverage and effectuating its enforcement (Rept. No. 93–1206).

By Mr. HASKELL, from the Committee on Interior and Insular Affairs, with amendments:

S. 3022. A bill to amend the Lower Saint Croix River Act of 1972 (Rept. No. 93–1207).

FREEDOM OF INFORMATION ACT AMENDMENTS—CONFERENCE REPORT (REPT. NO. 93–1200)

Mr. KENNEDY. Mr. President, I am pleased to send to the desk the conference report on the Freedom of Information Act Amendments—Report No. 93–1380, on H.R. 12471. The House and Senate conferees met on four occasions last month to discuss and debate a number of the provisions of this significant legislation, and I firmly believe that our final product strikes the proper balance between the rights of the public to know what their Government is doing and the needs of the executive branch and independent agencies to keep certain information confidential. The legislation will promote both faster and freer public access by the public to Government files and records.

During our conference on this bill, I received a letter from President Ford voicing his concern over portions of our proposed amendments. He identified five specific problems, and at the next conference session the conferees discussed each problem and adopted language—either for the bill or for the statement of managers—designed to respond to those concerns. Last week I replied to the President's letter, along with House Conference Chairman WILLIAM MOORHEAD, observing that our legislation "would provide support for your own policy of 'open government' which is so desperately needed to restore the public's confidence in our National Government." I ask unanimous consent that President Ford's letter and our reply be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. KENNEDY. I believe it is significant to note that the conferees ap-

proached this legislative effort in a bipartisan spirit. We attempted to accommodate at each turn the needs of the Government agencies affected by our bill. I was pleased that each major issue requiring a final rollcall vote on the part of the Senate conferees was resolved by a unanimous vote. The participation of our ranking minority member, Senator HRUSKA, in the conference was most constructive, and his contributions extremely helpful. It is because of the active give and take of the conferees on both sides, with continued advice from the executive branch, that we achieved a final product that I believe can and should be enacted without delay.

I hope that our failure to get our senior minority members to sign the conference report does not reflect a decision on the part of the White House to veto this significant legislation. Openness is supposed to be the watchword of the present administration. So far, however, it has been more of a slogan than a practice. A veto of this bill would reflect a hostility to just the kind of Government openness and accountability which the public must have to regain a full measure of confidence in our National Government.

The legislation approved by our conference committee contains the following major provisions:

Federal courts are empowered to review the validity of agency classification of documents and may examine those documents in determining whether they were properly classified.

Individual Government officials who act arbitrarily or capriciously in withholding information from the public are subjected to disciplinary procedures, to be initiated by the Civil Service Commission.

Investigatory files, which are exempt from mandatory disclosure under present law, are required to be disclosed unless their release will cause some specific harm enumerated in the bill.

Agencies are given definite time limits to respond to requests for information: 10 days for an initial response, 20 days to determine an appeal, with an additional 10 days in unusual circumstances.

A person who must sue to obtain access to information may recover attorneys' fees if he prevails in court.

The Freedom of Information Act, passed by Congress in 1966, guaranteed the public judicially enforceable access to Government information, subject to specific exceptions defined in the law. Hearings before my Subcommittee on Administrative Practice and Procedure last year brought out numerous abuses by Government agencies in administering the act, and in October 1973 I introduced a bill to strengthen the Freedom of Information Act, which has in large part been incorporated into the final conference report filed today.

Our present legislative effort finds support from many quarters. Representatives of the media have strongly advocated adoption of these amendments. The American Bar Association has resolved that Congress move forward with the kinds of reforms contained in our legislation. The American Civil Liberties Union has advocated adoption of this bill and has found it consistent with privacy rights which must also be protected. The American Federation of Government Employees has determined that the sanction provision is acceptable as fair and consistent with Civil Service safeguards. And the American Political Science Association has indicated the special interest of scholars in seeing this bill enacted.

These amendments to the Freedom of Information Act, contained in our conference report, will help open the decisions and actions of Government to the light of public review and understanding. Without them, the Freedom of Information Act will remain a toothless tiger, and the executive branch will continue to be able to delay, resist, and obstruct public access to Government information. With them, the Freedom of Information Act becomes truly worthy of its name.

EXHIBIT 1

THE WHITE HOUSE,
Washington, D.C., August 20, 1947.

DEAR TED: I appreciate the time you have given me to study the amendments to the Freedom of Information Act (H.R. 12471) presently before you, so that I could provide you my personal views on this bill.

I share your concerns for improving the Freedom of Information Act and agree that now, after eight years in existence, the time is ripe to reassess this profound and worthwhile legislation. Certainly, no other recent legislation more closely encompasses my objectives for open Government than the philosophy underlying the Freedom of Information Act.

Although many of the provisions that are now before you in Conference will be expensive in their implementation, I believe that most would more effectively assure to the public an open Executive branch. I have always felt that administrative burdens are not by themselves sufficient obstacles to prevent progress in Government, and I will therefore not comment on those aspects of the bill.

There are, however, more significant costs to Government that would be exacted by this bill—not in dollar terms, but relating more fundamentally to the way Government, and the Executive branch in particular, has and must function. In evaluating the costs, I must take care to avoid seriously impairing the Government we all seek to make more open. I am concerned with some of the provisions which are before you as well as some which I understand you may not have considered. I want to share my concerns with you so that we may accommodate our reservations in achieving a common objective.

A provision which appears in the Senate version of the bill but not in the House version requires a court, whenever its decision grants withheld documents to a complainant, to identify the employee responsible for the withholding and to determine whether the withholding was "without (a) reasonable basis in law" if the complainant so requests. If such a finding is made, the court is required to direct the agency to suspend that employee without pay or to take disciplinary or corrective action against him. Although I have doubts about the appropriateness of diverting the direction of litigation from the disclosure of information to career-affecting disciplinary hearing about employee conduct, I am most concerned with the inhibiting effect upon the vigorous and effective conduct of official duties that this potential personal liability will have upon employees responsible for the exercise of these judgments. Neither the best interests of Government nor the public would be served by subjecting an employee to this kind of personal liability for the performance of his official duties. Any potential harm to successful complainants is more appropriately rectified by the award of attorney fees to him. Furthermore, placing in the judiciary the requirement to initially determine the appropriateness of an employee's conduct and to initiate discipline is both unprecedented and unwise. Judgments concerning employee discipline must, in the interests of both fairness and effective personnel management, be made initially by his supervisors and judicial involvement should then follow in the traditional form of review.

There are provisions in both bills which would place the burden of proof upon an agency to satisfy a court that a document classified because it concerns military or intelligence (including intelligence sources and methods) secrets and diplomatic relations is, in fact, properly classified, following an *in camera* inspection of the document by the court. If the court is not convinced that the agency has adequately carried the burden, the document will be disclosed. I simply cannot accept a provision that would risk exposure of our military or intelligence secrets and diplomatic relations because of a judicially perceived failure to satisfy a burden of proof. My great respect for the courts does not prevent me from observing that they do not ordinarily have the background and expertise to gauge the ramifications that a release of a document may have upon our national security. The Constitution commits this responsibility and authority to the President.

I understand that the purpose of this provision is to provide a means whereby improperly classified information may be detected and released to the public. This is an objective I can support as long as the means selected do not jeopardize our national security interests. I could accept a provision with an express presumption that the classification was proper and with *in camera* judicial review only after a review of the evidence did not indicate that the matter had been reasonably classified in the interests of our national security. Following this review, the court could then disclose the document if it finds the classification to have been arbitrary, capricious, or without a reasonable basis. It must also be clear that this procedure does not usurp my Constitutional responsibilities as Commander-in-Chief. I recognize that this provision is technically not before you in Conference, but the differing provisions of the bills afford, I believe, grounds to accommodate our mutual interests and concerns.

The Senate but not the House version amends the exemption concerning investigatory files compiled for law enforcement purposes. I am concerned with any provision which would reduce our ability to effectively deal with crime. This amendment could have that effect if the sources of information or the information itself are disclosed. These sources and the information by which they may be identified must be protected in order not to severely hamper our efforts to combat crime. I am, however, equally concerned that an individual's right to privacy would not be appropriately protected by requiring the disclosure of information contained in an investigatory file about him unless the invasion of individual privacy is *clearly unwarranted*. Although I intend to take action shortly to address more comprehensively my concerns with encroachments upon individual privacy, I believe now is the time to preclude the Freedom of Information Act from disclosing information harmful to the privacy of individuals. I urge that you strike the words "clearly unwarranted" from this provision.

Finally, while I sympathize with an indi-

vidual who is effectively precluded from exercising his right under the Freedom of Information Act because of the substantial costs of litigation, I hope that the amendments will make it clear that corporate interests will not be subsidized in their attempts to increase their competitive position by using this Act. I also believe that the time limits for agency action are unnecessarily restrictive in that they fail to recognize several valid examples of where providing flexibility in several specific instances would permit more carefully considered decisions in special cases without compromising the principle of timely implementation of the Act.

Again, I appreciate your cooperation in affording me this time and I am hopeful that the negotiations between our respective staffs which have continued in the interim will be successful.

I have stated publicly and I reiterate here that I intend to go more than halfway to accommodate Congressional concerns. I have followed that commitment in this letter, and I have attempted where I cannot agree with certain provisions to explain my reasons and to offer a constructive alternative. Your acceptance of my suggestions will enable us to move forward with this progressive effort to make Government still more responsive to the People.

Sincerely,

GERALD R. FORD.

FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE,

Washington, D.C., September 23, 1974.

Hon. GERALD R. FORD,

President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: We were most pleased to receive your letter of August 20 and to know of your personal interest in the amendments to the Freedom of Information Act being considered by the House-Senate conference committee. And we appreciate your recognition of the fundamental purposes of this milestone law and the importance you attach to these amendments. They of course would provide support for your own policy of "open government" which is so desperately needed to restore the public's confidence in our national government.

When we received your letter, all of the members of the conference committee agreed to your request for additional time to study the amendments and have given serious consideration and careful deliberation to your views on each of the major concerns you raised. The staffs of the two committees of jurisdiction have had several in-depth discussions with the responsible officials of your Administration. Individual Members have also discussed these points with Justice Department officials.

At our final conference session we were able to reopen discussion on each of the major issues raised in your letter. We believe that the ensuing conference actions on these matters were responsive to your concerns and were designed to accommodate further interests of the Executive branch.

You expressed concern in your letter about the constitutionality and wisdom of court-imposed penalties against Federal employees who withhold information "without a reasonable basis in law." This provision has been substantially modified by conference action.

At our last conference meeting, after extensive debate and consideration, a compromise sponsored by Representative McCloskey and modified by Senate conferees was adopted. This compromise leaves to the Civil Service Commission the responsibility for initiating disciplinary proceedings against a government official or employee in appropriate circumstances—but only after a written finding by the court that there were "circumstances surrounding the withholding (that) raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding." The actual disciplinary action recommended by the Commission, after completion of its standard proceedings, would actually be taken by the particular agency involved in the case.

We feel that this is a reasonable compromise that basically satisfies your objections to the original Senate language.

You expressed fear that the amendments afford inadequate protection to truly important national defense and foreign policy information subject to *in camera* inspection by Federal courts in freedom of information cases. We believe that these fears are unfounded, but the conference has nonetheless agreed to include additional explanatory language in the Statement of Managers making clear our intentions on this issue.

The legislative history of H.R. 12471 clearly shows that the *in camera* authority conferred upon the Federal courts in these amendments is *not mandatory, but permissive* in cases where normal proceedings in freedom of information cases in the courts do not make a clear-cut case for agency withholdings of requested records. These proceedings would include the present agency procedure of submitting an affidavit to the court in justification of the classification markings on requested documents in cases involving 552(b)(1) information.

The amendments in H.R. 12471 do not remove this right of the agency, nor do they change in any way other mechanisms available to the court during its consideration of the case. The court may still request additional information or corroborative evidence from the agency short of an *in camera* examination of the documents in question. Even when the *in camera* review authority is exercised by the court, it may call in the appropriate agency officials involved to discuss any portion of the information or affidavit furnished by the agency in the case.

The conferees have agreed to include language in the Statement of Managers that reiterates the discretionary nature of the *in camera* authority provided to the Federal courts under the Freedom of Information Act. We will also express our expectation that the courts give substantial weight to the agency affidavit submitted in support of the classification markings on any such documents in dispute.

Thus, Mr. President, we feel that the conference committee has made an effort to explain our intentions so as to respond to your objections on this important area of the amendments, operating as we must within the scope of the conference authority because of the virtually identical language in both the House and Senate versions of H.R. 12471.

The conference committee has also acted affirmatively to satisfy your major objections to the proposed amendments to subsection (b)(7) of the Freedom of Information Act, dealing with specific criteria for the withholding of Federal investigatory records in the law enforcement area.

The conference committee had already added an additional provision, not contained in the Senate-passed bill, which would permit withholding of information that would "endanger the life or physical safety of law enforcement personnel." This made it substantially identical to the language recommended by then Attorney General Richardson during Senate hearings on the bill and endorsed by the Administrative Law Section of the American Bar Association.

After reviewing the points made in your letter on this point, the conference committee also agreed to adopt language offered by Senator Hruska to permit the withholding of the *information* provided by a confidential source to a criminal law enforcement authority during the course of a criminal or "lawful national security intelligence investigation." The Federal agency may, in addition, withhold the identification of the confidential source in *all* law enforcement investigations—civil as well as criminal.

To further respond to your suggestion on the withholding of information in law enforcement records involving personal privacy the conference committee agreed to strike the word "clearly" from the Senate-passed language.

You expressed concern that the amendments to the Freedom of Information Law authorizing the Federal courts to award attorney fees and litigation costs not be used to subsidize corporate interests who use the law to enhance their own competitive position.

The members of the conference committee completely share your concern in this connection, and the Statement of Managers will reflect mutual view that any award of fees and costs by the courts should not be automatic but should be based on presently prevailing judicial standards, such as the general public benefit arising from the release of the information sought, as opposed to a more narrow commercial benefit solely to the private litigant.

You also suggest that the time limits in the amendments may be unnecessarily restrictive. The conference adopted at its first meeting the Senate language allowing agencies an additional ten days to respond to a request or determine an appeal in unusual circumstances. Pursuant to your suggestion we included language from the Senate version making clear that a court can give an agency additional time to review requested materials in exceptional circumstances where the agency has exercised due diligence but still could not meet the statutory deadlines.

In conclusion, Mr. President, we appreciate your expression of cooperation with the Congress in our deliberations on the final version of this important legislation. In keeping with your willingness "to go more than halfway to accommodate Congressional concerns", we have given your suggestions in these five key areas of the bill renewed consideration and, we feel, have likewise gone "more than halfway" at this late stage.

We welcome your valuable input into our final deliberations and appreciate the fine cooperation and helpful suggestions made by various staff members and officials of the Executive branch. It is our hope that the fruits of these joint efforts will make it possible for the Senate and House to act promptly on the conference version of H.R. 12471 so that this valuable legislation will be enacted and can be signed into law before the end of the month.

With every good wish,

Sincerely,

EDWARD M. KENNEDY,
Chairman, Senate Conferees.
WILLAM S. MOORHEAD,
Chairman, House Conferees.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following executive report of a committee was submitted

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

Lynn Adams Greenwalt, of Maryland, to be Director of the U.S. Fish and Wildlife Service.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 4066. A bill to provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. JAVITS:

S. 4067. A bill to establish a Capital Markets Advisory Committee. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. CURTIS (for himself, Mr. HRUSKA, Mr. FANNIN, Mr. BARTLETT, and Mr. TOWER):

S. 4068. A bill to amend the Food Stamp Act of 1964. Referred to the Committee on Agriculture and Forestry.

By Mr. GRAVEL:

S. 4069. A bill to require that a preference be afforded to local residents in employment on certain Federal projects or federally assisted or regulated projects in areas with substantial unemployment, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. STEVENS:

S. 4070. A bill to revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service not entitled to Indian preference, provide greater opportunity for advancement and employment of Indians, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. McCLURE:

S. 4071. A bill to provide for the establishment of the Hagerman Fossil Beds National Monument in the State of Idaho, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. STENNIS:

S. 4072. A bill to authorize the Secretary of the Army to return the remains of 2d Lieutenant John A. Ellard, Jr., from the Manila American Cemetery, Republic of the Philippines, to the United States. Referred to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By MR. METCALF (for himself and Mr. MANSFIELD):

S. 4066. A bill to provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

MONTANA WILDERNESS STUDY ACT OF 1974

Mr. METCALF. Mr. President, before an area of land can enter the national wilderness system, it must undergo a formal study by the appropriate Federal resource agency. The study is then followed by agency recommendation and, if it merits, congressional approval and finally Presidential signature.

When the Wilderness Act was passed in 1964, it envisioned the study of all areas which might qualify for wilderness status. Now, a decade later—a decade of exploding commercial and recreational pressures—there remain far too many endangered areas which have not had the benefit of formal study.

Because of the nature of the land it administers, most wilderness comes under the jurisdiction of the Forest Service. The recent history of the Forest Service is a sad one. Under the Nixon administration, its budgets have been repeatedly slashed. Personnel have been reduced, recreational areas have been closed or their use curtailed, and undue emphasis has been placed on logging, particularly the ruinous practice of clearcutting. Congressional appropriations and directives aimed at alleviating these conditions have been ignored in express violation of the law.

President Ford has indicated that he wishes to return the executive branch to partnership with Congress. He has said that executive agencies will be required to follow the law of the land. A good starting point, I submit, would be to return the Forest Service to the multiple use-sustained yield mandate of Congress, and to fund the agency properly in order that it can carry out that mandate.

This in turn would permit the agency to clean up a national backlog of formal wilderness area studies. Little time remains. The Forest Service's RARE—roadless area review and evaluation—program, which had the responsibility for identifying potential wilderness areas for future study, arbitrarily broke up many large tracts of prime land into smaller study units, thereby reducing their appeal as wilderness. Logging contracts have already been let in some prime areas, and more are contemplated.

I am therefore introducing today, in cooperation with my distinguished colleague, Senator MANSFIELD, a bill to start on the long road back toward compliance with congressional wilderness directives. We have identified 10 areas in Montana which are prime candidates for wilderness designation. We are not asking that they be so designated at this time. Rather, we are asking that each will have the benefit of a formal wilderness study before their character is irrevocably altered. Five years are provided for completion of the study.

We wish to make two points clear. First, we do not fault Regional Forester Steve Yurich and his fine staff for the failure to date to conduct these studies. Field personnel have been pushed inexorably toward commercially oriented activities by Washington directives and tight budgets. Second, the areas listed in the bill do not exhaust those in Montana deserving of similar formal study. There are at least that many more which qualify, and others may be added to the list as time passes.

Mr. President, the areas chosen and their approximate size are:

	Acres
West Pioneer Wilderness study area	157,000
Taylor-Hilgard Wilderness study area	240,000
Bluejoint Wilderness study area	42,000
Sapphire Wilderness study area	69,000
Elkhorn Wilderness study area	89,000
Ten Lakes Wilderness study area	30,000
Mt. Henry Wilderness study area	21,000
Middle Fork Judith Wilderness study area	87,000
Big Snowies Wilderness study area	89,000
Hyalite-Porcupine-Buffalo Horn Wilderness study area	163,000

They were selected on the basis of their major importance for wilderness and undisturbed wildlife habitat, threats of logging or other development which would sacrifice their natural values without a comprehensive wilderness study, and substantial local support in nearby communities.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD, and that a description of each area be printed immediately thereafter.

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

S. 4066

A bill to provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964, and for other purposes

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

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132), the Secretary of Agriculture (hereinafter known as the "Secretary") shall, within five years after the date of enactment of this Act, review certain lands designated by this section, as to their suitability or nonsuitability for preservation as wilderness, and report his findings to the President, as follows:

(1) certain lands in the Beaverhead National Forest, Montana, which are generally depicted on a map entitled "West Pioneer Wilderness Study Area" and dated January 1974, comprising approximately one hundred fifty-seven thousand acres, which shall be known as the West Pioneer Wilderness Study Area;

(2) certain lands in the Beaverhead and Gallatin National Forests, Montana, which are generally depicted on a map entitled "Taylor-Hilgard Wilderness Study Area" and dated January 1974, comprising approximately two hundred forty thousand acres, which shall be known as the Taylor-Hilgard Wilderness Study Area;

(3) certain lands in the Bitterroot National Forest, Montana, which are generally depicted on a map entitled "Bluejoint Wilderness Study Area" and dated January 1974, comprising approximately forty-two thousand acres, which shall be known as the Bluejoint Wilderness Study Area;

(4) certain lands in the Bitterroot and Deerlodge National Forests, Montana, which are generally depicted on a map entitled "Sapphire Wilderness Study Area" and dated January 1974, comprising approximately sixty-nine thousand acres, which shall be known as the Sapphire Wilderness Study Area;

(5) certain lands in the Helena and Deerlodge National Forests, Montana, which are generally depicted on a map entitled "Elkhorn Wilderness Study Area" and dated January 1974, comprising approximately eighty-nine thousand acres which shall be known as the Elkhorn Wilderness Study Area;

(6) certain lands in the Kootenai National Forest, Montana, which are generally depicted on a map entitled "Ten Lakes Wilderness Study Area" and dated January 1974, comprising approximately thirty thousand acres, which shall be known as the Ten Lakes Wilderness Study Area;

(7) certain lands in the Kootenai National Forest, Montana, which are generally depicted on a map entitled "Mt. Henry Wilderness Study Area" and dated January 1974, comprising approximately twenty-one thousand acres which shall be known as the Mt. Henry Wilderness Study Area;

(8) certain lands in the Lewis and Clark National Forest, Montana, which are generally depicted on a map entitled "Middle Fork Judith Wilderness Study Area" and dated January 1974, comprising approximately eighty-seven thousand acres, which shall be known as the Middle Fork Judith Wilderness Study Area;

(9) certain lands in the Lewis and Clark National Forest, Montana, which are generally depicted on a map entitled "Big Snowies Wilderness Study Area" and dated January 1974, comprising approximately eighty-nine thousand acres, which shall be known as the Big Snowies Wilderness Study Area.

(10) certain lands in the Gallatin National Forest, Montana, which are generally depicted on a map entitled "Hyalite-Porcupine-Buffalo Horn Wilderness Study Area" and dated January 1974, comprising approximately one hundred sixty-three thousand acres, which shall be known as the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area;

(b) The Secretary shall conduct his review, and the President shall advise the United States Senate and House of Representatives of his recommendations, in accordance with the provisions of subsections 3(b) and 3(d) of the Wilderness Act, except that any reference in such subsections to areas in the national forests classified as "primitive" shall be deemed to be a reference to the wilderness study areas designated by this Act and except that the President shall advise the Congress of his recommendations with respect to such areas within seven years after the date of enactment of this Act: *Provided, however,* That the Secretary shall give at least sixty days advance public notice of any hearing or other public meeting concerning such areas.

(c) The maps referred to in this section shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

SEC. 3. (a) Except as otherwise provided by this section, and subject to existing private rights, the wilderness study areas designated by this Act shall, until Congress determines otherwise, be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness.

(b) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

DESCRIPTION OF PROPOSED STUDY AREAS

West Pioneer, 157,000 acres, Beaverhead National Forest:

The West Pioneer unit is a highly scenic wildland of natural lakes and streams containing the indigenous and endangered Montana grayling and cutthroat trout. It is important elk and moose summer range. Occasional mountain goats are also seen in the area. Commercial timber is scattered and limited in volume, consisting primarily of pole-sized lodgepole pine.

In addition, in the northern part of the West Pioneer area on Effie Creek exists the world's oldest known stand of living lodgepole pine trees. Described by Mason in 1915 as being over 450 years old, the most ancient lodgepole pine in the stand now exceeds 500 years in age.

Another outstanding feature of the West Pioneers is the presence at the headwaters of Osborne and Stone Creeks of a relic stand of alpine larch (Larix lyallii), believed to be the easternmost stand of these trees in existence. Some of these trees were found by increment borer in 1972 to be more than 700 years old.

It would seem that these two outstanding biological aspects, along with the presence of the endangered grayling and cutthroat trout, would add decisive weight to the importance of the Forest Service giving the area a formal wilderness study.

Moreover, the area has been used for many years by residents and visitors alike for wilderness recreation — camping, quality hunting, fishing, hiking, backpacking, and sightseeing. This wilderness recreational use is growing rapidly each year.

Recommended for wilderness study by the Forest Supervisor, this pristine unit and the East Pioneer roadless area are the two largest and finest potential wilderness areas in the Beaverhead National Forest. Despite the fact that 75 per cent of the 2.1 million-acre Beaverhead Forest is undeveloped and roadless, the only designated wilderness acreage in the Forest is a small part of the Anaconda-Pintlar Wilderness. In fact, although numerous outstanding opportunities exist, the entire southwestern region of Montana is virtually devoid of established Wilderness Areas. With the major Montana population centers of Butte, Anaconda, and Dillon situated in the region, this unfortunate situation must be corrected if the wilderness study process is truly to achieve the Forest Service principal objective of "locating some new wilderness areas closer to the places where people live, so that more people can directly enjoy their benefits."

Although in fact one roadless unit, the Forest Service at Regional or Washington level has incorrectly broken the West Pioneer area up into several smaller roadless areas—Bobcat Mountain, Odell Mountain, and Deer Peak—which has resulted in greatly reduced Quality Index ratings for each area. Since the Forest Service has given major importance in its analyses and selection process to size, the arbitrary fracturing of the total area into segments has adversely affected its wilderness consideration by the Chief Forester. The Forest Supervisor had properly considered the areas as one unit, and it was in this homogeneous form that the area was tentatively selected by him for further wilderness consideration and public meetings. At those meetings and on subsequent occasions, the Montana Wilderness Association, Montana Wildlife Federation, Sierra Club, The Wilderness Society, local guide and outfitting industry, Montana Fish and Game Department, and others representing in total the overwhelming sentiment of conservation-minded citizens of Montana, have continuously expressed their desire that this magnificent potential wilderness be given a wilderness study.

Taylor-Hilgard, 240,000 acres, Gallatin and Beaverhead National Forests:

The Forest Service has proposed a wilderness study of only 79,000 acres in the Hilgard areas, whereas the entire roadless area inventoried by the Forest Service in 1971 contains 240,000 acres. The greater roadless area is pristine, superb wild country that is highly deserving of a wilderness study. It is, in fact, one of the largest and finest potential wilderness areas left in Montana. At the Forest Service roadless area public meeting in Bozeman, Montana, on April 18, 1972, the entire area received overwhelming support for a study.

The eastern half of the greater area, which is contiguous to the northwestern part of Yellowstone National Park, was unfortunately excluded by the Forest Service from the proposed study, as was the northern part.

Furthermore, the greater Taylor-Hilgard roadless area has a long record of strong Forest Service and public support for a wilderness study. For many years, Gallatin conservation groups, local ranchers, the Montana Wildlife Federation, Montana Wilderness Association, The Wilderness Society, and other organizations have urged the Forest Service to study the area for wilderness purposes. The Forest Service formally recognized its great wilderness potential and widespread public support as early as 1958. In that year, Regional Forester Charles L. Tebbe wrote a letter—a copy of which is included with this report—to the Montana Wilderness Association announcing the establishment of a "hold" area of some 150,000 acres in the Taylor-Hilgard country, in addition to the adjacent Porcupine-Buffalo Horn area, in which he agreed that the Forest Service would forego roading, logging, and other development, pending completion of a wilderness study. A copy of the map, encompassing the total area which the Regional Forester agreed in 1958 to give a wilderness study, is also included.

The entire area is critically important habitat for major populations of elk, bighorn sheep, mountain goat, moose, grizzly bear, and other wilderness species. It serves as a vital migration route to and from Yellowstone National Park for several of these wild animals. Parts of the roadless area represent important fall and winter range, as well as calving grounds, for elk. The bighorn sheep is officially rated as seriously reduced in numbers and vulnerable, subject to possible extinction. The grizzly is in the vanishing category. Both require a wilderness environment to survive.

The 79,000-acre Hilgard portion includes primarily the alpine Hilgard Basin and Taylor Peaks along the high crest of the Madison Range. Although spectacular and beautiful in its own right, this portion—if studied and designated by itself—would only represent a "wilderness on the rocks." The more eastern half of the greater roadless area is characterized, in general, by lower and more gentle terrain. It possesses high wilderness and wildlife values and is ecologically an essential part of the whole area. It also provides necessary natural foreground to the spectacular Hilgard and Taylor Peaks. The northern part of the area extends along the Madison crest to the undeveloped Jackson Creek area.

The entire area supports a substantial guiding and outfitting industry. Thousands of visitors make wilderness use of the area each year. Timber volumes—largely lodgepole pine with some Douglas fir and Englemann spruce—are limited and scattered. No mineral or water development conflicts exist. The area encompasses a major part of the watersheds of the Madison and Gallatin Rivers, world famous for their trout fisheries and other recreational attributes. Wilderness status would give added protection to the watershed, fisheries, wildlife, and wilderness values of the scenically magnificent Madison Range.

In view of these facts and the tremendous wilderness resources involved, it would seem that the citizens of Montana and the Nation could properly expect the Forest Service to keep its longstanding commitment to conduct formal wilderness studies of both the greater Taylor-Hilgard and Porcupine-Buffalo Horn roadless areas.

Forest Service plans for an immediate timber sale on Big Teepee Creek on the extreme southeast corner of the Taylor-Hilgard area would infringe on this unit and threaten destruction of part of its wilderness potential.

OCTOBER 17, 1958.

Mr. KENNETH K. BALDWIN,
General Chairman, The Montana Wilderness Association, Bozeman, Mont.

DEAR MR. BALDWIN: I wish I could have been with you and the group of people who looked over the proposed recreation area in the Upper Gallatin early in September. I have heard that it was a very good meeting which should result in a better understanding by all concerned of the problems to be worked out if a wilderness, wild or recreation area were to be established there.

I am informed that for some years the desire of interested local people for such an area in the Upper Gallatin has been recognized and discussed, and that until such time as a comprehensive study is made, the Service would refrain from logging or road development. The record shows earlier discussions and agreements related to a much smaller area than outlined on the map accompanying your letter, and as you say, Supervisor Duvendack himself suggested the inclusion, for study, of the Porcupine-Buffalo Creek country.

The enlarged study area and the restraint on development until the study is made, have been discussed with me and my staff. We accept the proposal because you urge it, because we too are interested in delineating boundaries along proper and defensible lines, and because for the time being at least there are no pressing needs for nonrecreational developments in the area under discussion.

We must and we will get on with the study. But in the meantime, and later when we come to discuss it and act upon the findings, it must be recognized that no significance attaches to the lines as drawn, insofar as the ultimate boundary of a wild, wilderness or recreation area is concerned. We are simply going to stay out of the area with roads and logging, except as they might be dictated by some emergency situation such as fire or serious insect infestation, so that a free hand may be taken after the facts are in, in making the most of this area from a recreation and multiple-use standpoint.

Very sincerely yours,

CHAS. L. TEBBE,
Regional Forester.

Bluejoint, 42,000 acres, Bitterroot National Forest:

Bluejoint is one of extremely few undeveloped "islands" in a sea of clearcuts on the Bitterroot National Forest southwest of Hamilton, Montana.

The area is situated along the Montana-Idaho border south of Nez Perce Pass. It is contiguous on its west border to the Magruder Corridor's Hells Half Acre roadless area which adjoins the Salmon River Breaks Primitive Area. Thus, Bluejoint, Hells Half Acre, and the Salmon River Breaks could all be joined together in a magnificent primeval wilderness of more than 350,000 acres.

Bluejoint and Deer Creeks are the principal streams in the proposed wilderness study area. Tributaries of the recreationally-important Bitterroot River, they contain excellent wild trout fisheries. The area is undisturbed habitat for major populations of elk, as well as deer, bighorn sheep, and bear. The large, moist alpine meadows along the creeks furnish the elk herds with excellent summer and fall range. Prominent landmarks of the area are Razorback Mountain (8,637 feet elevation), Deer Creek Point (8,367 feet), and Razorback Ridge.

The area burned over in the 1910–1919 fires. Despite the limited volume of new growth timber, the Bluejoint area is likely to be one of the units that will be scheduled by the Forest Service for roading and logging in the future.

Its important wildlife and wilderness values, in addition to its relationship to the adjoining Hells Half Acre roadless area (which the Chief Forester has placed on his wilderness study list) fully justify a formal wilderness review.

Elkhorn, 89,000 acres, Helena and Deer Lodge National Forests:

The Elkhorn area has many outstanding natural attributes that fully justify a formal wilderness study before further plans are made to develop it.

Located in the Elkhorn Mountains of the Helena and Deer Lodge National Forests, the 89,000-acre roadless and essentially roadless area still retains nearly all of its original remarkable wild character and charm.

Over 400 elk, 65 mountain goats, and an undetermined number of moose and other wildlife normally associated with the wilderness of the Rocky Mountains inhabit the proposed study area. Also present are mule deer, white-tailed deer, black bear, and grouse. Within 15 miles and a half-hour drive from the state capital, Helena, the wild region has considerable potential for quality recreational use—a use that has increased 1,400 percent since 1946.

Altitudes in the proposed study area range from approximately 4,800 feet at the forest boundary to 9,414 feet on Crow Peak. At 9,381 feet, Elkhorn Peak is another outstanding landmark of the area. Several beautiful natural lakes—Upper and Lower Tizer, Hidden, and Glenwood—are nestled in the large sub-alpine basin under the peaks. Crow Creek Falls is an outstanding scenic attraction. Major streams are Crow, Beaver, and Prickly Pear Creeks. About two-thirds of the proposed study area is timber covered, but a major part of this is non-commercial forest. Large grassy parks are interspersed throughout the high country, providing ideal spring, summer, and fall range for the elk herd, as well as some 2,300 cattle. Properly managed, the livestock grazing can continue without significant conflict. The timber consists primarily of lodgepole pine, Douglas fir, alpine fir, and Engelmann spruce. Whitebark pine and limber pine are also present. Lodgepole pine comprises most of the merchantable volume in the area. Until recent years, the lodgepole pine was considered by the Forest Service as a non-commercial "weed" tree. Even today, it is rated as a low-quality lumber species.

While the commercial value of the timber in the Elkhorns is low, its value for watershed protection and wildlife cover is extremely high. Precipitation, mostly in the form of snow, ranges over 30 inches a year in the higher zones. The undisturbed Elkhorn country provides critically important quality water for municipal, agricultural, industrial, and recreational use in the Helena-Townsend vicinity. Within the proposed wilderness study area, McClellan Creek forms the municipal watershed for East Helena. As the Forest Service has pointed out, the major concern expressed by attendees of (Forest Service) meetings, by members of the Advisory Committee, and through letters was the need to recognize the value of the elk herd and roadless areas found in the proposed Elkhorn Wilderness Study Area.

Conservationist, hunter, rancher, general public citizen, and the Montana Fish and Game Department all strongly urged that the area be kept in its present largely undeveloped condition.

In the western portion, fading evidences of early-day prospecting and mining activities occur at the head of Wilson Creek and in the Tizer Lakes vicinity. Gold was the principal mineral involved, although none of the mining ventures has been operable for many years, and an old abandoned mine or two even lend a historical value to the area.

A very poor, unimproved four-wheel-drive road enters the western portion of the proposed study area from Prickly Pear Creek and extends to the Tizer Lakes. It should be closed to public motorized vehicular use about five miles from the lakes and allowed to revert to nature. Three small parcels of private land within the proposed wilderness study area have been identified by the Forest Service for early acquisition.

Immediate Forest Service plans are to extend roads into the eastern part of the proposed wilderness study area and log a small amount of timber. As the Forest Service has stated, this is a major calving area for elk. Subsequently, the Forest Service is scheduled to build roads into the heartland of the area, around Tizer Basin and an extensive zone to the north, and to log and otherwise develop this portion. The total annual cut would be about 1½ million board feet. This would be enough timber to operate a small sawmill less than two months.

Two small isolated units would be retained—one around Crow and Elkhorn Peaks, and the other in the rugged headwaters of Beaver Creek—for administrative undeveloped "back country" use. Timber harvest, road development and associated use would not only destroy the heart of the wild Elkhorn region but would also wipe out major elk calving grounds and escape cover during the fall hunting season, as well as irreplaceable spring, summer, and fall range for elk, moose, mountain goat, bear, and deer.

Wildlife, wilderness, and watershed benefits of this area far outweigh minimal timber production values. Extremely few cities in the United States enjoy such a beautiful natural shrine so close to their population centers.

* * * * *

Sapphire, 69,000 acres, Bitterroot and Deer Lodge National Forest:

The proposed Sapphire Wilderness Study Area is located along the crest of the Sapphire Range which separates the scenic Bitterroot Valley on the west from the Rock Creek Valley to the east. The range, which includes parts of the Bitterroot and Deer Lodge National Forests, tapers to foothills on the north at the confluence of the Bitterroot and Clark Fork Rivers near Missoula, Montana. That portion which is proposed for wilderness study is the undeveloped higher southern part which abuts the Anaconda Range. The proposed study area is contiguous to the Anaconda-Pintlar Wilderness and would make a logical addition to it. The unit lies generally south of Skalkaho Pass.

This undeveloped, magnificent high country is situated in the headwaters of Rock Creek, one of Montana's blue-ribbon trout streams—and at the headwaters of the East Fork of the Bitterroot River, nationally famous for its fine elk herds.

Here, one can tread the crest of grassy alpine ridges, look down on a dozen beautiful glacial lakes and tarns, gaze to the west at the grandeur of "Montana's Alps"—the Bitterroot Mountains—or look to the east to the Flint Creek Range and south to the Beaverhead, Pioneer, and Anaconda Mountains.

In the meadows, made lush by numerous streams and lakes, one can see elk feeding on their summer range. Some 800 to 1,000 of these majestic wilderness animals are found in the proposed study area. The swampy areas provide ideal habitat for moose. The shy, elusive mountain goat is often seen working its way along a rocky escarpment. In the clear, cold headwaters of Rock Creek and the East Fork of the Bitterroot, the angler can test his skill on four native species of fish—westslope cutthroat and Dolly Varden trout, grayling, and whitefish. Wherever development has occurred in similar areas, these indigenous species have suffered.

The magnificent expanse of primeval forest land is also the last frontier for wildlife that has been unable to endure the crunch of

civilization—the rare or threatened lynx, pine marten, fisher, and wolverine. A remnant herd of bighorn sheep is occasionally seen summering in the unit.

No significant minerals are known to exist in the area. Stands of slow-growing timber are scattered throughout the area. Although requiring two or three centuries to mature, the limited volume of timber nevertheless is viewed as a commercial product by the lumbering industry. Despite the overwhelming opposition of conservation groups and the Montana Fish and Game Department, the Forest Service is proceeding with imminent plans to road and log the Moose Creek unit in the southern part of the proposed Sapphire Wilderness Study Area.

Logging has already approached the study area from the east and west. On the eastern side, the coarse, sandy soils have started to erode and clog the streams with sediment that, if not halted, will eliminate much of the fisheries value of Rock Creek. To the west, even more timber harvest threatens the summer habitat of elk. If we are to project our wood fiber needs into the future, then we should also contemplate our wilderness needs for the years ahead and determine where each might best be accommodated.

With a 1,400 percent increase since 1946 in the use of officially established Wilderness and Primitive Areas—as reported by Dr. Robert C. Lucas of the Forest Sciences Laboratory maintained at Missoula in cooperation with the University of Montana—presently designated wilderness most assuredly will not be adequate to meet the demand in the future.

In summary, the proposed Sapphire study area has prime wilderness values that should not be overlooked or considered lightly. A formal wilderness study would give them proper recognition.

Ten Lakes, approximately 30,000 acres, Kootenai National Forest.

The Ten Lakes Wilderness Study Area is located in northwestern Montana in the highly scenic Whitefish and Galton Ranges, approximately five miles northeast of Eureka. It encompasses the undeveloped 6,195-acre Ten Lakes Scenic Area and adjoining 23,500-acre Ksanka Peak-Mt. Gibralter-Mt. Wam roadless area. The Ten Lakes Scenic Area was administratively designated for hiking and horseback use in May 1964. Its northern boundary is located on the Canadian border. The Ksanka Peak-Mt. Gibralter-Mt. Wam roadless area is a logical southern extension of the scenic area.

A number of prominent peaks over 7,000 feet in elevation dominate the high country. The proposed study area contains numerous glacial lakes and streams which provide quality fishing for the wilderness angler. Species of fish present include the endangered west-slope cutthroat trout and mountain whitefish, as well as Dolly Varden, rainbow, and eastern brook trout. Ecologically, the west-slope cutthroat and Dolly Varden trout are wilderness species.

A wide variety of wildlife inhabits the area. Among the wild creatures are mule deer, whitetailed deer, elk, moose, grizzly bear, black bear, mountain lion, lynx, and wolverine. Except for deer and black bear, all of these species require wilderness to prosper. Development of any part of the present roadless area would adversely affect the grizzly bear and other wilderness species. Most of the area is forested. Tree species are primarily spruce, sub-alpine fir, and alpine larch. However, over two-thirds of the Ksanka-Mt. Gibralter-Mt. Wam roadless area is highly marginal or unsuitable for timber production under present harvesting methods because of low productivity, steep slopes, and unstable soils. Timber harvesting is not permitted in the Ten Lakes Scenic Area.

Because of the thin soil covering, lack of binder, and low organic material content in most of the proposed study area, the soil is easily damaged by over-use. Precipitation in the proposed study area varies from approximately 20 inches in the lower areas to more than 80 inches in the higher elevations, where most of the precipitation is in the form of snow. About 80 percent of the unit lies above 5,000 feet in elevation and produces an average of nearly four acre-feet of high quality water per acre. Extremely few areas in the West produce more water per acre than this part of the Whitefish Range. The area serves in part as a municipal watershed for Eureka. It provides water for ranches, the Kootenai River, and the Columbia River Basin.

The recent construction of Libby Dam and recreational development of the Koocanusa Reservoir are expected to attract increasing numbers of visitors to the area. Much of the proposed study unit is an important viewing area from Highways 93 and 37, as well as from Eureka and the Tobacco Valley. The unit receives significant wilderness use. Trails for foot and horseback travel are ideally situated throughout most of the area.

According to a May 15, 1974, Forest Service draft Environmental Statement for the Eureka-Grave Creek Multiple Use Plan, part of the Ksanka Peak-Mt. Gibralter-Mt. Wam roadless area is scheduled to be roaded and logged.

The entire roadless area, combined with the Ten Lakes Scenic Area, represents one of the few outstanding potential wilderness areas left on the Kootenai National Forest. It should be given the benefit of a wilderness study.

Middle Fork Judith, approximately 87,000 acres, Lewis & Clark National Forest:

The proposed Middle Fork of the Judith Wilderness Study Area is located about forty miles southwest of Lewiston in the Little Belt Mountains. Near the center of Montana, the Little Belts are an isolated mountain range separated from the Big Belt Mountains by the Smith River Valley.

The proposed study area provides irreplaceable spring, summer, and fall range for the largest and only sizeable elk herd remaining in the eastern portion of Montana. The thriving herd is estimated at approximately 1,000 head. It has one of the highest calf-cow ratios in the state. Mule deer, black bear, and numerous smaller wildlife also inhabit the area. The unit sustains a large amount of quality big game hunting. Yogo Peak, at 8,846 feet elevation, is one of the highest landmarks on the edge of the area. The peak historically furnished habitat for a band of bighorn sheep. Restoration of this magnificent wilderness animal to the area has been under consideration by the Montana Fish and Game Department.

The Montana Fish and Game Department acquired and has maintained for many years the 5,000-acre Judith River State Winter Game Range as an adjunct to the Middle Fork of the Judith roadless area.

The study area is vegetated in part with stands of Douglas fir, Ponderosa pine, and lodgepole pine interspersed with large, grassy parks. Cattle share the forage with the elk. With proper management, livestock grazing can continue in the area.

The native cutthroat trout, along with other species, is found in the Middle Fork of the Judith River and tributaries within the proposed study area. The Middle Fork is a small but beautiful river, and the canyon through which it flows is bordered by sheer limestone cliffs and is rated by the Forest Service as "very scenic." In fact, the Forest Service says of the entire study area, "The country is highly scenic and has recreation appeal." The area has been used for several generations as wilderness or back country.

Although a few mining claims are located at the head of King Creek, and a strip of mineralized land crosses the upper reaches of the Middle Fork, there is no current mining activity, and no operable minerals are known to exist in the area.

The study area is basically undeveloped and essentially in a natural condition. Old wagon roads, now used occasionally by four-wheel-drive vehicles, penetrate a small part of the unit. Two small parcels of privately owned inholdings lie near the center of the area. One inholding includes the Middle Fork Ranch which is operated as a summer cow-camp. The other serves as an outfitting camp. Except for limited building structures, the inholdings are largely undeveloped. Within the study area, a possible timber harvest has been planned.

Local citizens have strongly opposed roading and logging of the area because of the extremely adverse impact that such development would have on the major elk herd, quality hunting, and other wilderness uses. As the Lewistown Rod and Gun Club has pointed out, "the elk is ecologically a wilderness animal and will not tolerate increased disturbance" of roading, logging, and associated uses. This is the last undeveloped national forest area in the Judith River drainage.

The early life of Charles M. Russell, famed western artist and sculptor, was closely associated with the area. Russell Point, a rocky promontory on the nearby developed South Fork of the Judith, marks the approximate location of the log cabin where Russell lived as a youth with the old fur trapper, Jake Hoover.

Development of the study area would eliminate its outstanding wilderness potential, decimate the thriving elk population, destroy quality hunting and other undeveloped recreation, and render virtually useless the extensive adjoining Judith River State Winter Game Range. Four-wheel-drive vehicular use could be terminated, the inholdings acquired, and the proposed Middle Fork of the Judith study area considered for a wilderness designation. In the entire eastern part of Montana no wilderness areas have yet been designated, and few opportunities remain. This is one of the best.

Big Snowies, 89,000 acres, Lewis and Clark National Forest:

The Big Snowies Wilderness Study Area is located approximately 15 miles south of Lewistown, Montana. It encompasses most of the national forest lands that are essentially roadless and undeveloped in the Big Snowy Mountains.

The area contains numerous drainage with intermittent streams in deep, well-defined limestone canyons. The crest of the Big Snowies runs in a general east-west direction for more than twelve miles through the middle of the area. Both the upper reaches of individual drainages and the crest of the Big Snowy Mountains are rated by the Forest Service as "quite scenic." Among the outstanding landmarks of the area are Greathouse Peak (8,730 feet elevation), Big Snowy Peak (8,600 feet), Lost Peak (8,333 feet), and Lime Cave Peak (7,005 feet). Interesting limestone ice caves are found within the unit.

Mule deer and white-tailed deer inhabit parts of the area and provide high quality hunting. Mountain goats were introduced in the 1950's and are occasionally seen along the crest of the Big Snowies.

Timber volumes are very small and largely inoperable on account of sparse, isolated stands, extremely steep terrain, and high cost of road construction.

A limited amount of grazing by cattle and sheep is permitted in the proposed study area. Grazing is restricted to a very short

season because of insufficient water. Under the 1964 Wilderness Act, grazing would continue. A few stock water developments are located in Horsethief and Halfmoon Canyons on the eastern side. Unimproved jeep trails are found in the same vicinity. Existing stock water developments are allowable under the Wilderness Act, but the jeep trails would be closed and allowed to revert to nature.

Roads from all sides provide good access to the edges of the study area. One road to Crystal Lake forms a non-wilderness corridor into the northwestern part of the area and puts the user within convenient hiking distance of the crest of the range. Major use of the area is dispersed recreation in the form of hiking, backpacking, and horseback riding. Its proximity to Lewistown makes it popular to thousands of Montana citizens and non-resident visitors.

Although the Forest Service has no plans at present to build roads and otherwise develop this area, it will ultimately be developed and rendered unsuitable for wilderness classification unless specifically classified to retain its wilderness character.

The Big Snowies Wilderness Study Area is one of extremely few potential wilderness areas in central Montana—a region which presently is completely lacking in designated wilderness.

Mount Henry, approximately 21,000 acres, Kootenai National Forest:

The Mount Henry Wilderness Study Area is in the upper Yaak River drainage near the Canadian border and approximately 35 miles north of Libby in the extreme northwestern corner of Montana.

The area includes national forest lands around Mount Henry (elevation 7,200 feet). The upper West Fork of Basin Creek, Vinal Creek, and Turner Creek are the main streams in the area. A number of beautiful natural lakes, including five Fish Lakes and Henry Lake, dot the forested landscape. The largest of the lakes furnish quality trout fishing. Turner Falls is a scenic point. The zone around the Fish Lakes encompasses a precipitous, narrow canyon with rocky cliffs. The Mount Henry portion is high with steep slopes and rugged, rocky, topography. The rest of the area (60%) is rolling and heavily timbered general forest.

Mule deer, white-tailed deer, and elk are found in the area, providing quality hunting. Although small, the area is also attractive to the hiker, backpacker, and horseback rider.

The Forest Service has active plans to log in the vicinity of Vinal and Turner Creek. Montana conservation groups, Sierra Club, and The Wilderness Society are protesting timber sales in the proposed study area and urging a wilderness review. The proposed study area is needed to add to the short supply of classified wilderness in the extreme northwestern Montana-Idaho panhandle region. In the large Kootenai National Forest, only 94,272-acre Cabinet Mountains Wilderness, southwest of Libby, has been designated to date, and the Forest Service has taken no action to recommend other areas.

Hyalite-Porcupine-Buffalo Horn, approximately 163,000 acres, Gallatin National Forest:

The proposed Hyalite-Porcupine-Buffalo Horn Wilderness Study Area encompasses the spectacular Hyalite Parks approximately fifteen miles south of Bozeman and extends southward along the crest of the Gallatin Range including the Porcupine drainages and the Buffalo Horn sector, which joins the northwestern part of Yellowstone National Park.

Although it is a magnificent mountainous area entirely without roads or other significant signs of man's works, the Chief Forester in October, 1973, placed only the 22,268-acre Hyalite Peaks portion on his final wilderness study list. Earlier, failing to recognze that this entire portion of the Gallatin Range was roadless, the Forest Service had listed Hyalite Peaks and Porcupine-Buffalo Horn as separate roadless areas. The undeveloped, 24,000-acre Porcupine-Buffalo Horn, with its connection to Yellowstone Park and its lower Gallatin drainages, is critically important as a wintering and calving range for the large North Yellowstone elk herd.

As an indication of this importance, the Montana Fish and Game Department long ago acquired and has maintained the Porcupine State Winter Game Range on state lands in the Porcupine Creek area. In addition to elk, the wildlife-rich study area provides irreplaceable undisturbed habitat for moose, bighorn sheep, mountain goat, deer, grizzly bear, mountain lion, black bear, and other wild creatures. Because of its undeveloped conditions, these wild species move freely between the Hyalite-Porcupine-Buffalo Horn and Yellowstone Park.

As the Montana Fish and Game Department has pointed out, roading, logging, and other activities that would tame this wild country would inevitably disrupt and destroy these desirable movements, with extremely adverse effects on the wildlife populations themselves.

Numerous high quality streams drain into the famed Gallatin River from the western slope of the proposed study area. The Gallatin River is a blue-ribbon trout stream, known nation-wide for its outstanding trout fishing and other outdoor recreation. The trout fishing, as well as the superb quality and stability of this free-flowing river could be irreparably damaged by roading, logging, and other man-made developments on the tributary drainages in the proposed study area.

Also aware of its significance in an undeveloped state, Montana conservation groups and Forest Service officials have for a quarter of a century agreed that the Porcupine-Buffalo Horn area, along with the nearby Taylor-Hilgard, should be studied for a wilderness designation. To this end former Regional Forester Charles L. Tebbe's October 17, 1958, letter to the Montana Wilderness Association formally committed the Forest Service to place both areas in a "hold" status, without roading and logging, pending the completion of wilderness studies. Despite this solemn commitment, the Forest Service has recently proposed timber sales on the South Fork of Swan Creek within the proposed study area.

A request for road access across Forest Service lands to log Burlington Northern Railway Company inholdings poses another immediate threat to the area. Still another imminent threat comes from the Montana Power Company which has made application to the Forest Service and the Montana Department of Natural Resources and Conservation for a major powerline through the proposed Hyalite-Porcupine-Buffalo Horn Wilderness Study Area.

The principal difficulty that confronts wilderness consideration is the extent of land owned by the Burlington Northern within the proposed study area. These Burlington Northern lands appear in a checkerboard pattern throughout much of the proposed study area, although Forest Service acquisitions have consolidated most of the national forest acreage in the northern part around Hyalite Peaks. Also, in the southern portion, around the Porcupine-Buffalo Horn, state acquisitions by the Montana Fish and Game Department have eased the problem, since the Department's object in acquiring these lands was to keep them in a natural condition for their major wildlife values.

A possible solution to the Burlington Northern inholdings problem exists. There is a need for national forest land to allow the town of West Yellowstone to expand. It has been reported that Burlington Northern has informally expressed interest in exchanging approximately 11,000 acres of its land in the Porcupine-Buffalo Horn sector for Forest Service land adjacent to West Yellowstone.

Englemann-spruce, lodgepole pine, and a limited amount of ponderosa pine grow especially along the tributary drainages and lower slopes of the area, while large parts of the upper reaches are characterized by open grass parks, rock outcrops, and alpine tundra.

The proposed study area, with its proximity to both Yellowstone Park and the population center of Bozeman, is substantially used and recreationally important for its quality hunting, fishing, backpacking, horseback packtrips, and wilderness camping. The continuation of these uses is dependent upon retaining the area in a wilderness condition.

Dr. Harold Picton, Associate Professor of Biology, Montana State University, Bozeman, in his research on the West Gallatin elk herd, has placed a monetary value of $647.00 spent per elk harvested in that area in 1972. At that rate, 100 elk harvested would mean that hunters would spend $64,700.00. Since a harvest would normally occur each year, the monetary value alone on harvested elk extended over a crop rotation of 200 years for Englemann-spruce and ponderosa pine, or even 120 years for lodgepole pine, could greatly exceed the monetary value of timber harvested.

Montana conservation groups believe that a comprehensive resource study would disclose that the watershed, wildlife, and wilderness values of the proposed Hyalite-Porcupine-Buffalo Horn Wilderness Study area are easily paramount and should be protected by a wilderness designation. The Gallatin Sportsmen's Association, Montana Wildlife Federation, Montana Wilderness Association, The Wilderness Society, the Montana Fish and Game Department, ranchers and many other Montana citizens strongly support a wilderness study for the Hyalite-Porcupine-Buffalo Horn area.

By Mr. JAVITS:

S. 4067. A bill to establish a Capital Markets Advisory Committee. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. JAVITS. Mr. President, I introduce today the Credit Allocation Act of 1974. An identical bill is being introduced in the House today by Representatives MOORHEAD and WIDNALL. This bill, if passed, would respond to the very real emergency created by the conflict between the tight money stemming from inflation and the satisfaction of social needs. The need for credit allocation was discussed at the recent economic and the presummit meetings which I and several other members of the Senate attended.

Although the Congress has already given the President blanket authority to control any and all extensions of credit, and although the kind of credit allocation sought for in this bill would conceivably come under that authorization, I feel that it is necessary to have Congress speak on so critical a matter as the priorities to be given in the apportioning of credit. Such a job should not be left to the President alone.

My act follows closely the administrative pattern which was set during the Korean war, with some important exceptions. During the Korean war the Federal Reserve set up a national committee composed of various lending interests such as banks, insurance companies, pension funds, in order to prescribe the national priorities which should receive the highest attention in the allocation of

credit during that critical period. That national committee, in turn, set up regional and specialized committees which served the purpose of further refining the criteria established at the national level and of answering questions put to them by individual lenders.

The bill would also establish a national committee and give it the authority to develop criteria for advising financial institutions as to which demands on the credit markets merit priority in lending. In other words, the committee is advisory, as it was during the Korean war. The membership of the committee, however, would differ markedly from the Korean war period. Included in the national capital markets advisory committee in the bill would be representatives of consumer, labor, State and local government, business and agricultural interests, in addition to lending interests.

Six types of national priorities are spelled out in the bill, and each corresponds to problems which have beset the capital markets in the past year during the very painful period of tight money. Basically, these priorities emphasize the construction of new plant and equipment to make businesses more efficient, loans for housing construction and financing, agricultural loans, loans to State and local governments which are necessary for essential capital facilities, and loans to persons connected with underwriting securities where these securities are being issued for any of the purposes I have just enumerated.

This list implies that certain categories of loans are undesirable. Among those categories would appear to be generally such categories of loans as to finance mergers and acquisitions, to acquire inventories not necessary to the normal course of business, to finance conglomerate activities of foreign interests in the United States, and acquisition of a company's own shares.

Why do we need this legislation? Well, the answer can be found if you ask any homeowner who wants to sell, or any persons wanting to buy a home or a builder trying to build one for sale. It can be answered if you ask a small businessman with an imaginative product who wants to borrow money to expand his production line. It can be answered if you ask the farmer wanting to put some automated equipment into his barn. It can be answered if you ask any firm, or even the Government, which has to go into the capital markets repeatedly in search of lendable funds.

In other words, money is in very short supply, and when it gets this short the smaller economic unit simply loses out. In short we cannot afford to have the marketplace allocate credit on supply and demand when the marketplace itself is being distorted by the extreme pressures of tight money and speculative borrowing.

Now I realize that just a couple of weeks ago the Board of Governors of the Federal Reserve System came up with a series of guidelines which were developed by their Federal Advisory Council.

The guidelines have much in them to correspond to what is recommended in the bill and is aimed at the same purposes to which my bill addresses itself. But let us remember that the Federal Advisory Council, which developed these criteria, is composed of 12 leading bankers, one from each of the Federal Reserve districts.

One can hardly say that they represent a consensus for national economic priorities. In effect, these guidelines are the language of bankers talking to bankers. I simply do not think that is the way to conduct economic policy these days, and while I have deferred to the wisdom of the Federal Reserve Board and especially to its Chairman Dr. Burns on many occasions, I simply must urge at this point that when it comes to the critical matter of deciding who is going to get access to our tight credit markets, it is Congress and not the bankers who should be making the ground rules on which to base decisions.

Our economic problems are deep, and they are multisided. But, credit allocation is only one of them. The sharply escalating levels of wholesale and retail prices across the country indicate, for exampe, that we must put teeth into the new Council on Wage and Price Stability. The recessionary aspect of this economy—virtually all the economists agree that unemployment will be close to 6 percent in a few months—simply require us out of ordinary human understanding to pass an expanded public sector jobs program. The very uneven impact of our inflationary economy, hitting the poor the hardest, shows that we still have a lot of work to do in the field of closing tax loopholes and reforming the tax system.

It is in this context that the bill has to be considered. Tight, disciplined policies are needed, and it is precisely for this reason that other legislation needs to be introduced to put off some of the worst side effects of our macro-economic policies. I am confident that there will again be a day when the average American can obtain credit for a home, but that does not exist now. And until that day comes, we must set up emergency machinery, like this bill, to honor our obligation as custodians of the national interest to the average American.

By Mr. CURTIS (for himself, Mr. HRUSKA, Mr. FANNIN, Mr. BARTLETT, and Mr. TOWER):

S. 4068. A bill to amend the Food Stamp Act of 1964. Referred to the Committee on Agriculture and Forestry.

Mr. CURTIS. Mr. President, on behalf of myself and Senators HRUSKA, BARTLETT, FANNIN, and TOWER, I am today introducing legislation to amend the Food Stamp Act of 1964. The purpose of this bill is two-fold: to assure food stamp recipients of a balanced diet and to help alleviate the situation facing American livestock producers.

The Department of Agriculture's "economy food plan" upon which food stamp allotments are based, calls for approximately 18 percent of the value of the stamps to be used to purchase meat, poultry, and fish to provide a "nutritionally adequate diet." The bill we are introducing today provides that at least 15 percent of the value of coupons issued to an eligible household during any specific period be coded so as to be usable only for the purchase of beef, pork or poultry unless the State certifying agency finds this impractical with regard to a specific household because of unusual dietary requirements.

Mr. President, in passing the Food Stamp Act, Congress declared that sufficient funds be available for food stamps to provide balanced nutritional needs of the poor and needy. The value of food stamps issued during fiscal 1974 is expected to exceed $5 billion when all of the figures are in. The program is expected to accelerate drastically during the coming years. There is, of course, no way to determine at the present time what amount of food stamps are being used for the purchase of beef, pork and poultry. However, our bill would insure at least 15 percent of food stamp dollars for meat products, where there may presently be widespread substitution of meat products with other foods. Had the bill we are introducing today been in effect during fiscal 1974, we know that approximately $750 million worth of highly nutritious meat and poultry would have been consumed by food stamp recipients.

Where the cost of meat is considered in the food stamp plan, and the plan is anticipated to increase substantially in future years, and nutritional needs dictate a substantial portion of a diet for meat products, it only makes sense to specify meat consumption under the food stamp program.

I reiterate that our bill would have a two-fold accomplishment: it would help to insure the nutritional needs of those using food stamps, and it would provide a reliable and substantial demand for meat products.

Mr. President, as ranking minority member of the Committee on Agriculture and Forestry, I shall press for hearings on this proposal at the earliest practical date, and I hope my colleagues will see the benefits which will accrue to all concerned upon adoption of this measure.

By Mr. STEVENS:

S. 4070. A bill to revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service not entitled to Indian preference, provide greater opportunity for advancement and employment of Indians, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. STEVENS. Mr. President, the 1934 Wheeler-Howard Act, which reformed the administration of Indian Affairs from top to bottom, provided among other things, not only for preferential hiring of Indian people into the Bureau of Indian Affairs, but also for preference for subsequent promotion within that organization. For reasons that are not entirely clear—possibly because at the time the act was passed, Indian people generally lacked the education and experience to move beyond the unskilled jobs for which they were initially hired—the

Interior Department did not enforce the provisions of the legislation dealing with Indian promotion rights. With the passage of time, these important Indian rights faded into almost total disunity.

During the same period, many talented and highly motivated persons, not eligible for Indian preference, have been recruited into the Bureau of Indian Affairs and the Indian Health Service which was split off from BIA in 1954. These persons, not told differently, quite rightly assumed they would be able to develop their full career potential within each of these two principal organizations serving the needs of Indian people.

Times do, however, change. No longer are Indians satisfied with dead-end jobs such as busdrivers, road laborers or kitchen help which for so long was the case. In their restlessness to locate better employment for themselves while at the same time gaining increasing control over their powerful agencies so long the virtual monopoly of non-Indians, Indian spokesmen have discovered Indian rights to promotional preference and claimed these as a clear Indian right under the law.

Opponents, dismayed by the implications of this section of the Wheeler-Howard Act, contested the matter in the courts where it constantly has been upheld in favor of the Indians ultimately by the Supreme Court in an 8 to 0 decision given on June 17, 1974.

Many non-Indians, who find that their BIA and IHS careers have reached a dead end, are able to take advantage of promotional opportunities outside BIA or IHS and continue their careers with a minimum of interruption. For others it is not so easy. Many BIA and IHS positions have no equivalents in other Federal agencies. This tends to be particularly true of those employees with the longest tenure occupying the higher grades who have developed unique specialties. Consider, for example, the instance of the person who has worked his way up the career ladder to where he has become the head of a large specialized boarding school serving Navajo Indians.

Or the IHS engineer who has been promoted to a higher than average engineering position by virtue of his talent in organizing Indian communities to develop their own domestic water supply. Neither example can be promoted to positions to which qualified Indians apply and neither can look forward to furthering their careers elsewhere except in the most exceptional or fortuitous circumstances. Each can remain in his or her current position, frustrated and possibly undisturbed, until eligible to retire.

In the meantime, ambitious, highly motivated and qualified Indian people must wait in frustration for non-Indians to vacate these sorts of key jobs. Not a happy situation for either group nor one which creates a harmonious atmosphere in which to carry forth the national objective of increasing Indian self-determination through greater Indian control over these two important agencies.

To resolve this conflict, I am introducing this piece of legislation. It will achieve equity for the non-Indian employee by allowing him to retire earlier than normally would be the case. It will release those jobs which qualified Indians are anxious to fill.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD immediately following my remarks.

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

S. 4070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8336 of title 5, United States Code, is amended by redesignating subsection (h) as subsection (i) and inserting the following new subsection:

"(h) An employee is entitled to an annuity if he (1) is separated from the service after completing 20 years of service, (2) was employed in the Bureau of Indian Affairs or the Indian Health Service continuously from June 17, 1974, to the date of his separation, and (3) is not an Indian entitled to a preference under section 12 of the Act of June 18, 1934 (48 Stat. 986) or any other provision of law granting a preference to Indians in promotions and other personnel actions."

SEC. 2. Section 8339 of title 5, United States Code, is amended—

(1) by inserting in subsection (f), immediately after "subsections (a)-(e)", the following: "and (o)";

(2) by inserting in subsection (i), immediately after "subsections (a)-(h)", the following: "and (o)";

(3) by inserting in subsections (j) and (k) (1), immediately after "subsections (a)-(i)" each time it appears, the following: "and (o)";

(4) by inserting in subsection (l), immediately after "subsections (a)-(k)", the following: "and (o)";

(5) by inserting in subsection (n), immediately after "subsections (a)-(e)", the following: "and (o)"; and

(6) by adding at the end thereof the following:

"(o) The annuity of an employee retiring under section 8336(h) of this title is 2½ percent of his average age multiplied by the number of years of service."

SEC. 3. (a) Section 8341 of title 5, United States Code, is amended—

(1) by inserting in subsection (b)(1), immediately after "section 8339(a)-(i)", the following: "and (o)"; and

(2) by striking out of subsection (d) "section 8339(a)-(f) and (i)" and inserting in lieu thereof the following: "section 8339 (a)-(f), (i) and (o)".

(b) Section 8344(a)(A) of such title is amended by striking out "and (i)" and inserting in lieu thereof "(i), and (o)".

SEC. 4. The amendments made by this Act only apply to employees separated from the service on and after the date of enactment of this Act, and their survivors.

By Mr. McCLURE:

S. 4071. A bill to provide for the establishment of the Hagerman Fossil Beds National Monument in the State of Idaho, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. McCLURE. Mr. President, today I introduce legislation to provide for the establishment of the Hagerman Fossil Beds National Monument in the State of Idaho. The Hagerman fossil beds area in south-central Idaho contains Pliocene fauna fossils dating back 3.5 million years. The area received international attention following the unearthing of excellent specimens of small zebra-like horses by Smithsonian Institution exploratory teams during the years 1929 to 1931.

The Hagerman Valley and the unique resources which it possesses are the results of thousands of years of relentless erosion by the Snake River carving its way through the igneous and sedimentary formations in this area. The Snake River is the principal physiographic feature of southern Idaho. For hundreds of miles, it silently winds its way through deep gorges, thunders over high precipices, and gently flows through broad fertile plains. To the north of the river, waters from extensive snow-capped mountain ranges feed fertile farms and ranch lands. To the south lies a vast country generally too arid to settle. And all along the river's borders are hundreds of square miles of irrigated, rich, green croplands.

The broad plain in southern Idaho, through which the Snake River passes, has served as a corridor for travel, settlement, farming, and recreation. Today, the very busy Interstate 80, which is the major artery from the Midwest to the Oregon coast, passes above the Hagerman Valley, within a few miles of the fossil area.

During the Pliocene epoch, the Hagerman Valley was apparently comprised of a lake or marshlands. There, in such an aquatic-based environment, flourished small zebra-like horses, peccaries, ground sloths, saber-toothed "cats," mastodons, and camels. Smaller animals such as beavers, muskrats, and otters also thrived there.

Some 30,000 years ago some catastrophic event caused the water level in the Bonneville Lake in northeastern Utah to rise and break through its banks sending a torrent of water surging across south-central Idaho, permanently scarring and reshaping the land. The Bonneville flood rushed down the 200-mile canyon of the Snake River, grinding its walls under a 300-foot wall of water. Spectacular erosion in the form of abandoned channels, spillways, and cataracts bear silent witness to this ancient disaster. As in other parts of the canyon, the Hagerman Valley had huge amounts of rock ground from its walls by the flood. Yet, other parts of the valley have huge boulders—some up to 10 feet in diameter—strewn about in enormous bars of sand and boulders which rise in places nearly 300 feet above the present canyon floor.

Continuing the flood's spectacular shaping action, the Snake River at Hagerman has eroded away sedimentary deposits revealing fossils of ancient ecosystems. In a canyon wall adjacent to the river are the unique remains of Pliocene epoch fauna and flora 3.5 million years old—species now largely extinct. Today, fossils of great significance to the science of paleontology are being continually unearthed by nature and scientists in the Hagerman Valley. These Hagerman Pliocene fauna and flora sites are considered to be among the largest and best preserved of their kind in the world.

The first known discovery of fossil sites near the town of Hagerman occurred in 1900 by a local settler, Mr. El-

mer Cook. He informed Dr. H. T. Stearns of the U.S. Geological Survey, who later forwarded a small collection of fossil horses to the National Museum of Natural History in Washington, D.C. From 1929 to 1931 expeditions from the Smithsonian Institution worked to remove fossils of zebra-like horses, about the size of a dog, which appeared in the primary fossil bed of the Hagerman site. The National Museum of Natural History has used these fossil discoveries in a beautiful museum mural and continues to store a great amount of the Hagerman fossils.

The Smithsonian discoveries touched off international reaction among paleontologists. Since then, more than 130 species of animals, plus numerous plants, have been discovered from the 310 registered paleontological sites located in the valley. Since 1958 there have been over 100 scientific papers published concerning specimens discovered from the sites. It is generally agreed that the Hagerman fossil sites still have a great deal of information to yield.

Studies of the fauna in the area show that collectively it is one of the largest and best preserved late Pliocene fossil finds in the world, with a great diversity among plant and animal groups. The abundance of fossil remains and the completeness of the stratigraphic record make the area most valuable to the entire field of paleontology for further study. The excellent preservation of the Hagerman fossils make them invaluable in defining trends in many lines of plant and animal development.

Unfortunately, however, the fossil area itself has not received adequate protection. Abuse by motorcycles and off-road vehicles continues to damage fossils. The weather and amateur collectors also take their toll. But the greatest possibility for damage to the area comes from commercial interest. In 1966, two 4-foot pipelines were constructed across the fossil beds to pump irrigation water from the Snake River to a farming development on the plateau above. The possibility of undirected expansion in this area could not only destroy fossils in direct contact with such pipelines, but also add to the destruction of needed ground cover to hold down present wind erosion in the area.

The Hagerman fossil beds could make an important inclusion in the national park system for several reasons: The Pliocene epoch is not being represented within the system at this time; there is a need to properly protect these resources; and there are great opportunities to interpret these fossils.

In a February 1974 study, the National Park Service proposed various alternative means for managing the fossil sites of Hagerman Valley. The legislation I am introducing today closely follows one of these alternatives. This measure will provide for the inclusion of all the significant fossil sites, enclosing about 5,500 acres, into what will be known as the Hagerman Fossil Beds National Monument. Provisions are made for continued research, for visitor facilities, and for the display and interpretation of specimens uncovered within the monument.

The legislation specifically mentions scenic easements, which the Park Service plans to use on the east side of the river to create a buffer zone the entire length of the monument—which will be on the west side of the river. Under normal circumstances, if we were discussing the creation of only this national monument I would not condone the use of scenic easements over land which is not directly a part of the monument. But the issue of Hagerman Valley is not "normal circumstances" and we are not talking about only this one monument. It is indeed only a part of a larger concept.

I spoke earlier of the Great Bonneville Flood and the effect it had on the Hagerman Valley. Not only did it help to expose the Hagerman fossils, it also created the spectacular Box Canyon, site of the world's 11th largest natural spring of crystal pure water. More than any other section of the Hagerman Valley, the geology of Box Canyon tells us the story of what happened during that flood. It also created the Blue Heart Spring and Sand Springs and the fields of melon gravel. The thousand springs are the massive outlet of several hidden water sources which reappear along the high cliffs overlooking the Snake River and tumble down in thousands of frothy, miniature falls.

And so it is that the entire valley is a vast geological storehouse. And it is all of these natural wonders that I would hope to see preserved and protected. For various administrative and economic reasons, it would not be feasible at this time to propose one, overall monument which would include all of these wonders, spaced throughout continuing private farmlands and commercial enterprises. Therefore, the matter must be approached on a piecemeal basis. I have already introduced legislation to make the still-pristine upper reaches of Box Canyon a portion of the Wild and Scenic Rivers System, and today I propose to include the Hagerman fossil sites in the national park system. Hopefully, someday all these areas can be protected and coordinated to tell the story of the third largest flood in the history of the world—the Great Bonneville Flood.

I ask unanimous consent that the text of the bill appear at this point in the RECORD.

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

S. 4071

Be it enacted, That in order to preserve for the benefit and enjoyment of present and future generations the outstanding paleontological sites known as the Hagerman Valley fossil sites, to provide a center for continuing paleontological research, and to provide for the display and interpretation of the scientific specimens uncovered at such sites, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands and interests therein for the establishment of the Hagerman Fossil Beds National Monument.

(b) The Hagerman Fossil Beds National Monument shall comprise the lands generally depicted on the map entitled "———", Number "———" and dated ——— which shall be kept on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior: *Provided, however,* that such area shall not exceed 5,500 acres.

(c) The Secretary shall establish the monument by publication of a notice to that effect in the "Federal Register" at such time as he determines that sufficient property to constitute an administerable unit has been acquired.

SEC. 2 (a) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange or bequest such lands or interest therein, including scenic easements, which he determines are needed for the purposes of this Act.

(b) Notwithstanding any other provision of law, any Federal property located within the boundaries of the monument may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act.

(c) Any land or interest in land owned by the State of Idaho or any of its political subdivisions may be acquired only by exchange or purchase.

(d) In exercising the authority to acquire property by exchange, the Secretary may acquire title to any non-Federal property, or interest therein, located within the monument; and notwithstanding any other provision of law, he may convey in exchange therefor any federally owned property within the State of Idaho which he classifies as suitable for exchange and which is under his administrative jurisdiction. The values of the properties so exchanged shall be approximately equal or, if they are not approximately equal, they shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

SEC. 3. Pending the establishment of the Hagerman Fossil Beds National Monument and thereafter, the Secretary shall administer property acquired pursuant to this Act in accordance with the Act entitled "An Act to establish a National Park Service and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

SEC. 4. There are hereby authorized to be appropriated such sums as shall be necessary to carry out the purposes of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1265

At his own request, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 1265, a bill to amend the Coastal Zone Management Act of 1972 for the purpose of determining the causes and means of preventing shoreline erosion.

S. 1267

At his own request, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 1267, a bill to amend the Disaster Relief Act of 1970 for the purpose of making clear that disaster assistance is available to those communities affected by extraordinary shoreline erosion damages.

S. 1364

At his own request, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 1364, a bill to provide a program of grants to States for the development of child abuse and neglect prevention programs in the areas of treatment, training, case reporting, public education, and information gathering and referral.

S. 2543

At his own request, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 2543, a bill to amend the Freedom of Information Act.

S. 2871

At his own request, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 2871, a bill to amend the Food Stamp Act of 1964, as amended, and for other purposes.

S. 3234

At the request of Mr. HUMPHREY, the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 3234, a bill to authorize a vigorous Federal program of research and development to assure the utilization of solar energy as a major source for our national energy needs, to provide for the development of suitable incentives for rapid commercial use of solar technology and to establish an Office of Solar Energy Research in the U.S. Government.

S. 3378

At the request of Mr. RANDOLPH, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 3378, the Developmentally Disabled Assistance and Bill of Rights Act; and

At his own request, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 3378, a bill to provide assistance for the developmentally disabled, establish a bill of rights for the developmentally disabled, and for other purposes.

S. 3481

At the request of Mr. CANNON, the Senator from Montana (Mr. MANSFIELD) and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of S. 3481, the International Air Transportation Fair Competitive Practices Act of 1974.

S. 3509

At the request of Mr. MCGEE, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 3509, a bill for the relief of Willard H. Allen, Jr., and Nicole J. Allen.

S. 3656

At his own request, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 3656, a bill making appropriations for the fiscal year ending June 30, 1975, for reimbursement of costs of construction of treatment works pursuant to the Federal Water Pollution Control Act.

S. 3862

At the request of Mr. THURMOND, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 3862, a bill to prohibit any change in the status of any member of the uniformed services who is in a missing status.

S. 3947

At the request of Mr. HUMPHREY, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maine (Mr. HATHAWAY), and the Senator from Michigan (Mr. HART) were added as cosponsors of S. 3947, a bill to establish a national policy for guaranteeing to all Americans who are able and willing to work, the availability of equal opportunities for useful and rewarding employment.

S. 3981

At the request of Mr. HELMS, the Senator from Virginia (Mr. WILLIAM L. SCOTT) and the Senator from Idaho (Mr. MCCLURE) were added as cosponsors of S. 3981, to limit the jurisdiction of the Supreme Court relating to prayer in public schools.

S. 3982

At the request of Mr. WEICKER, the Senator from Alabama (Mr. ALLEN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. CHURCH), the Senator from Minnesota (Mr. MONDALE), and the Senator from Ohio (Mr. TAFT) were added as cosponsors of S. 3982, a bill to restrict the authority for inspection of tax returns and the disclosure of information contained therein, and for other purposes.

S. 4006

At the request of Mr. STEVENSON, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 4006, a bill to name the new Federal Office Building in Chicago for former Senator Paul H. Douglas.

S. 4019

At the request of Mr. WEICKER, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 4019, a bill to establish a Joint Committee on Intelligence Oversight.

S. 4059

At the request of Mr. WEICKER, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 4059, a bill to require the net worth of public officials.

SENATE RESOLUTION 416—SUBMISSION OF A RESOLUTION RELATING TO THE INTERNATIONAL MONETARY FUND

(Ordered to lie over under the rule.)

Mr. TAFT (for himself, Mr. PROXMIRE, Mr. TOWER, Mr. ROTH, Mr. BROCK, and Mr. BROOKE) submitted the above entitled resolution.

(The remarks of Mr. TAFT on the submission of the resolution appear later in the RECORD.)

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 392

At the request of Mr. TAFT, the Senator from Connecticut, (Mr. RIBICOFF) was added as a cosponsor of Senate Resolution 392, concerning the safety and freedom of Valentyn Moroz, Ukrainian historian.

AMENDMENTS SUBMITTED FOR PRINTING

FOREIGN ASSISTANCE ACT OF 1974—S. 3394

AMENDMENT NO. 1948

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

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

AMENDMENT NO. 1949

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

Mr. HART (for himself, Mr. MCGOVERN, and Mr. HUGHES) submitted an amendment intended to be proposed by them jointly to the bill (S. 3394), supra.

RESTRUCTURING FOOD AID

Mr. HART. Mr. President, when the Foriegn Assistance Act amendments are considered by the Senate, an amendment will be offered which would reduce spending ceiling for the food for peace program (Public Law 480) in South Vietnam. Our amendment would reduce the food for peace title I expenditure ceiling in South Vietnam from $160 million to $71 million.

The goal of this amendment is to reduce the use of food for strategic diplomatic purposes and increase its use for humanitarian purposes. For several years, the poorest agricultural economies have received a declining share of U.S. food aid as priority has been given to Vietnam, Cambodia, Korea, Pakistan, and Egypt for security reasons.

In Vietnam for example the State Department has used food aid as a means of back door financing for Saigon's military operations. While Congress has now moved to forbid this use, South Vietnam is still scheduled to receive a greatly disproportionate share of the total food for peace shipments in fiscal year 1975. Total food for peace (Public Law 480) title I shipments for fiscal year 1975 are estimated at $717 million. Of this amount, South Vietnam will receive up to $160 million, or approximately 22 percent of all title I commodity sales. The Senate Appropriations Committee recognized this imbalance and proposed that no nation receive more than 10 percent of title I appropriated funds. The agricultural appropriations bill was subsequently vetoed by former President Nixon.

The worldwide shortage of food has already reached crisis proportions in Africa, the Indian subcontinent, and other Asian areas. Foreign demand for U.S. food aid is peaking at a time when domestic food production is declining. This year's corn and soybean harvest will fall substantially below 1973 levels. The United States cannot hope to satisfy its own needs and export enough food to meet even the most deserving requests from hungry nations. It is there imperative that American foreign aid in food commodities be allocated on the basis of need to meet world nutritional deficits as efficiently and fairly as possible.

By reducing title I expenditures in South Vietnam to $71 million, we will be limiting that nation's share of food for peace commodities to 10 percent. This change will permit greater food aid shipments to Honduras, Bangladesh, India, the Sahel section of Africa, and other areas where famine threatens millions in the next 12 months.

Public reaction to the political use of food aid has not been favorable.

An editorial in the Anniston, Ala., Star, reprinted in AID's press log said:

On the face of it, nothing could be more

altruistic and well-intended than our Food for Peace program. We give food to peoples who need it. Nothing is more useful in a world suffering from spreading shortages of foodstuffs.

But that's not the way the program works. In the first place, we only give away surplus foods that aren't needed by the American people. Hardly a national sacrifice, but fair enough.

Then we dispense the surplus foods not on the basis of where they are most needed, but on the basis of power—political considerations of foreign affairs. In other words, we use the food as ammunition.

There has been a continuing struggle between the Department of State, which favors giving food to our military allies, and the Department of Agriculture, which prefers to use the food to develop future commercial markets for American business.

Very little of our Food for Peace has gone to Africa, where tens of thousands have perished from famine. But during the last year nearly half of it went to Cambodia and South Viet Nam.

We stopped food assistance to the Chilean people when they elected Allende, and then resumed it when the military coup ousted the Allende government. . . .

Congress should establish controls over the Food for Peace program. At a time when Secretary Kissinger has called for a World Food Conference, the United States should not use our surplus food solely as an adjunct to our military policies.

I ask unanimous consent to have this amendment printed in the RECORD.

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

AMENDMENT No. 1949

On page 32, lines 17 and 18, strike out "$1,280,000,000" and insert in lieu thereof "$1,191,000,000".

On page 33, line 1, strike out "$160,000,000" and insert in lieu thereof "$71,000,000".

On page 35, line 1, strike out "$1,280,000,000" and insert in lieu thereof "$1,191,000,000".

AMENDMENT NO. 1951

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

Mr. HUMPHREY submitted an amendment intended to be proposed by him to the bill (S. 3394), supra.

DEVELOPMENTALLY DISABLED ASSISTANCE AND BILL OF RIGHTS ACT—S. 3378

AMENDMENT NO. 1950

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

Mr. HARTKE. Mr. President, I introduce an amendment to S. 3378 which will provide for special projects to provide education to the homebound handicapped. 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. 1950

(a) On page 301, strike lines 3 through 11, and insert in lieu thereof the following:

"SEC. 122. (a) For the purpose of making grants under this section for special projects and demonstrations (and research and evaluation connected therewith), there is authorized to be appropriated $19,500,000 for the fiscal year ending June 30, 1975, $22,000,000 for the fiscal year ending June 30, 1976, $25,500,000 for the fiscal year ending June 30, 1977, $30,000,000 for the fiscal year ending June 30, 1978, and $32,500,000 for the fiscal year ending June 30, 1979"; and

(b) On page 301, line 21, after "but not be limited to," insert "education of homebound handicapped".

DUTY-FREE ENTRY OF TELESCOPE AT MAUNA KEA, HAWAII—H.R. 11796

AMENDMENT NO. 1952

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

Mr. TUNNEY submitted an amendment intended to be proposed by him to the bill (H.R. 11796) to provide for the duty-free entry of a 3.60-meter telescope and associated articles for the use of the Canada-France-Hawaii telescope project at Mauna Kea, Hawaii.

NOTICE OF HEARINGS BY D.C. COMMITTEE ON NOMINATION OF CARL H. McINTYRE TO BE DIRECTOR OF CAMPAIGN FINANCE, DISTRICT OF COLUMBIA

Mr. EAGLETON. Mr. President, the Committee on the District of Columbia will hold a public hearing on the nomination of Mr. Carl H. McIntyre to be Director of Campaign Finance, District of Columbia, on Tuesday, October 8, at 9:30 a.m., in room 6226, Dirksen Senate Office Building. Persons wishing to present testimony at that hearing should contact Mr. Robert Harris, staff director, Committee on the District of Columbia, room 6222 Dirksen Senate Office Building, by noon on Friday, October 4, 1974.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

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

George Beall, of Maryland, to be U.S. attorney for the District of Maryland for the term of 4 years (reappointment).

Charles W. Koval, of Pennsylvania, to be U.S. marshal for the Western District of Pennsylvania for the term of 4 years (reappointment).

Johnny H. Towns, of Alabama, to be U.S. marshal for the Northern District of Alabama for the term of 4 years (reappointment).

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Tuesday, October 8, 1974, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS ON RENEGOTIATION BOARD

Mr. PROXMIRE. Mr. President, tomorrow morning at 2:30 p.m. in room 1318 of the Dirksen Senate Office Building the HUD, Space Science Appropriations Subcommittee, which I chair, will resume hearings on the activities of the Renegotiation Board.

The witnesses will be Mr. William S. Whitehead, Chairman of the Board, other Board members and members of the staff of that agency.

The hearings will be a continuation of the testimony given to the subcommittee on July 25, 1974.

Among other matters of interest to the subcommittee are the majority and dissenting opinions in two cases involving the McDonnell Douglas Corp. decided by the Board, and conflicts in previous testimony received by the subcommittee.

ADDITIONAL STATEMENT

ARKANSAS ECONOMIC GROWTH

Mr. McCLELLAN. Mr. President, I am happy to report that the incomes of the people of Arkansas are growing at a rate faster than all but a few States in our Nation. According to the U.S. Department of Commerce, in its monthly survey of current business, total personal income in Arkansas in 1973 exceeded 1972 income by $1.3 billion, an increase of 19.8 percent. This advance, which brought our State's total personal income to $8.05 billion for 1973, was exceeded by only four other States—all of which were outside the 13 State southeast region.

Per capita income—total personal income divided by population—also increased at a dramatic rate. In 1973, per capita income in Arkansas jumped 18.1 percent to $3,952, an increase that was exceeded by only 6 other States. As a result, Arkansas—which has for many years ranked near the bottom in this category—advanced from 49th over 4 other States to 45th in the Nation.

The major factor accounting for Arkansas' spectacular economic growth is the increase in farm incomes. The total value of Arkansas' agricultural commodities in 1973 was $2.39 billion—an increase of 60 percent over 1972. Our 1973 crops were led by soybeans valued at $651 million, broilers valued at $416 million, and rice valued at $394 million. These increases in the value of Arkansas farm products had the effect of practically doubling farm income in 1 year to a total of $1.3 billion.

Incomes from manufacturing, construction, wholesale and retail trade as well as banking, insurance, and other services also showed increases in excess of the approximate 6 percent advance in consumer prices across the Nation. Manufacturing total incomes increased approximately 15 percent, construction incomes increased approximately 11 percent, incomes in the wholesale and retail trade increased approximately 10 percent.

Mr. President, some States have taken an antigrowth position and have dissuaded the location of new industry and people within their borders. Although I understand their motivations, I wish to inform all investors, all nonpolluting industries, and all individuals who desire to obtain a fuller measure of life's rewards, that Arkansas is still the land of opportunity.

In fiscal year 1974 over $865 million was invested in Arkansas industry creating more than 16,000 new jobs according to the Arkansas Industrial Development Commission.

Tonnage shipments on the Arkansas River exceeded projections by a million and one half tons in 1973. Already 4.3 million tons have been shipped by barge this year.

At the same time, Arkansas offers one clean water, pure air, and suitable climates according to a recent Department of the Interior study.

Although inflation has caused economic injury to all parts of our Nation, the State of Arkansas remains healthy and growing. The door of opportunity remains open to industries willing to help preserve her clean environment while providing jobs for her citizens. The American dream of progress and prosperity is not dead; it is alive and well in Arkansas.

Mr. President, I ask unanimous consent that four tables from the U.S. Department of Commerce, Survey of Current Business, be printed in the RECORD.

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

GROWTH OF ARKANSAS' ECONOMY

TABLE I.—GROWTH IN INCOME BY INDUSTRY[1]

[In millions of dollars]

Industry	1971	1972	1973
Farm	$566	$574	$1,313
Contract construction	236	288	322
Wholesale and retail trade	710	803	888

[1] U.S. Department of Commerce, Survey of Current Business, August 1974.

TABLE II.—TOTAL AND PER CAPITA PERSONAL INCOME IN ARKANSAS[1]

	1971	1972	1973	Percent change, 1972–73	Percent of national average, 1973
A. Per capita personal income	$3,060	$3,345	$3,952	[2]18.1	78
B. Total personal income (millions)	5,970	6,717	8,050	[2]19.8	

[1] U.S. Department of Commerce News, Sept. 11, 1974.
[2] Denotes the highest rate increase of all the States in the southeast region which includes Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas.

TABLE III.—PER CAPITA INCOME RANKING OF ARKANSAS AMONG THE STATES, 1973[1]

Rank	45
Amount	$3,952
Percent of national average	78
Dollar difference from national average	−$1,089

[1] U.S. Department of Commerce News, Sept. 11, 1974.

TABLE IV.—TOTAL AND FARM INCOME IN ARKANSAS[1]

Rank	[2]5
Percent change, 1972–73 personal income:	
Total	19.8
Farm	94.7
Nonfarm	11.5
Farm as a percent of total income, 1972	10.0

[1] U.S. Department of Commerce News, Sept. 11, 1974.
[2] Arkansas ranks 5th behind North Dakota, South Dakota, Iowa, and Idaho in percentage change for total personal income, 1972–73.

VFW NATIONAL COMMITTEE MEETING

Mr. THURMOND. Mr. President, on September 21–22, 1974, three national committees of the Veterans of Foreign Wars of the United States met here in Washington to set their priority legislative, national security, and foreign affairs program for the coming year.

Commander in Chief John Stang of Kansas presided. He is a practicing attorney in La Crosse, Kans., and has served with distinction on the Kansas State Veterans Affairs Commission. John Stang is typical of the great Americans who have commanded the Veterans of Foreign Wars, and those who were called to Washington for this meeting.

Commander Stang has compiled an enviable record of service to his community, State, and Nation. He is a veteran of both World War II and Korea, and an active member of the U.S. Army Reserves.

Mr. President, the distinguished group of Americans who met here to discuss national priorities give added emphasis to the program they adopted.

The national legislative committee is chaired by the Honorable James E. Van Zandt of Pennsylvania, a former Member of Congress. His vice chairmen include four past national commanders in chief of the VFW from different parts of the Nation: Andy Borg of Wisconsin; Ted C. Connell of Texas; Charles C. Ralls of Washington, and Joseph L. Vicites of Pennsylvania.

The national security committee met under the chairmanship of Leslie M. Fry, Nevada, a past commander in chief of the VFW. Serving as vice chairmen are: Ray Gallagher of South Dakota, Richard Homan of West Virginia, Timothy J. Murphy of Massachusetts, all past commanders in chief, and Morris J. Krouse of Kansas.

The national civil service and employment committee met under the leadership of Howard J. Cloe of Iowa, chairman; and Michael F. Bonadio, of Maryland, vice chairman.

Senior Vice Commander in Chief Thomas C. Walker of Connecticut and Junior Vice Comamnder in Chief R. D. Smith, Jr., of Georgia, also took part in the leadership.

Mr. President, I want to thank these distinguished Americans for giving of their time and efforts to outline the VFW priority legislative, national security, and foreign affairs program for 1975.

The VFW stands for a strong and viable national defense, Americanism, patriotism, and service to our veterans and their dependents. Since it was founded over 75 years ago, the VFW has made valuable contributions to the national welfare. The leadership and support of the VFW has been crucial in helping to obtain increased veterans' benefits, more equitable veterans' pension laws, adequate funding of VA programs, and a strong VA hospital and medical care system.

Mr. President, these are the men who have gone abroad in time of war, mobilized patriotic opinion in time of crisis, and always put America's interest first.

The VFW priority program for 1975 is a blueprint for a better America.

Mr. President, when men of the caliber of the VFW speak on issues of national concern, I stand ready to listen, along with many others in the Congress.

Mr. President, I ask unanimous consent that the VFW priority legislative, national security, and foreign affairs program for 1975 be printed in the RECORD at the conclusion of my remarks, and urge my colleagues to give it most careful thought and attention.

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

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
NATIONAL LEGISLATIVE SERVICE.

PRIORITY LEGISLATIVE GOALS FOR 1975

FOR SERVICE-CONNECTED DISABLED AND THEIR DEPENDENTS

a. Cost-of-living increases in compensation rates for the more than two million service-connected disabled veterans and dependency and indemnity compensation rates for the almost 400,000 widows and orphans of veterans who died from service-connected causes.

b. Authorize dependency and indemnity compensation payments to widows and children of veterans who at time of death were 100 percent service-connected disabled, regardless of cause of death of veteran.

c. Liberalize presumptions for entitlement to service-connected compensation for certain diseases contracted by POWs.

ADEQUATE AND DIGNIFIED ASSISTANCE FOR OLDER VETERANS

a. Maintain integrity of veterans programs.

b. Increase all pension rates and income limitations for veterans and their dependents to prevent veterans pension cuts because of Social Security or other increases in retirement income.

c. Adopt a special pension program for the remaining one million World War I veterans, with special emphasis on additional pension assistance for all older veterans.

d. Continue opposition to the VA reform pension proposal and any other pension recommendation which would curtail or adversely affect veterans pension assistance for veterans and their dependents.

e. Continue opposition to the annual recommendation that the $250 veterans burial allowance be terminated.

FOR BETTER HOSPITALIZATION AND MEDICAL CARE

a. Adequate VA hospital and medical care budgets to provide the highest quality medical care for veterans, with no reduction in VA facilities and daily patient load.

b. Oppose integration of health care for veterans in a national health care insurance program, with special emphasis on continuing an independent system of Veterans Administration hospitals and health care facilities, with no reduction of existing entitlement to veterans hospital and medical care by the VA.

c. Increase the staff patient ratio in VA hospitals to provide adequate care on a 24-hour basis.

d. Eliminate the pauper's oath for admission to a VA hospital.

FOR THE VIETNAM VETERAN

a. Education and training assistance for the Vietnam era veteran under the GI Bill comparable to assistance under the original GI Bill for World War II veterans.

b. More affirmative action by the Veterans Employment Service and the Department of Labor to find jobs and job training for the continuing, shockingly high unemployment rate among veterans, especially the Vietnam veteran.

MAINTAIN AND IMPROVE VETERANS PROGRAMS

a. Provide for a Secretary of Veterans Affairs in the President's Cabinet so there is a spokesman at the highest level of the Executive Branch for the nation's war veterans and their dependents.

b. Support the programs for veterans administered by the Veterans Employment Service, Bureau of Reemployment Rights, State Public Employment Agencies, and the U.S. Civil Service Commission.

c. Gain Congressional approval of the VA Accountability Act to prevent arbitrary and precipitous closing of VA hospitals, regional offices, or revision of the VA rating schedule for disabilities.

d. Establish at least one national cemetery in every state for a veteran who desires the perpetual honor of burial in a national cemetery reasonably close to his home.

Shift Veterans Day back to traditional November 11 as a national holiday.

SECURITY

The Veterans of Foreign Wars of the United States continues to advocate peace with honor through military strength. In the event, however, the United States should find it necessary to defend the nation or the nation's interests by recourse to arms, no obstacle should be permitted to arise or be imposed which would deny complete victory to our Armed Forces in the shortest possible time.

To this end, and for the preservation of the nation we all love, the V.F.W. unanimously will support and advance the following priority goals:

1. The Congress and the Executive Branch be requested to reassert our basic political and military commitments throughout the world and support a military posture second to none.

2. The United States must continue to exert its maximum influence with both the Arabs and the Israelis to the end that they resolve their differences, and to use every effort to counter Soviet influence in the Middle East.

3. We request the Executive Branch, in close consultation with the Congress, to draw up a broad and equitable plan for truly *universal* military training for all in specified age groups.

4. With respect to the arms limitations agreement with the Soviet Union, we believe that continued adherence to the May 1972 Strategic Arms Limitation Agreement, and subsequent modifications, occur *only* if the most thorough-going verification techniques reveal that the Soviets are complying, and that no effort or expense be spared to verify Soviet compliance.

The American public must be fully and frankly informed of the dynamic and shifting U.S.-Soviet balance so that if we find ourselves becoming the second strongest nation in the world, domestic public opinion will support U.S. withdrawal from the Agreement and massive re-arming.

We believe the United States should fully fund and deploy the TRIDENT submarine and the B–1 Bomber, and permit test firing of our land-based ICBMs.

In any future negotiations with the Soviet Union which are aimed at changing the nature of the May 1972 Interim Agreement on Offensive Weapons into a permanent treaty (as with ABMs), the U.S. not agree to *any* formulation that would freeze the United States at a lower number of offensive launchers than the USSR.

5. To assure an American defense posture second to none, the Veterans of Foreign Wars of the United States calls upon the Congress to provide and maintain an Army structure to meet fully the many commitments worldwide it faces; a combat-ready Marine Corps with sufficient funds to maintain a strength of at least four divisions and four air wings (one division and one wing as reserves); a U.S. Navy that will be the world's most modern, versatile and powerful naval force.

6. We request that the National Guard and Reserve be fully funded and supported in line with their enhanced importance under the "total force concept."

7. We reaffirm our support for a U.S.-built, enlarged and modern Merchant Marine as a vital element of our nation's maritime policy to include needed subsidies.

8. We support strong and meaningful separate military departments under their respective Service Secretaries, and reaffirm our support of the Joint Chiefs of Staff system as our top military agency.

9. We support adequate U.S. forces under NATO and oppose any unilateral withdrawal of combat troops from Europe.

10. We support a vigorous and professional ROTC and Junior ROTC program as the strongest link in the traditional role of the citizen-soldier in this country and as one of the most outstanding programs for producing military officers and future leaders of our nation. We recommend to all college and university students that they take advantage of this tremendous opportunity, and we support the proposal that colleges and universities that force the withdrawal of ROTC should not receive Federal education or research funds until ROTC units are allowed to return to their campuses.

11. With respect to nuclear power to Egypt, we urge the Congress to use utmost caution in studying the Nixon-Sadat Statement of Principles, especially in the areas of providing nuclear power.

12. We strongly support the concept of a U.S. forces base in the Indian Ocean, and seek Congressional action to endorse this goal, to include providing sufficient funds in support of the base.

13. We request that Congress be required to give a prompt expression of its support for, or opposition to, a Presidential initiative abroad involving, or possibly involving, U.S. armed forces in a hostile environment.

14. We call upon the President and the Congress to stop the export to the Soviet Union and her allies, in the best security interests of the United States, such items as sophisticated machine tools, chemical processing equipment, and electronics equipment, which could be used against us in the future.

15. We request that the Export-Import Bank loans to the Soviet Union, or to any Communist nation, be at prevailing commerical rates of interest.

16. The V.F.W. will continue its opposition to the heedless and unexamined American acceptance of "détente" which acceptance would, if unchecked, result in America being left in an undeniable position of military and political inferiority and vulnerability.

17. We call upon the Administration and the Congress to move forward rapidly on "Operation Independence" so as to be able to meet our energy needs.

FOREIGN AFFAIRS

1. We call upon our Commander-in-Chief to again communicate to the President and the Congress our position that U.S. control and defense of the Panama Canal are nonnegotiable, and that tensions relating to the administration of the Canal Zone be resolved on the spot without disturbing present treaty arrangements. We urge citizens and employees of the United States to continue to meet their responsibilities under U.S. sovereignty while in the Canal Zone.

2. With respect to Communist Cuba, we call upon the President and the Congress to continue the present policy of no trade with, or diplomatic recognition of, Communist Cuba for as long as it remains the policy of the Communist state to retain the many harsh injustices now extant in that unfortunate land.

3. We call upon the U.S. Government to grant no concessions whatsoever on the complete U.S. sovereignty, control, or use of Guantanamo Bay.

4. We urge the United States to continue fully to honor our 1954 treaty commitment to defend the Republic of China from attack, and to continue military aid and other assistance to the Republic of China which will enable her to advance freedom, prosperity and peace in the Far East.

We continue our opposition to the establishment of full diplomatic relations with the Peoples Republic of China if such relations should be detrimental to the Republic of China. We urge extreme caution in all discussions and contacts with the Peoples Republic of China.

5. We oppose U.S. adherence to the United Nations Genocide Convention, and recommend that all members of the United States Senate and the President of the United States be urged to oppose the United Nations Genocide Convention.

6. The Veterans of Foreign Wars fully supports the Administration's effort, by economic and military assistance, to help our allies in Southeast Asia.

7. We go on record as supporting the Office of Public Safety of the Agency for International Development. We urge the Congress to examine the results of their amendment prohibiting overseas police assistance in terms of the interests of the United States and its ability to pursue its foreign policy objectives.

We also urge the Congress, the State Department and the Agency for International Development to explore ways in which U.S. police assistance resources can be utilized to help overseas civil police in their efforts to combat crime and other illegal acts.

MILITARY AFFAIRS

In the area of military affairs, the Veterans of Foreign Wars of the United States will support the following proposals:

1. We call upon the President and the Congress to do everything humanly possible to develop all sources of information relating to our men Missing in Action, never forgetting the long ordeal undergone by the families of these brave men. To this end, we recommend that maximum U.S. economic and diplomatic pressure be sustained, for as long as it takes, on those nations and movements which are hindering the search for our MIAs. Until such time as our remaining Prisoners of War are released and an accurate accounting of our Missing in Action has been made, we ask that no favored nation status be granted to the Soviet Union or Red China; that no further trade agreements be negotiated with either nation; and that no material or monetary aid be granted to North Vietnam.

2. We sustain total opposition to both general and selective "amnesty" for draft dodgers and military deserters. Those who ran out when the chips were down should be required to stand trial for their crimes and pay such penalties, upon conviction, as the laws prescribe. We will continue our total commitment to pursue the "no amnesty doctrine" through our membership to the Congress and to the American people, and we will be firm in our stand not to relinquish, dilute or compromise this position.

3. We urge that the Congress mandate, by appropriate legislation, an authorized Fiscal Year 1975 minimum end strength of 785,000 for the Active Duty Army.

4. The V.F.W. expresses our opposition to any inactivation of units or reductions in authorized total manning levels of the Army National Guard or Air National Guard of

the several states, and urge instead that units of questionable utility in their present configuration be converted to types that can perform essential defense missions.

5. We protest and object to the indictments against the Ohio National Guard and the several individual Guardsmen, in the Kent State University riots, as being unjust, irresponsible and detrimental to the National Defense and the people of the United States of America.

6. We seek approval of the following recommendation by administrative change or legislation as applicable: elimination of the provision of dual compensation act insofar as it calls for any reduction of the retired pay of retired regular officers of the U.S. Armed Forces while they are in the civilian employment of the U.S. Government.

7. Since the current Basic Allowance for Subsistence (BAS) rate of $2.75 per day is inadequate, we seek Congressional action to adjust the BAS rate on the current cost of living and that in the future, automatic review and adjustment of the BAS rate be made and based on increases in the cost of living.

8. We urge the Department of Defense to reconsider its decision to close Fort MacArthur, California, keeping in mind that it is an essential part of the San Pedro District of the Great Los Angeles Complex.

THE ECONOMIC SUMMIT—A DEMOCRATIC SUMMATION

Mr. HUMPHREY. Mr. President, on September 28, I had the honor of presenting, on behalf of my Democratic colleagues in Congress, a brief summation of some of the most important findings of the economic summit.

In these remarks, I noted that inflation and recession are twin threats to the economic well-being of our people.

I also observed that the inconsistent policies of the last several years have failed to live up to the basic promise of the Employment Act of 1946. That law gave the Federal Government the unequivocal responsibility to promote "maximum employment, production, and purchasing power."

Mr. President, in my remarks I voiced my complete disagreement with those who claim that inflation hits all Americans equally. Obviously, rapid escalation in the prices of those essentials on which low- and middle-income Americans spend 80 percent or more of their income does not hurt all Americans equally. Inflation discriminates against the old, the poor, and the minorities.

I also pointed out the danger of indiscriminate budget cutting. While some reductions can be made, wholesale cuts in people programs could do great damage to some with little effect on the overall rate of inflation.

My summation concludes with a call for an economic action agenda and a series of proposals that should be included on that agenda.

Mr. President, the economic summit was an important first step in mobilizing our Nation for an all-out attack on the twin evils of inflation and recession. But, the time for the much tougher step, the decisive step to decision and action, now is at hand. The people of this country are eagerly awaiting relief from our current economic nightmare.

Mr. President, I ask unanimous consent that my summation remarks at the conclusion of the economic summit conference be printed in the RECORD.

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

REMARKS BY SENATOR HUBERT H. HUMPHREY, SUMMIT CONFERENCE ON INFLATION, SEPTEMBER 28, 1974

The most important finding of this Conference is that we have two public enemies, not one—inflation and recession.

Any policy that brings higher unemployment and lower real incomes for our people, in the name of controlling inflation, is simply unacceptable.

The Employment Act of 1946 established the basic economic contract between the American people and their government. It declares that it is the policy and responsibility of the Federal Government to promote "maximum employment, production, and purchasing power." This is the law of the land and just as binding as the Internal Revenue Code.

But, the contract has been violated, ignored, and trampled upon.

Do high interest rates promote "maximum employment, production, and purchasing power?"

They do not.

Does tight money promote "maximum employment, production, and purchasing power?"

It does not.

Does failure to enforce anti-trust laws promote "maximum employment, production, and purchasing power?"

It does not.

Do our incredibly unfair tax laws that encourage mergers and extend special tax favors promote "maximum employment, production, and purchasing power?"

They do not.

Any policy to deal with our economic problems must live up to the promise of the Employment Act of 1946 to the American people.

Regrettably, we have had no consistent economic policy in recent years. The freezes and phases, and the variety of economic game plans have resulted in uncertainty and doubt which in themselves have contributed to inflation and recession!

The proposals and actions resulting from this Economic Summit must result in a reliable, consistent economic policy faithful to the goals of the Employment Act, or it will have failed.

It is said that inflation is a thief in the night robbing every American equally. This is wrong. Inflation discriminates against the poor, the disabled and the sick, the old and the minorities! It hits crippling blows to small business, housing, family farmers, and the majority of wage-earners. The 12 percent inflation of the past year is much higher for low and middle income families who spend 80 percent or more of their income on food, fuel, housing, transportation, clothing, and health care. It is the price rise on these essentials that must, above all, be stopped or reduced.

Some have called for a big cut in the Federal Budget with little or no regard as to the effect on state and local government, where the people and the government meet. There can be, and there will be, budget reductions. But as Dr. Heller has noted in his article in the Wall Street Journal of September 27, there are myths on budget cutting and its relationship to inflation. He has listed nine of them. I commend these to your reading. A $5 billion or a $10 billion budget cut will not put food on the table nor will it put a paycheck in your pocket. This we need to know and to remember.

The watchwords in our battle against inflation and recession are fairness and discipline. Yes, fairness to all segments of the economy. Discipline in eliminating waste wherever it is to be found. Discipline in the work habits in private industry and in government. And discipline in the administration of governmental programs.

Fiscal discipline, yes; but wholesale cuts in people programs, no. We must remember that, while inflation erodes income, recession and unemployment destroy income. We have paid an unbelievable price for recession in lost revenues, in lost gross national product, in lost production, and in lost income to millions of our people. These losses must be measured against proposed budget cuts. It is the cut or the reduction in GNP, the cut or the reduction in personal income, and the cut or the reduction in Federal and local government revenues that has resulted from recession and unemployment. These are the losses that must be weighed against what we call tight fiscal policy.

Now it isn't so much the old-time religion that is our trouble or that bothers me, as it is the revival of old-time sin. And those old-time sins are the policies of excessively tight money, high interest rates, appropriation impoundments, and half-way controls administered by people who have at best a half-hearted interest in their effective application. All of these have not cured our economic ills; in fact, the patient's fever is rising and his paralysis spreading. The doctors had better change the prescription or we may lose the patient—and, may I add, the American family may change the doctors at both the Executive and the legislative levels.

There are no quick and easy answers to these complex problems but there are certain steps that can and must be taken *now* to bring down prices, reduce interest rates, conserve fuel, create jobs, and get the economy moving again.

From this Conference should come an Agenda for Economic Action. This should take the form of a legislative program that you, Mr. President, can present to Congress for its prompt consideration. And, there are a number of administrative actions that you can take now, Mr. President, based on existing law and upon the prestige and influence of your high office.

As I see it, this Agenda for Economic Action should include;

A program of immediate tax relief to low and middle income Americans, offset by closing some of the most glaring tax loopholes and increasing revenues from the upper end of the income scale;

A National Energy Policy emphasizing conservation, expanded research, and leadership among the oil importing countries in dealing with the OPEC nations;

A National Food Policy that expands production and provides fair and stable incomes to farmers and assures adequate supplies of food at reasonable prices to the American consumer;

An export licensing system agricultural commodities determined to be in critically short supply;

And a Food Reserve Program to protect consumers and farmers alike. All of this we can do and must do.

A Credit Allocation System to assure the availability of reasonably priced credit for priority uses, such as housing, local government and small business; interest rates must come down and government policy must be directed to this objective;

A tough new anti-trust enforcement program to eliminate the administered pricing system that pushes prices ever higher;

A National Health Insurance program to assure that health care is available to every American and not auctioned off to the highest bidder;

A Balanced National Growth and Development Policy to provide the national economic planning needed to set priorities and goals, and to make available the information

and analysis required to make rational public policy decisions and to assess their impact on the economy.

A Full Employment Program that will effectively guarantee a job at decent wages to every American who is able and willing to work. These jobs should primarily be in the private sector, and every effort of government should be made to make this possible. But the government must be the employer of last resort, and this means a major public service jobs program ready and available. The American people ought to be at work. It is always in the public interest to have people producing and being self-reliant rather than relying on welfare and unemployment compensation. The loss of income and production, the loss of tax revenue due to unemployment runs into the hundreds of billions of dollars. No program of employment is as costly as having 5 to 6 million of our fellow Americans unproductive, without work, and needing government welfare assistance.

A National Domestic Development Bank to provide long-term loans at reasonable rates of interest for rural and urban community facilities; to assist industries that are presently in financial difficulty, such as we did with the RFC, and to promote industrial development. Surely if we can have low rates of interest for Export-Import Bank loans, we can have equally reasonable interest rates for the development needs of our own people here at home.

A stronger role for the Wage-Price Council—yes, a Wage-Price Council with some teeth, the ability to expose excesses in prices and in wages, to assure that it has the power to hold public hearings, subpoena information, order roll-backs, and above all, to mount an all-out attack on administered prices.

A Federal Action Office to break bottlenecks of raw materials, fertilizer, fuel, and equipment which prevent agriculture and industry from operating at full capacity;

A system of Productivity Councils of labor and management in every plant and in every industry in the nation; and a system of productivity incentives in all levels of government.

A just and dignified income maintenance system; one that continually adjusts payments for Social Security, Supplemental Security Income, and food stamps to reflect the needs of those who rely on these programs.

These proposals and others are included in the Interim Report on Inflation prepared by the Congressional Joint Economic Committee at the request of President Ford. These recommendations also reflect a great deal of the thinking of the participants in the Black Economic Summit. I recommend both of these reports to you, Mr. President.

If there was one problem that did not receive adequate attention in this Conference, it was the international aspects of our economic problems. The fuel and food price explosions tell us painfully that we are intimately tied into a world economy. And, in economics as well as diplomacy, we must remember that negotiation and compromise are better for all than conflict and confrontation.

Mr. President, I want to compliment you for holding this Economic Summit. To be sure, there have been differences of opinion. This is as natural in our democracy as life itself. There are differences—political, economic, and social—in our country. Those differences ought to be exposed and ventilated in a conference such as this. How tragic it would be if we were all of one mind and one opinion. The strength of our country and of our political and economic system is its diversity, its openness.

We have had, in these past weeks as we prepared for the Economic Summit Conference, a series of town meetings. And these past two days it has been as if we had a national town meeting, with people being able to express their points of view without fear of reprisals or necessity of agreement. This is open government. It is the essence of democracy—debate, dialogue, discussion, dissent.

But all of this requires that we arrive at decisions. Those decisions will come not at this conference but they can and should come as we review and analyze the many proposals and suggestions that have been offered. This conference is a preparation for the decison-making that is yet to come. But those decisions must be timely and effective. The time to act is now. Action delayed is remedy denied.

SEX DISCRIMINATION IN EDUCATION: HEW REGULATIONS—ANOTHER ILLUSTRATION OF EXCESSIVE CONTROLS

Mr. HELMS. Mr. President, as my colleagues are aware, during the second session of the 92d Congress, legislation was passed relating to nondiscrimination on the basis of sex in educational institutions receiving Federal financial assistance. This legislation is frequently referred to as title IX of the Education Amendments of 1972. It is codified in the United States Code as title 20, sections 1681, et seq.

The primary active clause of the legislation provides as follows:

> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . .

The second section of title IX authorizes and directs each Federal department and agency empowered to extend Federal financial assistance to "any education program or activity" to effectuate the provision of this section by issuing rules, regulations or orders "which shall be consistent with the achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken."

On June 20, 1974, the Department of Health, Education, and Welfare published in the Federal Register proposed regulations implementing this legislation. The Department is soliciting comments "from interested citizens until October 15, 1974." Indeed, many interested citizens have contacted me regarding the proposed HEW regulations. Many expressions have come from representatives of private, church-supported colleges.

These college officials are greatly distressed by a number of the HEW provisions. Mr. President, I, too, am very much concerned about this matter. I am concerned because the HEW proposals will, if approved, radically alter the fundamental principles upon which many of these institutions are based—principles which have over many years motivated interested citizens to give unselfishly of their time and resources so that these schools could exist and provide the kind of wholesome, religious, educational environment that many parents want for their children.

I am also concerned because these proposed regulations represent another example of the excesses of the bureaucracy of the executive branch. In drafting the proposed regulations, HEW has gone far beyond the intent of Congress. In doing so, a department of the executive branch is actively engaging in an attempt to make law, which it has no authority to do. It is for the Congress to enact laws. The Constitution so provides. In promulgating regulations, the departments and agencies serve only to implement the congressional enactments.

While I firmly believe that private schools and colleges are very important to our Nation and that the HEW proposals will severely and unjustifiably harm them, I am equally concerned about this inappropriate attempt on the part of bureaucrats, who are not answerable to the people, to usurp the prerogatives of the Congress; and thereby, facilitate the destruction not only of the delicate balance of power between the three branches of our Federal Government, but also of the concept of representative democracy, of republican government itself.

The HEW regulations are not the product of the work of elected officials they are dictatorial pronouncements from unelected bureaucrats. As such, they represent a dangerous trend in our country, a trend that has been developing for many years—an evident willingness on the part of Congress to abdicate its duties and an apparent desire on the part of the bureaucracy of the executive branch to usurp these duties.

Specifically, the legislative enactment previously cited prohibits the exclusion from participation: First, of any person in the United States; second, on the basis of sex; third, under any "education program or activity"; and fourth, receiving Federal financial assistance.

It is important to note that this prohibition only pertains to an "education program or activity." It is perfectly obvious that the word "education" is intended to modify the words "program or activity." This being true, the aforementioned prohibition only applies to programs and activities that are a part of the education process.

Educational institutions sponsor many programs and activities for the benefit and convenience of their students. No one would disagree that, in the broadest sense, just about everything is in some respect educational. I have no doubt that simply spending some time on a college campus talking with the students would be educational. Reading a newspaper or attending a motion picture are all, in the broadest sense, educational. Indeed, driving around the city of Washington is educational.

However, the statute does not say "any program or activity." It qualifies the term by prefacing it with the word "education." The obvious intent is that the general, ordinary meaning be given the word. Webster's New World Dictionary of the American Language, Second College Edition (1972) states the education involves "systematic study." It is the obvious intention of Congress that title IX only apply to programs and activities directly involving courses of instruction, and those programs and activities that are an integral part of the formal

systematic process of receiving an education at school.

Nonetheless, HEW, through overboard interpretation has extended the meaning of the statute beyond all reason. The proposed HEW regulations apply to extracurricular activities such as athletics. They apply to programs and activities not receiving financial assistance. They apply to rules governing living facilities at a college, including curfews at dormitories. They require mixed classes of boys and girls in all courses of instruction including physical education. There is only one exception, and that is only by virtue of a recent "clarification"—sex education classes. HEW has declared that pregnancy must be treated as a "temporary disability" such as a "broken leg." Campus organizations are covered. Colleges and universities are prohibited from extending any support or housing to fraternities and sororities if their membership is restricted to members of one sex, and such fraternities and sororities must not operate in connection with the colleges' or universities' education programs or activities.

Remembereing the broad interpretation that HEW is giving the word "activities," such organizations may not participate in any school event. In addition, "affirmative action" is required to remedy the effects of so-called past discrimination. Mr. President, the list goes on.

HEW has even gone so far as to suggest its desire to remove so-called sex bias from textbooks and other educational material but did admit that such action would raise grave constitutional questions under the first amendment. Therefore, HEW did not attempt to directly regulate such materials. HEW did state, however, that:

> The Department assumes that recipients (school systems colleges and universities) will deal with this problem in the exercise of their general authority and control over curricula and course content. For its part, the Department will increase its efforts, through the Office of Education, to provide research, assistance and guidance to local educational agencies in eliminating sex bias from curricula and educational material.

In other words, HEW will attempt to do indirectly that which it is constitutionally prohibited from doing directly.

Mr. President, title 20, section 1682, United States Code provides that the proposed HEW regulations will not be effective until approved by the President. I, for one, intend to convey my concern regarding these regulations to the President. I hope that other Senators will do the same.

I am convinced of the importance of Congress jealously protecting its prerogatives and duties regarding the enactment of legislation. I firmly believe that Congress must reassert its proper role in the Government of this Nation.

Mr. President, I ask unanimous consent that a copy of a letter from the President of Mars Hill College together with a statement representing the position of that college, as well as a letter from the dean of students of Lees-McRae College, endorsing the aforementioned statement, a letter from the president of Atlantic Christian College, a letter from the director of Women's Services of Gardner-Webb College, and a letter from the dean of students as well as a letter from a trustee of Chowan College be printed in the RECORD at the conclusion of my remarks.

There being no objection, the aforementioned letters and statement were ordered to be printed in the RECORD, as follows:

MARS HILL COLLEGE,
Mars Hill, N.C., September 14, 1974.

Mr. CASPAR W. WEINBERGER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR SECRETARY WEINBERGER: Dr. Donald D. Gehring, Dean of Student Development at Mars Hill College, has recently developed a position statement which is to be included in the Newsletter for the Southern College Personnel Association relative to the regulations accompanying Title IX. Dr. Gehring and I have studied the Title and its regulations very thoroughly, and the enclosed statement which, as I have indicated, is for publication in the Southern College Personnel Newsletter, is in fact the position paper of Mars Hill College, and we hope it will be treated as such.

We at Mars Hill College certainly want to eliminate all the control and direction of our institutions of higher education by the federal government. While I cannot believe that you and your staff intended the regulations accompanying Title IX to be "direction" and "control", my interpretation is that they in fact are just that. We hope that our position paper will be incorporated with other such documents, and we further hope that these can effect some modification of the regulations as they are now published.

If you need any additional information, please feel free to contact me personally.

Sincerely,

FRED B. BENTLEY, *President.*

Enclosure

A STATEMENT OF TITLE IX FOR THE SOUTHERN COLLEGE PERSONNEL ASSOCIATION OCTOBER NEWSLETTER

The intent and spirit of Title IX of the Education Amendments of 1972 are commendable. The time to eradicate sex discrimination from our educational institutions has long since passed and higher education particularly needs to purge itself of the remnants of this basically unfair action. Title IX has certainly aroused that awareness.

However, the passage of Title IX, and especially the proposed Rules published by H.E.W. to effectuate the statute is simply substituting one evil for another. Discrimination on the basis of sex is admittedly wrong, but an even greater evil is the governmental intrusion into the internal affairs of colleges and universities which is inherent in the proposed Rules. For example, the proposed Rules unequivocally state that colleges and universities shall determine annually the sports in which each sex desires to participate (86.36(b)). Not only does H.E.W. tell institutions what must be done but they also stipulate that the method used to determine this desire must be approved by the Director of the Office of Civil Rights of H.E.W. (86.38(b)). Programs must then be offered on the basis of this annual determination (86.38(d)). In other words, H.E.W. is for all intents and purposes, directing the athletic programs of individual institutions.

The above example, and others which could be cited, seems to indicate that H.E.W. in drafting the proposed Rules has gone far beyond the legislative intent of the statute. Title IX specifically states in Section 905 that, "nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guarantee."

Title IX is a part of Education Amendments Act of 1972 and that Act amends the Higher Education Act of 1965 which states, "nothing contained in this chapter shall be construed to authorize any department, agency, officer or employee of the United States to exercise any direction, supervision or control over the curriculum, programs of instruction, administration or personnel of any educational institution, or over the selection of library resources by any education institution." (Title 20, Chapter 28, Subchapter 7, Section 1144, United States Code.) There is an obvious inconsistency between these sections and what H.E.W. has proposed.

H.E.W. has not shed much light on this inconsistency. When asked at the Atlanta briefing, if the proposed Rules were not in conflict with section 1144 of the Higher Education Act of 1965, Ms. Gregory responded that H.E.W. was not directing, supervising or controlling the programs, administration or personnel of any institution. What H.E.W. was doing, she explained, was saying that if institutions did not operate their programs in accordance with the rules, they were in violation and thus subject to lose their Federal aid. This results in indirect forced compliance which is, in effect, direction, supervision and control over the internal administrations of higher education—a concept which the Congress of the United States expressly prohibited.

Further evidence of H.E.W. exceeding the legislative intent of the statute is found in Section 902 of Title IX. This section directs agencies and departments of the Federal government to effectuate the general provisions (Sec. 901), of Title IX by issuing rules, regulations or orders of general applicability. However, Section 902 is emphatic when it states that "No such rule, regulation or order shall become effective unless and until approved by the President." The H.E.W. proposed Rules have not yet been approved by the President. However, Mr. William Thomas of the Office of Civil Rights has stated that he has received directives from H.E.W. officials in Washington to notify institutions which have a curfew for women that the institutions are in violation of Title IX. This is not only a governmental intrusion into the administration of higher education but a direct violation of the law as passed by the Congress of the United States.

In addition to the numerous problems the proposed Rules raise in terms of institutional autonomy and governmental supervision over the curriculum, programs of instruction and administration of colleges and universities, there are a wealth of practical problems associated with the proposed Rules. Nowhere in the Rules does H.E.W. define what is meant by an educational program or activity. Section 901 of Title IX states that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance . . ." Even though the words "program or activity" are used in the statute, H.E.W. has preferred not to define those terms but rather has defined "recipient" as essentially any institution which receives Federal assistance to operate an educational program or activity. What is an educational program or activity? The Department of H.E.W. in its Fact Sheet (June 18, 1974) states that, ". . . the proposed regulation applies to all aspects of all education programs or activities of a school district, institutions of higher education, or other entity which receives Federal funds for any of those programs." The implication of this statement is that there are many educational programs and activities not all of which receive Federal financial assistance. Since the statute

specifically prohibits discrimination only in those educational programs or activities receiving Federal financial assistance, and since H.E.W. does not define these terms but implies that some exist which do not receive Federal funds, how can the Department propose rules to apply to programs or activities which do not receive such funds? There is nothing which permits H.E.W. to dictate that a tennis team must be open to female students simply because the college library was financed by Federal funds.

Another pragmatic problem raised by the proposed Rules concerns the term "discrimination." While H.E.W. does not differentiate between discrimination and different treatment based upon valid classifictions, the courts have made such a distinction. The sixth Circuit Court of Appeals hs stated that, "The states retain, under the Fourteenth Amendment, the power to treat different persons in different ways." (475 F 2d. 707). The Court noted that there were two standards of review in cases dealing with state classifications of citizens. The first and traditional standard is that a state classification be upheld if a rational relationship exists between the different classifications imposed and the state's reasonable goals. The second standard which has recently been applied to "suspect" classifications such as race requires that the state show a "compelling interest". The Sixth Circuit Court of Appeals in this decision, (*Robinson* v. *Eastern Kentucky*) specifically dealing with a curfew for women students, decided, on the basis of a Supreme Court ruling, that sex was not a "suspect" classification. The Court also found that the classification of women students for curfew purposes was a reasonable regulation to promote the legitimate aims of the State.

Well aware of the Court's decision in this case, H.E.W. officials contend that it has no bearing on the proposed Rules since the case was decided prior to the promulgation of the Rules. Does Title IX supersede the Fourteenth Amendment to the United States Constitution and the power of the states, under this Amendment, to treat different persons in different ways? Is there any connection between the fact that it took H.E.W. two years to promulgate the proposed Rules and their rationale for the inapplicability of the Robinson case to Title IX?

Also, if no distinction is to be made between discrimination and different treatment based upon valid classifications, then another serious practical question arises. The proposed Rules make it clear that institutions may not, ". . . assist any organization, agency or person which discriminates on the basis of sex." Ms. Gregory pointed out at the Atlanta briefing that this was interpreted to mean that institutions could not assist external organizations interested in recruiting students if that organization were known to discriminate on the basis of sex. If this is so, how can institutions permit any agency or department of the Federal government to recruit students or in any other way assist such departments or agencies since the Federal government is an organization which discriminates in its admissions policy for the service academies which it operates? An H.E.W. official at the Atlanta briefing responded to this question by stating that the service academics were exempt from Title IX. Since H.E.W. does not recognize different treatment based upon valid classifications, the mere fact that the academics are statutorily exempt from the law does not diminish the fact that they discriminate.

Finally, the proposed Rules contain an abundance of terms which are ambiguous. Even professionals in the field of higher education differ over their meaning. This can only lead to arbitrary and capricious decisions by those charged with implementing the Rules. Use of terms such as "proportionate" and "comparable" are examples. Comparable quality of housing facilities (86.32(b) (i.e.)) is dependent upon the values of the individual making the comparison. Is an air-conditioned facility on the edge of campus "comparable in quality" to a non-air conditioned facility conveniently located in the center of campus? Is a residence facility with private rooms and gang showers "comparable in quality" to a residence hall with suites and private baths, etc., etc., etc.?

Higher education in America has always been a major contributor to the strength of our nation. A large measure of the contribution of our colleges and universities stems from their freedom from governmental control and their diversity. The proposed Rules set forth by H.E.W. will homogenize higher education in this country and in so doing will eliminate one of our nation's greatest assets—diversity and the right of the people to choose.

It may well be said that institutions can retain their diversity and their autonomy by electing to forego Federal funds. They can deny themselves those funds, not so long ago accepted with the promise of no governmental control, but those who choose this course will surely close their doors before too long. Those who do not choose this course will prosper with their Federal grants and look like every other institution directed by the Federal government. Conformity is a gradual process of chipping away at those rights which allow for individual differences. When the chipping process is completed, as surely it will be if there is any precedent value to the proposed *Rules*, no two institutions in this country will differ in any educational programs or activities. Who, then, will have gained? In the long run, everyone will suffer—men and women—as a result of such homogenization.

The concept of eliminating discrimination whether on the basis of race, sex, national origin or any other basis is commendable and should be implemented by every institution. But higher education must be free to work out its own course to accomplish this desirable obective. Colleges and universities historically have responded effectively to the needs of society. On the other hand, the less of institutional autonomy which would result from approval of the proposed *Rules* is a price too dear to pay in order to gain an immediate solution. The challenge of eliminating discrimination on the basis of sex is a problem which colleges and universities can and will solve without the undue governmental interference proposed in the current H.E.W. Rules.

LEES-MCRAE COLLEGE,
Banner Elk, N.C., September 23, 1974.

Senator JESSE HELMS,
Senate Office Building,
Washington, D.C.

DEAR MR. HELMS: The proposed rules to implement Title IX of the Education Amendments of 1972 raised a number of problems for our institution. In behalf of our students, faculty, and staff I request that you seriously consider the implication of those proposed rules and make the necessary adustments.

Meeting in Banner Elk, North Carolina on Monday, September 16th, the Board of Trustees of Lees-McRae College instructed me to send to you the enclosed paper which raises specific questions about the proposed rules.

We appreciate your interest in private higher education and solicit your continued support.

Thank you for your consideration.

Sincerely yours,

E. O'DELL SMITH,
Dean of Students.

ATLANTIC CHRISTIAN COLLEGE,
Wilson, N.C., September 11, 1974.

Re comments on title IX, Education Amendments of 1972

Hon. CASPAR WEINBERGER,
Office of the Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: Atlantic Christian College strongly supports efforts to eliminate unwarranted and demeaning treatment of individuals occasioned by discrimination solely on the basis of sex.

In response to your Department's invitation to submit comments on the draft guidelines on Title IX, Education Amendments of 1972, however, the Executive Committee of the Board of Trustees of Atlantic Christian College hereby conveys to you its deep concern particularly as it relates to Section 86.32 (a) of the guidelines which states:

A recipient shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing, except as provided in this section. . . .

The committee's concern lies chiefly in the fact that this guideline, if applied literally, would make it all but impossible to provide for the security of women who reside in college residence halls. The guideline seems to ignore to a fatal degree the fact that women, though deserving of treatment which serves to maintain their dignity and integrity as human beings, are the very persons against whom such crimes as rape and sexual assault is most frequently perpetrated.

To be sure, there are *some* individual women more capable than *some* individual men to protect themselves against such assault. But to make a categorical generalization about the *majority* of women and the majority of men on that basis is obvious folly. Women are different than men. Those differences, we maintain, must be taken into account if women are to be accorded the protection which they deserve and which institutions such as ours are under strong obligation to provide.

Some may say that the problem can be resolved and responsibility discharged by subjecting men residing in residence halls to the same security measures—let us say locked dormitories after certain hours. Men, under such circumstances, could maintain—and we believe rightly so—that under such circumstances they were being discriminated against. For they are not subject to rape and less subject than women to other forms of assault because of their inherent powers of self defense.

It appears to us that the Department has tactically recognized that sexual differences do have a bearing on responsible management of residence halls. Section 86.32(b) (1) states as a case in point: "A recipient may provide separate housing on the basis of sex."

We urge, therefore, that your Department amend the above mentioned guidelines in such a manner as to permit institutions to discharge their strong obligation to provide security measures appropriate to each sex.

Sincerely yours,

ARTHUR D. WENGER,
President.

GARDNER-WEBB COLLEGE,
Boiling Springs, N.C.,
September 16, 1974.

Senator JESSE HELMS,
Rayburn House Office Building,
Washington, D.C.

DEAR SENATOR HELMS: I wish to express my concern regarding the proposed Rules published by HEW to effectuate the statute of Title IX of the Education Amendments of 1972. I feel that rules reveal governmental

intrusion into the internal affairs of colleges and universities. In effect, HEW exceeds the legislative intent of the statute by the proposed Rules they drafted for Title IX.

Several of our local Congressmen were contacted, but they were not aware of the Rules outlined by Mr. Weinberger, which if enforced, would completely destroy the philosophy, autonomy, and uniqueness of private higher education of which Gardner-Webb College is a part.

I strongly disapprove of the Rules as outlined by Mr. Weinberger. I appreciate your attention in this matter.

Sincerely,

RUTH KISER,
Director of Women's Services.

CHOWAN COLLEGE,
Murfreesboro, N.C., August 23, 1974.

THE PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: As a preface to the purpose of this letter, I want you and your close associates to know that many commendable remarks are being made by my friends and colleagues about the way you have assumed the responsibilities of your office. As an American, I sincerely hope you have the courage, strength and wisdom to meet the challenges of our time.

My letter is concerned with regulations under Title IX (nondiscrimination on the basis of sex) of the Education Amendments of 1972. I strongly believe these regulations as stated in the Federal Register of June 20, 1974 and interpreted by Mr. William Thomas, Director of Civil Rights, Regional IX, Atlanta, Georgia, and Mr. Sheldon Steinback, Attorney, Staff Council, Washington, D.C., in a meeting recently held at Meredith College, Raleigh, North Carolina, for representatives of private colleges in the state can lead to serious problems and detrimental results in a society based upon freedom.

I believe in the premise of non-discrimination on the basis of sex. However, there are several provisions in the regulations which give me much concern.

First, I feel citizens should have the right to attend an institution of higher education which best meets their needs. According to the interpretations of provisions under Title IX, all institutions, public and private, will be forced into the same mold. Historically, diversity has been a major strength of higher education in the United States. Title IX, as I understand it, will eliminate diversity and deny one of the freedom of choice.

My undergraduate work was done in a church-related university. I am now employed by a church-related college. Contributions are made to these institutions by people who expect church-related colleges and universities to be distinctive. If my college cannot be different from state institutions, there is little reason for its existence. Many students attend the small private college because of its partially controlled environment. Many parents seek such institutions for their daughters during the first two years of their collegiate career.

I do not believe the 12,000,000 plus Southern Baptist feel that *in loco parentis* is dead or should be completely eliminated as an obsolete concept. Neither do I believe all provisions of Title IX can or will add quality to one's educational experience.

Are graduates of church-related institutions represented in the Department of Health, Education and Welfare? While I was impressed with Mr. Thomas and Mr. Steinback as men fully acquainted with Title IX, I felt their knowledge about church-related institutions was lacking.

As a dean of students I look with disfavor upon any institution which does not exercise concern for the welfare and security of its coeds through reasonable, but different, regulations for men and women students. This includes a curfew.

As interpreted by Mr. Thomas at Meredith College, colleges will have to treat pregnancy among married and unmarried coeds as a temporary disability. If a student insurance policy does not include provisions for pregnancy, the college must assume financial responsibilities for such. This is beyond my ability to comprehend as reasonable or just. Such a practice would be another way of penalizing citizens who live within the moral code of Christian ethics. In my judgment we are already infringing upon the rights of many to satisfy the demands of a few who express, through their behavior, little or no concern for the welfare of the masses. This concept is one of my growing concerns because if carried too far, it can lead to another form of discrimination.

We were told the regulations under Title IX would be presented for your approval after October 15, 1974. May I urge you and your associates to give these regulations a very close examination? I sincerely hope they will not be approved in their present form.

Managing the business of my office as dean of students keeps me extremely busy. Yet, I realize my responsibilities are minor when compared to those facing you daily. I hope the pressing domestic and foreign demands will not cause you to examine and approve Title IX perfunctorily. Please view them from many perspectives.

To give you an idea of the purposes and objectives of Chowan College, a copy of the 1975–76 catalog is being forwarded under separate cover.

Respectfully yours,

CLAYTON LEWIS,
Dean of Students.

WINDSOR, N.C., *September 20, 1974.*

The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: Am writing to you with regards to regulations from the Department of Health, Education and Welfare which are to be submitted to you for your approval after October 15, and that will become effective 30 days after approval.

As a trustee of Chowan College, a small Baptist Junior College, am concerned about the wording of Title IX (Nondiscrimination on the Basis of Sex) of the Education Amendments of 1972 as presented in the Federal Register of June 20, 1974. Am not opposed to basic equal opportunities for higher education for both sexes, but have a strong feeling about some of the wording in Section 86, and believe there are thousands of parents and interested citizens who would disapprove of some of these proposals being imposed upon our Christian Institutions especially.

Hope we'll never loose sight of the high principles upon which our great Nation was founded and that we will continue to support a dual system of higher education which has worked so well in our land.

May we all seek God's help in making decisions which are thrust upon us and may He give you strength, courage and wisdom for each day as you serve as our President.

Respectfully yours,

ROBERT C. WHITE,
Trustee, Chowan College.

FULL EMPLOYMENT—A PRIORITY FOR ALL AMERICANS

Mr. HUMPHREY. Mr. President, on September 27, the Congressional Black Caucus and the Joint Center for Political Studies held a workshop for black leaders from across the Nation. The subject of the workshop was "Black Legislative Priorities for 1975."

Sessions of the day long workshop dealt with the Voting Rights Act, the two-party system and campaign reform, full employment, health care, and training institute for minority political education. The workshop participants had an opportunity to discuss the most important issues facing America today.

Mr. President, it was my priviledge to address the workshop on the economic problems facing our Nation today and, in particular, on the need for full employment. In that regard, I urged the workshop to give its full support to the Equal Opportunity and Full Employment Act of 1976, S. 3947, which I introduced on August 22, 1974, and which was originally introduced in the House of Representatives by Congressman HAWKINS of California.

Mr. President, I ask unanimous consent that the agenda for the workshop on "Black Legislative Priorities for 1975" and my remarks to the workshop be printed in the RECORD.

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

WORKSHOP ON BLACK LEGISLATIVE PRIORITIES FOR 1975

(Cosponsored by the Congressional Black Caucus and the Joint Center for Political Studies)

AGENDA

9 to 9:30 a.m.

Opening Statement—Congressman Charles B. Rangel, Chairman, Congressional Black Caucus.

Influencing Congress—Congressman Walter E. Fauntroy.

The Voting Rights Act

9:30 to 11 a.m.

Chairperson—Mr. Eddie N. Williams, Joint Center for Political Studies.

Main Speakers:

Mr. John Lewis, Voter Education Project.

Mr. J. Stanley Pottinger, Civil Rights Division, U.S. Department of Justice.

Mr. Clarence Mitchell, Leadership Conference on Civil Rights.

Respondent, Mr. Lawrence Guyot, Lawyers' Committee for Civil Rights Under Law.

The two-party system and campaign reform

11 a.m. to 12 noon

Chairperson—Mr. M. Carl Holman, National Urban Coalition.

Main Speakers:

Mr. Carl Stokes, NBC News.

Dr. Charles Henry, Department of Political Science, Howard University.

12 noon to 1 p.m.

Lunch—Rooms B-338 and B-339, Rayburn House Office Building.

Full employment

1 to 3 p.m.

Chairperson—Dr. Robert S. Browne, Black Economic Research Center.

Main Speakers:

Congressman Augustus Hawkins, Chairman, House Subcommittee on Equal Opportunity.

Senator Hubert H. Humphrey.

Mr. Vernon E. Jordan, Jr., National Urban League.

Respondent: Dr. Herrington Bryce, Joint Center for Political Studies.

Health care

3 to 4 p.m.

Chairperson—Dr. Jacquelyne J. Jackson, National Caucus on the Black Aged.

Main Speakers:

Mr. Stan Jones, Senate Subcommittee on Health.

Dr. James D. Shepperd, Department of Community Health Practice, College of Medicine, Howard University.

Respondents:

Dr. Joseph N. Gayles, Medical Education Program, Morehouse College.

Mr. Edgar Duncan, HEW, Public Health Services.

Training Institute for Minority Political Education

4 to 5 p.m.

Chairperson—Mr. George Dalley, Administrative Assistant to Congressman Charles B. Rangel.

Speakers:

Congressman Andrew Young.

Mr. William Blakey, Director of Congressional Liaison, U.S. Commission on Civil Rights.

Mr. Louis Alvarez, National President, ASPIRA of America.

Ms. Barbara Williams, Executive Director, Coalition for Human Needs and Budget Priorities.

The Congressional Black Caucus is made up of the black members of the U.S. House of Representatives. It maintains a staff to assist its members on legislative matters of special interest to black Americans. Room 306 House Annex, Washington, D.C. 20515, (202) 225-1691.

The Joint Center for Political Studies is a private, non-partisan and non-profit organization which provides information, research and technical assistance to the more than 3,000 black elected officials at all levels of government in the United States. In fulfilling this function, the Joint Center does not participate in electoral campaigns. 1426 H Street, N.W., Suite 926, Washington, D.C. 20005, (202) 638-4477.

REMARKS BY SENATOR HUBERT H. HUMPHREY

It is an honor for me to participate in the Black Caucus workshop on "Black Legislative Priorities for 1975," and to join in your discussion of full employment.

Unemployment, running at "recession" levels across the country, is already at "depression" levels for most black communities. If you are black, your chances of being jobless are twice as great as they are if you are white (9.2% vs. 4.8%).

And, if you are a teenager, chances are nearly three times greater that you won't find work if you are black (32% vs. 13%).

In 1968, unemployment was 3.6% and we were working hard to get it down much lower. In 1974, 5.4% unemployment has been greeted by White House spokesmen as "encouraging" and a 6% rate later this year is talked about with no great concern. And, of course, these figures hide millions of unemployed people who have stopped looking for jobs out of despair.

Republican-policy-induced unemployment in the last six-years has been very damaging to the objectives of equal opportunity and to the goal of a more equitable distribution of this nation's wealth.

From 1947 through 1968, the share of national income going to those families in the lowest three-fifths of the income scale increased, while the share of those in the top one-fifth declined.

But, since 1969, this twenty year trend has been reversed at a loss of nearly $10 billion to our low and middle income families.

This should come as no great surprise. To quote Will Rogers: "Republicans take care of big money, and big money takes care of Republicans." If further proof were ever needed, just keep your eye on big business profits. For steel, chemicals, fuels, mining, and the big banks, 1974 has been a banner year.

And be careful of those who quote official statistics that purport to demonstrate that black families "never had it so good." Sure, median black family income nearly doubled in the last nine years, but compared to median white family income it has gone nowhere.

In 1964 black median family income was 54% of what it was for whites and today is 57%.

In other words, a doubling of the dollar value of black family income over nine years has resulted in virtually no change in the real distribution of shares in our economy.

Inflation has been pictured as a thief in the night stealing equally from all Americans. It is this basic assumption that made possible that incredible statement, by an administration official that Wall Street Brokers have lost the most, among America's income group. What a pity!

Inflation discriminates against the poor, the old and the black, and God help the person who fits into all three of these categories. The 12% rate of inflation of the last year is much higher for those who spend most of their money on food, fuel, housing, and medical costs. You don't need an economists to point out that the real explosion has been in the price of these essentials.

There are a number of things I believe we can and must do the restore jobs to our people and reasonable price stability. None of my recommendations are magic, they won't work overnight. But, every day we delay in taking action delays the recovery date. Therefore, we must act *now*. Here is what I think we need:

First, tax relief for low- and middle-income people coupled with loophole closing tax reform,

Second, a major public service jobs program, beginning immediately;

Third, a credit allocation system to get capital into priority areas like housing and minority business enterprises;

Fourth, a much more vigorous enforcement of the anti-trust laws; we have all had enough of the consumer rip-off directed by big business,

Fifth, a new food policy and energy policy must be developed; and

Sixth, a permanent price, profit and wage monitoring agency, directly responsible to Congress, and with more power than the current agency is needed.

But, for the longer run, there are some much more fundamental changes in our economic system that are essential if equal opportunity and economic justice are to be more than clichés.

Most importantly, "full employment" must become a fact of life for every American. The "right to work" has yet to be recognized in our nation and millions of our people have suffered deeply because of this failure.

Congressman Hawkins and I have made a commitment to push for enactment of legislation that would take the "full employment" promise of 1946 and make it work in 1976. I don't think I need to go over the details; I am sure Congressman Hawkins has or soon will do so. But, I want you to know that I am fully committed to this legislation.

In a word, this legislation guarantees to every American able and willing to work a job and decent wages, and establishes the framework to make it happen. This is crucial legislation and can only be enacted with your complete and active support.

FIRST LADY BETTY FORD

Mr. HUGH SCOTT. Mr. President, I wish to associate myself with the very eloquent editorial in today's Philadelphia Inquirer wishing First Lady Betty Ford a complete and speedy recovery. Our thoughts are with her and the family during this trying time. I ask unanimous consent to have printed in the RECORD this editorial from the Philadelphia Inquirer.

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

PRAYERS FOR A COURAGEOUS LADY

Our sympathy, concern and best wishes for swift recovery pour out to Mrs. Gerald R. Ford. Even with the support of exceptional personal courage and dignity—the prayers of tens of millions—America's First Lady faces a frightening and lonely combat with cancer.

Everyone hopes, of course, that the complicated pathological tests she will continue to undergo will yield encouraging results. And in the trying time ahead, many will ponder with gratitude the example Mrs. Ford offers us all—her personal bearing which led Dr. William H. Lukash, the President's personal physician, to say: "I thought she demonstrated a kind of inner strength that sustained the first family, her close staff and, I think, her doctors."

But in her own personal struggle, Mrs. Ford also offers an example to immense numbers of Americans who statistically are potential cancer victims. This year alone, some 33,000 American women will die of cancer of the breast and some 90,000 will be diagnosed as having previously undetected cases.

Mrs. Ford's prognosis—statistically—was greatly improved by the swiftness of medical attention. The first indication of her case was detected in a routine examination last Thursday. She was under surgery within less than 48 hours.

A few short weeks—or even days—can make the difference between complete recovery and the hopeless spread of cancer cells, not only in breast cancer but in other forms as well. And yet a Gallup poll last year indicated that only half of America's women seek even an annual breast examination by a physician.

Neither Mrs. Ford's nor all humanity's battle against cancer has yet been won. But the odds have been greatly improved by modern medicine—if only we have the sense to turn to it.

OUR ECONOMIC PROBLEMS

Mr. TUNNEY. Mr. President, the majority leader, Mr. MANSFIELD, recently reported to the Senate the results of the Democratic conference on the problems besetting our economy. I would like to voice my strong support of the anti-inflation, counterrecession program which he outlined, and particularly the following policies:

First. A budget policy that assures that reductions in Federal spending are designed clearly to mitigate the impact of inflation, with prime attention focused on wasteful and unneeded expenditures. The Senate has already effected cuts of $6 billion in the Executive's request for appropriations this year and it is expected that Congress will cut between $7 and $8 billion from appropriations requests after it completes its work;

Second. New initiatives in monetary policy designed to stimulate badly needed monetary relief in certain hard-pressed economic sectors such as housing;

Third. A tax policy designed to assure that no segment of the economy will enrich itself by capturing excessive profits during the present period of economic hardship and recognizing that special relief must be accorded those hit hard-

est by inflation—those in the low- and moderate-income categories and those on modest fixed incomes;

Fourth. A farsighted policy relating to shortages and supplies and adequate machinery to stimulate research and resources development, recovery, recycling, and conservation;

Fifth. An employment policy and related measures designed to offset the human hardship of recession; and

Sixth. International economic policies that recognize fully the critical interrelationship of the American economy with the economies of other free nations.

It is imperative that coordinated Federal action be taken immediately in defense against such inflationary problems as skyrocketing prices, prohibitively high interest rates, and the shrinking value of small investors' assets. The United States cannot afford to take an unorganized or lackadaisical approach to these very real crises.

TRIBUTE TO FORMER SENATOR KARL E. MUNDT

Mr. CURTIS. Mr. President, I would like to add my voice in tribute to one of the finest men ever to grace these Chambers, Karl E. Mundt of South Dakota, who died a short time ago.

Karl Mundt and I were elected to Congress on the same day in 1938. We met each other when we appeared to be sworn in as Members of the House of Representatives on January 3, 1939. We remained fast friends all through the years. He was a great fishing partner. He was a fascinating conversationalist. He was scholarly and well-read. He possessed that most important ingredient—integrity. He was a patriot and a believer in our economic system.

Though felled by a massive stroke while still in office, Karl Mundt accomplished more as a Congressman and Senator and as a human being than most any other man I have ever known in my life. And so much of what he began lives on in the work of others.

Karl Mundt spent a total of 34 years in the House and Senate and in his fourth term in the Senate had become the fourth-ranking Republican in this body. Yet he won the respect and esteem of colleagues on both sides of the aisle, most likely because so much of his dedication was directed at issues that invariably crossed party lines.

Raised in the great outdoors of South Dakota, Karl was an avid sportsman, with a love for hunting and fishing. His kinship to nature was translated in Congress to an interest in laws affecting conservation and the environment he loved so well.

Recognized at one time as one of the 10 best speakers in America, Karl helped found the National Forensic League, which continues to inspire and educate young people in the art of communicating well. His own eloquence was well-noted whenever he took to the floor, and he further utilized his speaking ability to communicate with all he came in contact with.

Indeed, Karl Mundt had an insight into the value of communication as a tool for world peace. While in England during World War II, Mundt told a reporter:

> If people really understood each other and their problems, terrible wars like this could be avoided.

Later, he translated his attitude toward communication in foreign affairs to sponsorship of Voice of America legislation. Today, the Voice of America continues to tell the story of freedom and to keep faith alive in hearts embittered by tyranny abroad.

As a former teacher in South Dakota, Karl Mundt especially valued the needs of education of our young. Today, the Karl E. Mundt Foundation functions as an organization aimed at promoting education at South Dakota State College in Madison, S. Dak.

Karl Mundt recognized the potential of space technology when discussion of it was in its earliest stages. Interested in nuclear and space technology for the purpose of serving mankind, Mundt formulated a concept which resulted in EROS—the Earth Resources Observation System Data Center in Sioux Falls, S. Dak. This facility processes and disseminates photographs and other data relating to the condition of large land areas as revealed by an orbiting satellite.

Senator Mundt had a strong belief in the strength of local government and a deep understanding of the Constitution, which he called "a bastion of freedom for the individual and the preservation of our democracy and its institutions."

He labored well to preserve those freedoms and to strengthen those institutions.

My tribute and the words of others may get fleeting notice by those who chance to see them, but the greatest tribute of all to Karl Mundt exists in all his achievements that have survived him. These various ongoing activities I mentioned, begun or inspired by Karl Mundt, constitute a living legacy.

I will miss him as a colleague. I will miss him as a warm and vital human being. Most of all, I will miss him as a friend.

OPPOSITION TO A GASOLINE TAX INCREASE

Mr. HUMPHREY. Mr. President, there is continued speculation that the administration will propose an $8 to $10 billion increase in the gasoline excise tax as part of its anti-inflation package. I strongly oppose that increase. It would serve no purpose other than placing another burden on the single group which has been hit worst by inflation—the consumer, especially the low-income consumer.

The burden of fighting inflation and reducing the use of oil should be put on those groups, like the international oil corporations, which have benefited from inflation. Why does the administration think that consumers should bear the entire burden of fighting inflation?

Largely as a result of gas prices which soared 70 percent this past year, the typical worker's take-home pay has fallen 5 percent. Yet, corporate profits have increased almost 20 percent, and the profits of oil companies are up an average 76 percent from last year. The groups that benefited from inflation should bear the major burden of stopping it.

The administration may seek to justify a gasoline tax hike on two grounds: First, it will reduce the demand for oil; and second, it will raise revenue which can be used to finance programs of public service employment and tax cuts for low-income families hurt by inflation and tight money.

We saw what happened this past year to the demand for gas as prices went up. Nothing. If we had not lowered our speed limits, gasoline usage would have even increased despite the 70-percent price rise. We are a car oriented economy, and another 20 or 30 percent gas price hike will only force consumers to reduce their expenditures on nonenergy related items; it will not significantly reduce the demand for oil.

What will reduce oil demand is a tax on big gas-guzzling auto engines or a State or Federal car registration fee which varies by car weight—the heavier the auto, the more the tax.

We should also pursue oil conservation efforts, including more mass transit, and tax incentives to improve the insulation of buildings—which presently lose up to 40 percent of their heat. Tax penalties for inefficient utility operations that waste oil should be established. Federal agency regulations, such as those requiring empty backhauling by trucks, should be evaluated and revised to remove energy wasting transportation.

Industry and governmental efforts to utilize renewable energy sources rather than petroleum and coal should be encouraged. Legislation I sponsored to provide some $1 billion for solar research, a renewable source of energy, is a good example of a positive step we can take to cut oil demand. Taxes and incentives to encourage the use of alternative energy sources to oil will do a lot more to cut oil demand than a punitive tax on gasoline.

Using revenue from a gasoline tax to ameliorate the effects of inflation and tight money will only give with one hand what was just taken away by the other hand. It makes no sense to spend tax dollars to collect a gas surcharge, then turn around and hand it back as an income tax credit.

To finance the much needed programs for public service employment and low-moderate income tax relief, we should close the tax loopholes which enable the major oil companies use to score record profits while the consumer's real income goes down. Eliminating the oil depletion allowance, closing the foreign tax credit offset loophole and taxing foreign oil income in the year earned will help to provide this revenue.

The administration must come forward quickly with sound, well-reasoned proposals to fight inflation, conserve oil, and stem the rise in unemployment. Repeated release of trial balloons such as this poorly constructed gasoline tax increase proposal is hardly the type of imaginative solution we need.

The Senate is ready to act swiftly on any sound administration economic proposal. It has shown this in its passage of legislation establishing the Council on Wage and Price Stability. But it has also shown that it intends to maintain its

own counsel when necessary to see that the burden of fighting inflation is shared equally—as in its passage of my bill—S. 3717—to extend price controls on domestic petroleum. That bill demonstrated the will of the Senate against an increase in crude petroleum prices which would have raised gas prices 20 percent or more. Any administration proposal to raise gas prices directly will similarly be rejected by the Senate.

BETHLEHEM

Mr. HATFIELD. Mr. President, the people of the United States are being asked to extend hands across the sea to help enhance Christendom's holiest site—the birthplace of Jesus Christ.

This effort to beautify the area surrounding the Church of the Nativity, beginning with Manger Square at its entrance, is being spearheaded by the Bethlehem Foundation.

The people of the blessed city of Bethlehem have invited Christians throughout the world to share in the rejuvenation of this holy place where what has been called progress has turned the area fronting on and directly facing the Church of the Nativity—into a parking lot.

This landmark is held dear by Christians everywhere. It needs the help of Christians everywhere.

The Honorable Elias M. Freij, mayor of Bethlehem, is strongly supported by his vice mayor, the Honorable Hanna J. Nasser, and by the members of the Municipal Council of Bethlehem: The Honorable Abraham Abu Hamud; the Honorable Ayoub Musallan; the Honorable Farid Azizeh; the Honorable Afif Batarseh; the Honorable George Samur; the Honorable Nasri Canavati; the Honorable George Aburdineh.

Special tribute must be paid to the remarkable men who saw this need and, in consultation with Mayor Freij, mayor of Bethlehem, took up the cause.

These include the renowned Zubin Mehta, conductor of the Los Angeles Philharmonic Orchestra, who serves as chairman of the board of the Bethlehem Foundation. He is joined by James Mulvaney, attorney-at-law, president, and Jack R. Hearne, of Handy Dan Home Improvement Centers, Inc., who is serving the foundation as its secretary-treasurer.

The executive director of the Bethlehem Foundation is Hal B. Phillips.

Among the outstanding individuals who have pledged their support of this humanitarian undertaking are: Congresswoman PATRICIA SCHROEDER, Colorado; Congressman TOM REES, California; Congressman JOHN J. FLYNT, JR., Georgia; Congressman BOB SIKES, Florida; Congressman HENRY HELSTOSKI, New Jersey; Congressman T. J. DULSKI, New York; Congressman ANGELO D. RONCALLO, New York; Congressman HENRY P. SMITH III, New York; Congressman JOHN H. DENT, Pennsylvania; Gov. Thomas L. Judge, Montana; Gov. Bruce King, New Mexico; Gov. John C. West, South Carolina; Mayor Tom Bradley of Los Angeles; Mayor William D. Schaefer of Baltimore.

I am also happy to name myself among the honorary board of governors of the Bethlehem Foundation. And I would like to profer special commendation to Mr. Steve Martin, distinguished member of the labor movement, whose driving force has given so much thrust to the foundation.

The Bethlehem Foundation, which has been established as a tax exempt, nonprofit foundation, maintains its offices at 1629 K Street NW., Washington, D.C. 20006, telephone 202—223-4132.

I know the goals of this worthy international effort will be of deep interest to my colleagues.

ECONOMIC ANALYSIS

Mr. BROCK. Mr. President, for some months now, I have been arguing the importance of flexible exchange rates to facilitate international economic transactions and to prevent certain nations from exporting their inflation to others. In the September 13, 1974, Wall Street Journal, the noted economist of the Virginia Polytechnic Institute, Dr. David Meiselman, explains clearly how this process has worked.

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

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

INTERNATIONAL INFLATION TIED TO FIXED MONETARY EXCHANGE RATES

(By David I. Meiselman)

The world-wide acceleration of inflation since 1973 resulted primarily from a speedup in the pace of monetary expansion throughout the world rather than from declines in output stemming from such oft cited events as the disappearance of anchovies off the coast of Peru or the operations of the OPEC oil cartel. To be sure, there was some reduction in the output of petroleum and chicken feed, which explains why these prices increased relative to other prices. Also, real GNP fell in the first quarter of 1974. But aggregate output in the United States and throughout the world is now higher than it was in early 1973 despite isolated examples of reductions in supplies of a handful of products. Thus the increase in the ratio of money to output has been the result of sharp increases in money rather than decreases in output. In the U.S., since 1971 both the narrow M–1 and the broad M–2 measures of money have been rising at the fastest rates since World War II. Not surprisingly, prices have also been rising at the fastest pace since 1946. Since Federal Reserve actions determined the quantity of money, the Fed rather than the fish in Peru is primarily to blame for our inflation woes.

Freed from foreign constraints by the 1968 two-tier gold arrangement and the 1972 closing of the gold window, the Fed has erred on the side of excessive monetary ease ever since.

For the nine major OECD advanced economies I have surveyed [in a study of the current inflation I presented at the recently held Conference on World-Wide Inflation sponsored by The American Enterprise Institute] which include Canada, Germany, Japan and Great Britain, over the three years of 1971 through 1973 the nominal quantity of money increased a staggering 56%, mainly as a direct result of their last ditch efforts to retard appreciation of their own exchange rates (the depreciation of the U.S. dollar) and to prevent the collapse of the Bretton Woods pseudo-fixed exchange rates system. They failed at both. To prevent the rise in the price of their own currencies relative to the dollar, foreign central banks purchased a huge volume of new money. Large German and Japanese surpluses required large-scale expansion of the volume of Deutsche marks and yens.

The episode was another illustration of the general proposition that countries with fixed exchange rates cannot effectively determine their own money supplies and thereby their price levels. The quantity of money typically becomes a by-product of the balance of payments, a small tail indeed to be wagging a large dog, especially for countries such as the United States where exports and imports are each only a small 8% of GNP. Through these and related mechanisms, the fixed rate system in recent years had become an engine of inflation, especially since deficit countries never effectively deflated, partly because they were able to borrow newly created reserves from the International Monetary Fund. In other areas, such as during the world-wide economic collapse of the early 1930s, adherence to fixed rates caused deflation by requiring monetary contraction by deficit countries. Deflation appears to have been ruled out by world-wide adherence to full employment policies which conflict with the tendency for monetary restriction to lead first to reductions in employment and output before later price reductions.

It was not until fixed rates and heavy central bank intervention were abandoned early in 1973 that these countries could gain control over their money. The subsequent events hold out promise for a slowing of inflation outside the U.S., but do not guarantee it. As we have seen, U.S. monetary independence has been used to hasten rather than slow inflation. The average annual rate of monetary expansion of 26% in the fourth quarter of 1972 was brought down to 5% by the fourth quarter of 1973. Countries such as Germany and Holland were actually able to reduce their money stocks, at least temporarily.

The system of freely floating rates is a free market in foreign exchange with the well known merits of other free markets, but with the added virtue that it breaks the link between the balance of payments and the stock of money. Under floating rates there is no central bank price fixing or other intervention in foreign exchange markets, no balance of payments surpluses and deficits and thereby no need for central banks to increase money in response to surpluses or to reduce money in response to deficits. Inflation abroad need not be imported, nor can inflation-creating money be exported if other countries are unwilling to monetize balance of payments deficits.

Only under floating rates can countries pursue independent monetary policies, including these leading to generally stable price levels. Proposals to use fiscal policy, tax and government expenditure tools under fixed rates to achieve internal stability and external balance are deficient because they lack long-term effects and their short-run impacts are either too undependable or too weak. Proposals for direct controls over capital movements or trade are essentially disguised devaluations with many undesirable side effects which impair personal freedom and reduce economic efficiency. Moreover, under fixed rates disturbances from abroad tend to be magnified rather than buffered, in part because they are generally amplified by the link to domestic money.

For post-Vietnam United States there are special hazards and dubious rewards to be derived from a special role as the world's monetary policeman, including the necessity to enforce rules of the fixed rate system of deficit countries, most of whom would regard the required deflation and economic slowdown as excessively harsh and unacceptable means to achieve balance of payments equilibrium. Conflicts with domestic policies and the diffusion of world economic and political power make it unlikely that the

U.S. or any other country can ever be the 20th Century counterpart of the 19th Century Bank of England.

. . . To become the world's central bank and maintain convertibility, the U.S. must effectively go through a large devaluation in order to accumulate the necessary foreign exchange to ensure the viability and credibility of the system. . . . the devaluation would lead to more U.S. inflation as we traded goods for foreign exchange. The alternative route is the current exchange rate but with unilateral U.S. monetary restriction and deflation. Neither would seem to be acceptable.

A return to fixed rates would renew the series of periodic speculative runs against world currencies which played an important role in the inflationary increase in the world money supply in the decade before the demise of the fixed rate system in 1973. Surplus countries would again be required to monetize speculative inflow to prevent appreciation and deficit countries would again beg and borrow newly created reserves to prevent or forestall devaluation.

RIVER OF NO RETURN—THE SALMON

Mr. CHURCH. Mr. President, deep in the heart of my magnificent State of Idaho lies the Idaho Primitive Area and the wonderful "River of No Return"—the Salmon. The primitive area is de facto wilderness. I have floated the river and I have slept under its mountains and stars. No one can understand its magic without going there. The closest thing to experiencing the actuality is to read one of the finest naturalist writers alive today—Ted Trueblood, who knows the river and its tributaries like the back of his hand.

Many will recognize Ted as an associate editor of Field and Stream, others—in my State—as a sportsman without peer.

The Idaho Primitive Area and the Salmon Breaks Primitive Area, are under study for possible inclusion in the National Wilderness System, the main Salmon for inclusion in the National Wild and Scenic River System.

Ted Trueblood addresses himself to these proposals in The Living Wilderness, the publication of the Wilderness Society for summer 1974.

Mr. President, Ted Trueblood tells it like it is, and I ask unanimous consent that his article be printed in the RECORD.

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

[From The Living Wilderness, Summer 1974]

STRUGGLE ON THE SALMON

On a bench 100 feet above the Middle Fork of the Salmon River in Idaho stands a grove of giant Douglas firs. No brush grows in the shade of these great trees, only smooth pinegrass, so the view upstream and down is unobstructed and a cool breeze drifts through even on the warmest day.

Near the brooklet late in the 1930s lay the slope of granite talus that has tumbled from the cliffs above is a sparkling spring. Its miniature brook meanders among the trees before dropping over the bluff to the river. You can lie in the grass there and drink the water without fear, because it is free of pollution.

Near the brooklet late in the 1930s lay the prostrate trunk of one of the grove's giants, slowly moldering away—returning to the earth from which it had emerged as a hopeful seedling perhaps 300 years before. On the trunk sat two anglers. I was one of them; the other, an old friend.

In the icy water from the spring we had a trout apiece for dinner, carefully dressed and strung on a little willow. They were the lovely native cutthroats of the Salmon River drainage, locally called redsides because of the sunrise pink that washed their sides from head to tail. They had large black spots, sparse in front and thicker toward the tail. Their bellies were shimmering white and their backs were clear blue-green.

We were eating lunch. We each had a hearty sandwich made of leftover pancakes from breakfast with a layer of bacon grease between. It was during the Great Depression; we had no butter. We sat on the decaying trunk, facing up the river, listening to its monologue below the bluff, looking up through the fir branches to see cotton-puff clouds drifting across a deep-blue sky and then down at the rivulet of spring water by our feet.

We had no money. Nobody I knew had any money. I had quit a good job—$15 a week for 48 hours—to backpack into the wilderness where the only expense was food. (This is true today, despite the exploiters' argument that wilderness is only for the wealthy.) Since we had no money we often talked of it and all the things we wanted that it would buy. Now, in a reflective mood, my companion posed a question: "Suppose you had a million dollars. You could be anywhere in the world you wanted to be, doing anything you wanted to do. Where would you rather be right now?"

I listened to the song of the river, now rising in volume, now fading softly, as the vagaries of the breeze carried the sound toward us and away. I looked up at the great trees and the clean sky and down at the sparkling trickle of icy water and our lovely trout lying in it. I looked up the canyon and saw the silver river disappear from sight around the first ridge, and beyond that ridge after ridge, gradually blending together in the green distance, but always rising higher and higher until they ended at timberline against barren, ragged granite along the horizon.

There was only one answer possible: "I'd rather be right here!"

You find that kind of contentment in the wilderness, where money has no value and time stands still. I have never carried a watch in the wilderness. I let the sun mark time for me as it does for the shy deer, the soaring eagle and the nervous chipmunk. Freed from this slave master of office and factory, what matter if I lie on my back and watch the clouds drift by? What matter if I wander aimlessly through the green-carpeted, dust-free woods? What matter if I watch the slowly fading embers of my evening fire until I fall asleep sitting up?

The Middle Fork of the Salmon is a wild, free river. I have floated it, ridden and hiked along the trail above it, waded it, walked the shore ice in the winter, and nearly drowned in it. It alternately idles and plunges north for about 75 miles from the junction of Marsh and Bear Valley Creeks, its source, to its confluence with the Main Salmon.

Many years ago the Salmon became known as "The River of No Return" because skillful boatmen could float down it from North Fork, Idaho, to Riggins, almost across the state, but couldn't make their way back upstream. Jet boats changed that. Experienced white-water men now run it both ways, taking hunters, anglers and other vacationers through the Salmon River canyon. Because Congress in 1968 honored the Middle Fork by making it one of the first eight rivers in the National Wild and Scenic Rivers System, power boats can't be used on it. But floating it is of course still permitted, and it is a delightful experience.

The Middle Fork is near the eastern edge of the 1,232,744-acre Idaho Primitive Area. This area is bounded on the north by the Main Salmon. Immediately across the river lies the 216,870-acre Salmon River Breaks Primitive Area. Recently the Forest Service completed studies of both areas under the 1964 Wilderness Act. It then proposed creating a wilderness unit of 1,513,876 acres that would embrace most of both primitive areas and certain contiguous roadless lands of similar wilderness quality. In cooperation with the State of Idaho the service has also completed a study of the Main Salmon and has recommended its classification under the Wild and Scenic Rivers Act from North Fork to its mouth. There would be two stretches of recreational river, one of 46 miles, the other of 59; a 53-mile reach of scenic river; and 79 miles of wild river. Each is the highest category for which that particular stretch is deemed to qualify under the law. All would prevent the Federal Power Commission from authorizing any dams.

Now there are no dams on the Salmon. But there is a real threat. Four potential dam sites have been identified by the Army Corps of Engineers within the wild river study area. Starting where the Salmon joins the Snake the first is Lower Canyon at river *mile (rm)* one; the second is Freedom at rm 69; the third, Crevice at rm 100, and the fourth, Black Canyon at rm 170. The Corps also has picked a fifth potential site, Pahsimeroi, upstream from the study area at rm 302.

Any dam on the Salmon would block off the steelhead and salmon runs in its drainage. This not only would end a valuable sport fishery but would wipe out the most important remaining spawning area for these fish in the entire Columbia River drainage.

The Forest Service's wilderness proposal has not won the unanimous support conservationists are giving the Salmon wild river recommendation. Conservation organizations are urging a 2.3-million-acre wilderness which would include 13 roadless areas left out by the Forest Service proposal. The first aim in advocating this larger unit is to protect important Middle Fork tributaries in order to maintain the river's high water quality.

On the opposite side there is powerful political resistance to establishing any wilderness unit at all. At three hearings conducted by the Forest Service last fall, opposition to wilderness was voiced by logging and mining interests, stockmen's associations, motorcycle organizations, people living along the Salmon who oppose wild river protection because they hope to profit from commercial development, and power and irrigation interests.

The Idaho legislature has twice passed joint memorials opposing wilderness and would have done so again this year but for a last-minute mix-up. Another memorial can be expected at next year's session. Most Idaho legislators consistently support industry. And industry has by no means been sitting idle. While conservationists have been mounting an effort to improve on the Forest Service recommendation, the giant Boise Cascade Corporation has been campaigning to open up 870,000 acres of the Idaho Primitive Area to roads and logging. As a substitue for a wilderness unit Boise Cascade's proposal is a 500,000-acre "unroaded recreation area" mostly consisting of canyon walls. Anti-wilderness efforts have already reached to Washington.

Yet an impressive roster of organizations is pressing the wilderness cause. Among them are the Idaho Environmental Council, Federation of Fly Fishermen, Idaho Alpine Club, Idaho Wildlife Federation, National Wildlife Federation, Sierra Club, American Rivers Conservation Council, Friends of the Earth, National Rifle Association, Wildlife Management Institute, Greater Sawtooth Preservation Council, Idaho Council of Trout Unlimited, The Wilderness Society and every sportsmen's club in the state. The River of No Return Wilderness Council, formed to

spearhead public education, has received contributions from well-wishers as far away as New York State. And the cause has won the influential backing of Idaho's Governor Cecil Andrus, the best governor conservation-wise that the state has ever had. In the Middle Fork, the governor testified at one of the Forest Service hearings last fall, "you can count the spots on a trout 20 feet beneath the surface of a still pool."

Governor Andrus, who blames logging and the construction of logging roads for destroying much of the Salmon's South Fork as a productive trout, steelhead and salmon river, is advocating a 400-thousand-acre addition to the Forest Service wilderness proposal as protection for the Middle Fork watershed.

The zealous effort of Boise Cascade to thwart the conservationist objective has already made the Idaho wilderness struggle something of a classic. Boise Cascade's first goal is to log ponderosa pine in lower Chamberlain Basin just west of the Middle Fork. The basin also has lodgepole pine, fir and spruce. The lodgepole might not be harvested, because Idaho has millions of acres of it accessible by existing roads. But the havoc created by logging the other timber would destroy what is very likely the finest elk range in America.

On the eve of Forest Service workshops held in March of last year to discuss various management alternatives for the Salmon River country, Boise Cascade sent letters to all local suppliers telling them the volume of timber available for harvest in Idaho would decline by 35 to 50 percent in the next few years and asking them to "encourage as many of your people as possible" to participate in the workshops. Boise Cascade's own employees were similarly asked to take part and oppose wilderness. In advance of the hearings last fall on the Forest Service's wilderness proposal, the company ran a series of newspaper ads predicting all sorts of economic hardships for Idaho if the two primitive areas became statutory wilderness. The company also published a colorful brochure promoting its "recreation area" scheme.

Last February a Boise Cascade official, Glen Youngblood, was prominently involved in a trip of Idaho wilderness opponents to Washington for meetings with the Forest Service's boss, Secretary of Agriculture Earl Butz, and Assistant Secretary Richard Long. The others in the party constituted a kind of cross-section: representatives of the Idaho Water Users Association, irrigation farmers who promote dams and oppose wild rivers; the Idaho Farm Bureau, Idaho Cattlemen's Association, Idaho Woolgrowers, Idaho Mining Association; and two state legislators who regularly back logging and mining interests. According to a news release of Idaho Congressman Steve Symms, the delegation was promised by Secretary Butz that the visit would have an impact on the final decisions.

From the conservation viewpoint the reaction of the Idaho public to the industry propaganda campaign has been encouraging. Every time a new Boise Cascade ad appeared last year the River of No Return Wilderness Council received a flood of letters, many accompanied by $10 checks for membership dues. The Forest Service hearing record shows almost a four-to-one margin supporting the council's wilderness stand. The majority of the state's radio and television stations and newspapers, including Boise's *Idaho Statesman*, the state's biggest daily, also are on the side of the conservationists.

Commenting in a recent article on Boise Cascade's "compromise" recreation-area plan, Ken Robison, editorial page editor of the *Statesman*, called the plan "a proposal for zero wilderness." The company is not proposing to "log every acre of the primitive areas, just most of them," he asserted sarcastically, adding: "With a friend like this, Idahoans who would like to protect the wilderness, the fisheries and the wildlife of the primitive areas don't need enemies."

But despite seemingly overwhelming public support, the Idaho wilderness cause still faces extremely clever and politically powerful opposition, and the conservation effort is desperately short of funds. The outcome is by no means certain.

Viewed objectively, the conservationists' case for the River of No Return Wilderness seems strong and the industry case the opposite. Idaho's economic growth has been outstripping inflation; last year it ranked third in the nation. Timber production has been rising steadily despite exclusion of logging from the two primitive areas since the 1930s. The potential cut from both areas—estimated at between 40 and 64 million board feet—is less than three percent of last year's export of logs and lumber from the Northwest to Japan. What justification is there, then, for exploiting this marginal timber resource, if it is at the cost of downgrading many of the values of one of the nation's finest remaining wild areas?

No permits for sheep and cattle grazing have been issued in the Idaho Primitive Area for a decade or longer. The only grazing there now is by horses and mules owned by guides and packers. There is similarly little grazing on the Salmon River Breaks.

The Forest Service says much of the Idaho Primitive Area is "highly mineralized." Yet there are only some 25 patented mining claims, and roads have been built to only two of those because the minerals won't pay the bill. Here's an example I know personally. The Lucky Lad Mine, on the head of a tributary to 45 Creek, which drains into Pistol Creek and through it into the Middle Fork, was owned by a Nampa, Idaho, doctor. I first saw it in the thirties. (It wasn't far from Buck Lake, which grew big rainbows in those days.) When the doctor died, the mine went to his son. The Lucky Lad is still undeveloped because the ore simply isn't worth the expense of getting it out. This is the case with many other so-called mines within the proposed wilderness. Mineral, yes; economic feasibility, no.

The Forest Service made two big exclusions in its wilderness recommendation, both in the Big Creek drainage, the largest tributary of the Middle Fork. One is in the Thunder Mountain area where a "great boom," starting in 1896, produced a meager half-million dollars' worth of gold. I went to school with the grandchildren of the developer. He lost his shirt on Thunder Mountain.

The other exclusion is on Monumental Creek, where placer gold will no doubt be worth recovering at today's rising prices. Roads penetrate these two areas. The Forest Service proposes to exclude them, more than 60,000 acres, from the River of No Return Wilderness. Conservationists disagree. They believe no exclusions should be made in the Big Creek drainage unless they are narrow corridors along existing roads. Nor should any placer mining, with its inevitable siltation, be allowed on any Big Creek tributary. Big Creek is an important trout, steelhead and salmon stream and contributes a large volume of crystal-clear water to the Middle Fork.

Though the area may be highly mineralized as would-be exploiters claim, the fact remains that since 1896 no significant mineral discovery has been made. In more than a century of prospecting and mining, the Idaho Primitive Area has produced less than $1.5 million worth of minerals. It will be worth infinitely more during the coming centuries as wilderness.

Fortunately, there is no conflict between those who want to see the creation of a suitable wilderness preserve and those with a vested interest in compatible activities and properties within the affected area. Both the 1964 Wilderness Act and the Wild and Scenic Rivers Act provide for the perpetuation of various existing uses. Conservationists believe packers, guides, hunting camps and dude ranches within the area should continue their present operations. Existing landing strips should also be maintained, both for fire protection and to facilitate access by hunters, anglers and other recreational users.

Some state-owned as well as private lands lie within the proposed wilderness. Most of the private land consists of old homesteads or patented mining claims. Visitor facilities are on several of the old homesteads. Some of the state land was bought from private owners by the Fish and Game Commission to preserve critical game range. Nearly all the state land is in the same primitive condition as the surrounding national forest. The extent of all of this state and private land is negligible.

If it finally wins the approval of Congress, a 2.3-million-acre River of No Return Wilderness will be the largest anywhere in the nation except for potential wilderness yet to be designated in Alaska. It will also be one of the most lavish in its variety of terrain, plant life and wildlife. East of the Middle Fork, near the northern end of the present Idaho Primitive Area, are the spectacularly rugged Bighorn Crags with many alpine lakes in glaciated cirques and basins. West of the river canyon is the mostly gently rolling Chamberlain Basin with its pine forests, dense spruce thickets and mountain meadows. The canyons of both the Middle Fork and Main Salmon, the latter nearly a mile deep, present a world of rushing water, heaving white over submerged boulders and curling around rock ledges beneath towering cliffs. Beyond the rivers are countless smaller streams.

A visitor has a good chance of encountering many kinds of wildlife—for instance mule and whitetail deer, elk, moose, Rocky Mountain goats and bighorn sheep, black bears, even (if you are lucky) cougars. I have watched otters playing in the Middle Fork, and I have seen the mink, marten, weasel, beaver, bobcat, coyote and red fox. You can hardly miss the saucy pine squirrel, although you might miss his nocturnal flying cousin.

Surely the most fascinating of 112 recorded bird species—and they include golden eagles and an occasional bald eagle and osprey—is the little water ouzel or dipper. I have listened to his song in winter as he stood on the edge of the ice and watched him plunge into the frigid water and disappear beneath its black surface to pick aquatic insects off the submerged rocks. Seconds later he would pop out to perch again on the edge of the ice and resume singing.

Native to the area are Franklin grouse, the trusting little "fool hens" that can elude natural enemies but have never learned to cope with man. You can kill them with a stick, and they have become very scarce in areas accessible by road. There are also blue and ruffed grouse. The exotic chukar and Hungarian partridges thrive in suitable places along both the Main Salmon and lower Middle Fork.

Among the smaller mammals the little coney, pica or rock rabbit, which has no visible tail, is as intriguing as the ouzel among birds. An inhabitant of high-altitude rock slides, he spends his summers cutting and curing grass and flowers and then building little haystacks under the shelter of overhanging boulders for his winter food supply. He blends perfectly into his surroundings, and as you walk past a jumble of mountainside rocks your first clue to his presence, no doubt, will be hearing his high-pitched squeak.

To any nature lover the opportunity to enjoy the birds, animals, wildflowers and spacious landscape of this great unspoiled wild country should be a compelling argument for giving it permanent protection as part of the National Wilderness Preservation System.

CAMPHILL VILLAGE FOR THE MENTALLY RETARDED

Mr. JAVITS. Mr. President, as one who has been in the forefront in the effort to insure the humane care, treatment, and protection of the mentally retarded, I authored the bill of rights for the mentally retarded, which will soon be before the Senate as title II of the Developmentally Disabled Assistance and Bill of Rights Act (S. 3368). This legislation, written in large part in response to the tragedies of Willowbrook and similar institutions throughout the Nation, not only protects the rights of the institutionalized mentally retarded, but also fosters and promotes alternative methods of community care and treatment for the mentally retarded.

Camphill Village, a unique residential working community for the mentally retarded at Copake, N.Y., is an example of a community alternative which effectively provides care and treatment, and most important, does so with dignity, to the mentally retarded persons it services and who serve it. I would like to share with my colleagues information regarding Camphill Village.

At my request, the minority counsel to the Labor and Public Welfare Committee, Jay Cutler, visited Camphill Village. His report makes it clear to me that although Camphill Village's concept of communal living could be considered a step back in time it brings mankind light years forward in the arena of human relations.

I am gratified there are places—and I am particularly proud that this example is located in my own New York State—where normal citizens—the houseparents staff, and their children—and villagers—the mentally retarded—live and work together with dignity and respect.

Camphill Village, founded in 1961, today occupies a 550-acre site near the town of Copake, in Columbia County, in upstate New York. The premise upon which the village is based is one of "normalization." At this facility nearly 100 mentally retarded persons live and contribute to a total community of about 200 persons. The unique aspect of this facility is that the staff and the mentally retarded are fully integrated into family-type units, with everyone sharing the responsibilities, to their maximum ability and potential, equally.

Extensive agriculture and handicraft workshops provide the framework of Camphill's community. Most of the village's food and dairy needs are met by the produce of their own farm. Workshops which produce a wide variety of products for sale help contribute to the financial base of the facility. The mentally retarded share and contribute to all facets of agriculture and handicrafts. The villagers, each according to his ability, thus share in dignified, worthwhile productivity which develops useful skills, a sense of worth, and contributes greatly to the goal of "normalization."

In these times in which we are so often shocked and disheartened by ever recurring examples of the tragic neglect and hopelessness that is the plight of our mentally retarded, it is most gratifying to focus the public spotlight on an example of a new approach to the problems of the mentally retarded which is working. Camphill Village is one such example. We need many more such efforts.

I believe the Developmentally Disabled Assistance and Bill of Rights Act will provide the impetus for such effort, and hasten the day when our national shame of Willowbrooks has ended forever.

In order that my colleagues may have a complete understanding of this unique program, I ask unanimous consent that excerpts from the brochure entitled "Camphill Village" be printed in the RECORD.

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

CAMPHILL VILLAGE

INTRODUCTION

Camphill Village in Copake, N.Y. comprises some two hundred people who share their life in communal fashion. About one hundred of them are mentally retarded.

A completely integrated community, it offers to mentally handicapped adults the benefit of home life and social acceptance, of freedom and human dignity, productive work and training in useful skills, recreation and suitable cultural activities.

"Normalization" for retarded persons has been stressed as the goal of certain efforts currently made on their behalf by professionals, legislators and private organizations. Camphill has always directed its work along these lines. It has from its beginning eliminated the rigid differentiation between "normalcy" and "abnormality" in most areas of human relations and helped to integrate the handicapped person into society.

In Camphill Village the relation between the staff and the handicapped is not one of wardens and patients. They live together in a family situation and in a permanent or even life-long partnership in the spheres of work and human relations, on equal terms as far as possible—as in any family.

Many more such efforts to get retarded persons out of the institutions, educated and integrated into society, are needed; and many in fact are being undertaken today in this country and all over the world. Small in terms of size and numbers, Camphill Village has its special task and an important contribution to offer. It serves as a demonstration of the feasibility of new approaches and makes its experience freely available to groups interested in starting similar projects.

This rural community consists of a group of family-sized self-contained households, each shared by six to eight handicapped "Villagers" and two to four "co-workers" and their children. Situated on 580 acres of private land, the Village has, in addition to the specially built residential units, a community hall, workshops and agricultural facilities. Its program involves every single Villager fully in a life routine of purposeful work and a comfortable social life, in surroundings carefully designed around the special needs and potentialities of the mentally handicapped.

An active interchange between Camphill Village and the surrounding local community makes it possible for the individual Villager, who might never achieve this on his own, to be accepted by the world around him in friendship, understanding and sincerity. Through his standing in his own community, and its relation to the world-at-large, the retarded person in Camphill Village enjoys the benefits of the greatest possible "normalization", without being exposed to the dangers engendered by the need to fend for himself in urban surroundings, to earn wages and to deal with situations beyond his grasp.

ABOUT RUDOLF STEINER

Camphill Village owes the principal inspiration and motivation for its work to ideas expressed in the comprehensive philosophy of Dr. Rudolf Steiner, philosopher, scientist and educator, (1861–1925), originator of Anthroposophy.

KARL KOENIG AND THE BEGINNINGS OF THE CAMPHILL MOVEMENT

In the late nineteen-thirties, Dr. Karl Koenig, a noted Viennese physician, (1902–1966), and several young friends started a small residential school for retarded, disturbed and otherwise handicapped children near Aberdeen, Scotland.

THE DEVELOPMENT OF CAMPHILL VILLAGE, U.S.A.

In 1959, the Camphill Movement responded to an invitation to the United States of America. It took over a school for retarded children in Pennsylvania, which has since been relocated, greatly expanded and transformed into a Children's Village named Beaver Run, near Pottstown, Pa.

THE CO-WORKERS AND THE COMMUNITY CONCEPT

People from all walks of life and of all age groups have responded to the idea of living in a community with handicapped people in one of Camphill's places.

THE VILLAGERS

The eligibility of handicapped persons for Camphill Villages depends on several qualifications. They must be over 18 years of age and able to take care of their basic personal needs such as eating, personal hygiene and dressing, without major assistance. They must be fully ambulatory and physically well enough not to require continuous medical attendance or hospital facilities. They must be able to perform, or learn to perform, some kind of useful work; and they must be capable of a degree of awareness of themselves as members of society.

It is beyond the practical possibilities of Camphill Village to be of service to persons who are too deficient mentally or physically to meet these requirements. By the same token, Camphill Village is not meant for borderline cases. Persons only marginally retarded and close to generally accepted standards of normalcy can live and function under minimal supervision, available through such programs as hostels, halfway houses, or sheltered workshops.

At Camphill Village no fences or walls limit the physical freedom of the Villagers, no regulations different from those guiding any normal family household reduce the dignity of their human freedom. In small family units houseparents, often with their own children, and usually one or two younger coworkers, share the household and all its duties and comforts with six to eight Villagers of both sexes. Except for some details which are worked out in common between groups of neighboring houses, each household is run independently. Each Village family does its own shopping, cooking, housekeeping, decorating and planning and has its own social life. Single or double bedrooms afford everybody privacy. There are no facilities of an institutional character such as dormitories or a central cafeteria.

An applicant who, after an initial interview, appears suitable spends a trial period of several weeks at the Village. His reactions and adjustment to the community situation can be observed as he lives and works among the other Villagers. His suitability can be assessed with a fair amount of accuracy. Even so, for those eventually admitted, no unconditional commitment can be made. Although it happens very rarely, regression to a point where only hospital care can be effective might occur and preclude a person's further stay at Camphill Village.

THE VILLAGERS' WORK

Work within the community situation is of twofold therapeutic significance. First, the fundamental educational and human benefit of learning the responsible use of tools and materials; and secondly, the opportunity to be of service to others by applying the ac-

quired skills to productive work in non-competitive surroundings. Whatever work a Villager is engaged in is meaningful because it is actually needed.

The self-confidence and dignity resulting from this attitude towards work is a prominent factor in the therapeutic design of the Camphill Village community.

CULTURAL AND RECREATIONAL ACTIVITIES

There is a great amount of entertainment, of intellectual and artistic stimulation available to the Villagers. During the winter months one gathers regularly in small groups at Fountain Hall, in living rooms and workshops for courses in many subjects: choral singing, painting, crafts, current events, zoology, music appreciation, story reading, to name a few. These activities are always kept at an adult level without talking down to the participants. Seasonally, nature walks and excursions, swimming, picnicking, folkdancing and games replace the indoor activities.

The main auditorium of Fountain Hall is the scene of major offerings: dramatic and musical presentations, eurythmy, lectures and Village meetings, movies, slide showings and socials. While these events are mostly prepared by the co-workers and involve the participation of Villagers, often after many weeks of rehearsing, frequent offerings by professional talent add greatly to the cultural life of the Village. Renowned musicians, dancers, lecturers and local drama groups have performed in Fountain Hall. The seating capacity of Fountain Hall makes it possible to invite friends from the wider community to these events. Mutual appreciation and increased understanding always results from such invitations.

By avoiding the exposure to TV programs and the indiscriminate day-long outpouring of the substandard radio programs available in the area, Camphill Village is able to restore interest in such widely neglected active efforts as learning to play an instrument reading, choir-singing or participation in dramatics.

THE ROLE OF RELIGION

Religion forms an integral part of life in Camphill Village.

The members of the Camphill Community come from diverse religious backgrounds. Anthroposophy, which unites them, acknowledges the common origin and spiritual core of all creeds and presupposes acceptance of one's neighbor regardless of his religious or national background, racial origin or degree of intellectual endowment. All communities of the Camphill Movement strive to live by the basic concepts of Christianity.

Every Saturday, a Bible Evening, held in the family setting of each Village house, serves as preparation for the Service on Sunday morning, which unites the whole community before the altar at Fountain Hall—although attendance is by no means obligatory.

In all educational efforts particular stress is laid on cultivating reverence for all phenomena of life. The festivals of the year are celebrated in the context of Nature's seasons: Easter, St. John (Midsummer), Michaelmas (Fall) and Christmas. Their observance helps everybody in the community to gain a heightened experience of himself, his relation to the world and to his fellow man.

ECONOMICS

A sizeable part of the community's food requirements is met by products of its own farm and gardens: dairy products, eggs, beef and pork, grain and vegetables. Bread and maple syrup are produced in sufficient quantitites to be sold to outside customers. Surplus is preserved for later consumption in the community's own processing plant. All farming and gardening is done on the bio-dynamic principle. No chemical fertilizers or insecticides are used.

Other than food, the Village produces the following items in its several workshops which operate daily, with three to ten Villagers each, under the guidance of workmasters: soft dolls, handbound books, copper enamelware, woven goods; toys and other articles made of wood. A small factory produces a wooden bed of Swiss design. These products are sold by mailorder, through stores and in the Village Gift Shop which, located on the premises, has established considerable repute as a place for browsing and shopping. Although of necessity the output is small compared to commercial production, the sales figure significantly in the economy of the Village. They also help in promoting its work and the idea of Camphill to the public. The products of the Village crafts are sold only on the strength of their attractiveness and quality. Sales are not sought through an appeal to charity by advertising these articles as the work of handicapped persons.

It is not possible to operate Camphill Village without regular contributions paid on behalf of each Villager by his family (or in the case of New York State residents, by the State.) In the absence of State or Federal subsidies, Camphill Village is dependent on funding through grants or bequests in order to retain a Villager in the Community after the death of his parents or guardians. Every effort is made to make Camphill Village the permanent home for every Villager who wishes to reside there. The success of this attempt, however, is dependent on the availability of additional funds and donations. It is expected that all parents who can possibly do so provide trust funds toward the future of their sons or daughters.

MEDICAL SUPERVISION

The health of the Village population is looked after by a medical director with the cooperation of local doctors and psychiatric consultants. In addition, the excellent medical services of the wider community are available.

Camphill Village operates under license from the New York State Department of Mental Hygiene in Albany, N.Y.

TRAINING COURSE

For those who consider a career in the field of curative education a training course was established in 1949. The three-year program is conducted in the U.S. by Camphill Special Schools in Beaver Run, and at Camphill centers abroad. The international character of this training course is one of its important aspects. Participants are encouraged to take it in more than one of the different Camphill centers throughout the world.

The structure of the course is fundamentally the same throughout the Camphill Movement. It combines practical experience of living with handicapped persons with formal studies of the philosophic, therapeutic, educational, social and economic aspects of Camphill work. It offers opportunities for learning to understand the human being and his handicaps, and acquiring fundamentals for responsible action and activity in the realm of curative education.

CONCLUSION

Mental retardation is a problem which will always be with us. We must accept it and live with it.

The social and spiritual attitude which motivates the work of the Camphill Movement enables the retarded person to live in basic harmony with his surroundings, to gain self-confidence, to work, aided by his guides and co-workers, toward self-improvement without despairing of his limitations—to be himself.

REHABILITATION THROUGH HORTICULTURE

Mr. HUMPHREY. Mr. President, the issues and policies which are advocated and debated in this Chamber are legion. Positions and differences are strongly and honestly held. But I believe that we are all in fundamental agreement when we say that one of the principal aims of our Government is to guarantee a truly humanized life for all Americans.

A truly humanized life consists of more than merely possessing adequate food and shelter. We know that it involves primarily the chance to use the unique qualities which man alone possesses—the ability to create, to judge, to exercise freedom, to accept responsibility and to acquire dignity and self-respect.

Throughout our history, American government on all levels has made an effort to accomplish this goal—usually concentrating its current efforts on assuring the promises of our Constitution to particular groups, minorities, or economic categories. Of special interest to me personally have been the problems and potential of mentally retarded and handicapped individuals.

As Mrs. Humphrey and I have shared our concern for the retarded and handicapped with others in Washington, Minnesota and throughout the country, we have learned a special appreciation for the people who teach them, live with them, and love them. We know that, although Government support, guidelines and laws are important, it is only because of the enlightened efforts of staff members in progressive institutions and countless generous volunteers in innumerable organizations that retarded and handicapped children and adults will have the care, training and education which they need and deserve.

On October 8 and 9, the National Council for Therapy and Rehabilitation Through Horticulture will hold its second annual conference at Stouffers Inn, Arlington, Va. Although the headquarters of the council is in Upper Marlboro, Md., its members are from States throughout the country, including participants from my State of Minnesota. I believe that this organization has a great deal to offer, and is worthy of our attention and consideration. I am pleased to offer my commendation and encouragement to the council and to bring their work to the attention of my colleagues.

Mr. President, I ask unanimous consent that three short articles—from the New York Times, Washington Star-News, and Reader's Digest—regarding the organization be printed in the RECORD.

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

[From the New York Times, Mar. 10, 1974]

HORTICULTURAL THERAPY

(By Lee Lorick Prina)

WASHINGTON.—Career horticulturists know that their profession can help the handicapped. The dawning is not new, but the need for more information and coordination of efforts has spawned the formation of a National Council for Therapy and Rehabilitation Through Horticulture.

The council will act as a national clearing house for ideas and activities in the profession and bring together the many ways horticulture can be applied to heal minds and bodies. Its first annual conference was held here last November.

Headquarters are located in Upper Marlboro, Md., in the offices of its president, Earl Copus, Jr., executive director of the Mellwood

Horticultural Training Center for the Mentally Retarded, 5606 Dower House Road. (Mellwood teaches retarded young people simple horticultural skills and encourages the self-reliance needed for future jobs.)

"Before we started the council, there was really no means to "communicate," Copus said in a recent interview. "There were the 'Johnny come latelies', only a few years in the field, and some old hands doing research. But no way to get in touch. There was a decided feeling for the need of a professional organization."

Among those included in the membership are: horticulturists, teachers, department heads of universities and directors of horticultural programs for the elderly, the retarded, the physically handicapped, the delinquent and the mentally ill.

Copus, whose longish brown hair, mustache and casual dress clearly denotes the present generation of young adults, feels "A big purpose of the council will be to give those in the profession some status."

Like many others in the field, he brings a combination of horticultural, educational and social skills to his job. His degree from the University of Georgia includes a major in forest management and a minor in recreation.

"Most important," Copus said, "is the ability to relate to people. My wife and I served in the Peace Corps in Brazil for two years. I found my way of reaching people was through plants and animals."

At the moment, Copus indicated, the new national council is experiencing growing pains.

"All of the work done at headquarters is through volunteers," he said. "We have letters of inquiry which we are trying to answer. As far as our job bank, we know of a few positions, but need to coordinate our placement service. It's a matter of a new group putting it all together."

"It's a big job," Copus continued. "No one has as yet compiled the many lists and done those things necessary to answer all the questions we receive."

"The Universities of Maryland, Kansas State, Michigan State, Texas State and Clemson are known for their horticultural therapy departments," he said. "But we need a directory of the many other universities that offer undergraduate and graduate courses."

With pride, Copus held up the first issue of the council's bi-monthly newsletter which, among other things, will list up-coming horticultural therapy courses and programs throughout the country. He said that so far, most of the membership funds have gone for various printing expenses, stationery and stamps.

Copus appears confident about the success of the organization. He believes that eventually some foundation may make a donation. Already the council has 160 dues-paying individuals and 13 organizational groups on its membership list. As for future plans, consideration is being given to holding next year's national conference jointly with the American Horticultural Society's annual meeting in Washington.

"There's nothing new about horticulture as therapy," Copus emphasized. "For centuries, gardening has been used to rehabilitate. (In the 1700's and 1800's, physicians prescribed worked in the garden for ills of the mind.) But now we are having an upheaval of interests in the idea. We are beginning to realize the social impact of horticulture."

He noted that in the keynote speech at their annual meeting, Charles Lewis of the Morton Arboretum in Lisle, Ill., recounted instances of the response to plants in inner city gardening projects. Lewis said he found that planting a garden can draw the people of a community together and give many their first sense of self-worth.

"The intimate association of plants and people has human values," Lewis said.

At one time, Copus recalled, prisons had their own farms, and even greenhouses. Inmates raised their own food.

"Then someone found it was cheaper to buy vegetables wholesale from California," he said. "They painted the greenhouse black, and used it for storage. They completely overlooked what the rehabilitative aspects of working with plants meant to the prisoners."

Copus foresees city arboretums as natural centers for horticultural therapy programs, particularly for elderly and young persons.

"Arboretums today are like museums were 30 years ago—dusty specimens and tours," he contended. "Not only can we pursue the science of horticulture at arboretums, but also work there with people."

Copus also believes communities have overlooked something vital by cutting out agricultural courses in public high schools.

"Once working with plants was only for the Future Farmers of America," he asserted. "Now a return to the soil could be valuable for all students. With many adolescents, gardening activities can offer a means of communicating, a way to experience a sense of accomplishment, and to feel that something really needs you."

"We are just beginning to realize the full significance and impact of combining plants and people," Copus said.

[From the Washington-Star News]

THE PROFOUND EFFECTS OF GARDENING

(By Judith Randal)

When he was first asked a dozen years ago to judge a garden contest for New York City's Public Housing Authority, horticulturist Charles Lewis looked upon the competition as a harmless "exercise in beautification"—but nothing more.

Since then, Lewis, who works for the American Horticulture Society in Lisle, Illinois, has learned that gardening by persons in the ghetto can bring old and young together, reduce vandalism and cause inner city residents to take a pride in themselves and their communities that they never had before.

"I slowly began to understand that somehow the importance of these gardens lay not in the flowers but in the human response to the plants," Lewis said here yesterday at the First National Conference for Therapy and Rehabilitation Through Horticulture.

"Where there were gardens" he reported, "children who usually trampled grass now were cultivating and watering and people were no longer throwing debris out the windows . . . The gardens become a focus for social activities. There is a whole 180-degree turn in people's attitudes."

In New York's program, which now has been copied by Norfolk, Cleveland, Chicago, Wilmington, and other cities, the Public Housing Authority provides plots of land, a gardening manual and slides of gardens from the previous year's contest. But the tenants themselves—most of them on welfare—but the seeds or plants, design the gardens and do all the rest of the work.

The more depressed the area and the more disadvantaged the residents, the higher the enthusiasm seems to run, Lewis said. In the Williamsburg section of Brooklyn, for example, there were over 400 entries in the gardening contest this year.

In Philadelphia, another city in which gardening in poorer sections has become a tradition, Lewis said the participants live in row houses rather than public housing projects and the focus is on window boxes.

Any block in which residents agree to maintain window boxes in 85 percent of the houses for at least two years can join the Philadelphia program, Lewis said. More than 500 blocks have entered the contest there, and one result has been that tenants now not only garden but also paint, clean up trash and refurbish their houses as well.

"This was the most dumpified place I had ever seen. Now it even smells good," one participant said. Another rejoiced in becoming acquainted with neighbors after fifteen years in the area. "It is so nice to come to know the names as well as the faces of the other people on the block," she said.

Besides brightening up homes in the inner city, Lewis reported that gardening is having a profound effect on the behavior of children in some ghetto schools.

In one Chicago elementary school, for example, he said the number of broken windows has been less each year since pupils were given an outdoor garden five years ago. And in a Chicago high school—where the privilege of working in a roof-top greenhouse has to be earned—displays created by students have attracted widespread attention at the city's flower show.

"Plants are non-threatening in a hostile world," Lewis said. "They respond equally to all without reference to age, race or social class. In an ambiance of failure, they offer paths to conspicuous success."

The two-day horticulture conference opened at the National Arboretum yesterday, with sessions today at the National Agriculture Library in College Park.

[From the Reader's Digest]

THREE WAYS TO GET SOMETHING DONE

(By James E. Roper)

A battered bus rolled to a stop in rural Maryland, and out tumbled a dozen smiling teen-age boys. Some picked up tools to work among pine trees; others went into greenhouses to pot azaleas and poinsettias, or joined some teen-age girls who were fashioning floral arrangements in a classroom. All the youngsters worked with clumsy fingers, or walked with shuffling gaits. When a few stopped smiling, their expressions went blank. All were mentally retarded. Some were Mongoloids.

At one time most of these retarded children of Prince Georges County would have stayed in their homes, or in public or private institutions ill equipped to develop them into self-reliant adults. But in 1962, Samuel L. Scheinberg, a geneticist at the U.S. Department of Agriculture's research station at Beltsville, Md., proposed that parents of the retarded establish a school to train them to work in horticulture, where the pace was slow and the demand for workers great. Scheinberg and an agricultural engineer at Beltsville, Bill Bailey, were given the use of seven acres of surplus government land near the town of Upper Marlboro and founded the Melwood Horticultural Training Center.

The center struggled for several years, until finally enough citizens' groups rallied to get it moving. Members of Lions clubs worked weekends to build workshops and greenhouses. County building inspectors put together a tool shed. The Prince Georges County Association for Retarded Children, composed mostly of parents of the retarded, hired Earl Copus, Jr., a former Peace Corps worker in Brazil, as director.

Today there are 60 trainees at the center. Each youngster has to walk several blocks to a bus pickup point, which accustoms him to being independent. Each has to take "survival training" at Melwood—how to read traffic signs, make a telephone call, pay for a hamburger. When I visited the center recently I saw the boys carefully putting blooming flowers, which they had raised in greenhouses, into pots. Next, an assemblyline of girls wrapped the pots with colored paper and ribbon. Other girls worked with artificial flowers and candles, making wreaths and centerpieces. As trainees become proficient, they begin to receive small salaries, with frequent raises as skills increase. All the items they make are sold through super-

markets, department stores and Melwood's own retail shop. A trainee, making a sale, punched the cash register with painful awkwardness, but made change correctly—and smiled in triumph.

Sales of products and services now pay one-third of Melwood's $300,000 annual cost, with the rest coming from government fees, grants or community contributions. More important, Melwood has enabled 40 young graduates—who once barely were able to take care of their personal needs—to hold competitive jobs with nurserymen, florists and government agencies.

While inspecting an empty classroom, I came upon a new arrival sitting on the floor behind a file cabinet. The lad smiled, got up and left "Don't worry," an aide said. "He'll make it." As if by confirmation, a boy with long experience at Melwood stated confidently, "I used to be retarded myself."

ANALYSIS OF MATHEMATICAL MODELS AS TOOLS IN ECONOMIC PLANNING

Mr. BROCK. Mr. President, there is a great deal of talk these days about economic planning and the use of highly sophisticated mathematical models. Among these models, the Leontief input-output type are among the most respected. Now, in a statistical analysis of 25 of these, Drs. Arthur Carol and Israel Borovits conclude that the models have not succeeded in aiding economic planning.

It is always tempting to use the latest technical tools. But it is vital that when dealing with problems of such overriding importance as economic planning, we are not carried away with mere technical virtuosity. We should have solid factual evidence that a model works before using it to operate an economy.

Mr. President, I ask unanimous consent to have the Carol-Borovits article from "Long Range Planning" printed in the RECORD at this point.

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

INTERNATIONAL COMPARISON OF INDUSTRIAL STRUCTURES USING INPUT-OUTPUT ANALYSIS

(By Israel Borovits and Arthur Carol)

Several attempts of international comparisons of input-output tables have been made in recent years. So far they have been made with respect to the following three aspects of the input-output models:

1. The overall comparisons of the structures of production, mainly on the basis of input-output coefficients matrices. In the first approach input-output tables from four countries (Italy, Japan, Norway and United States), were compared in this study. Similarity of overall patterns of interdependence of productive sectors among these four countries was studied. The second approach was based on the triangular arrangement of the input-output matrix to examine the existence of linear interdependence. This approach is useful for the comparison of general structural characteristics of different nations. These two approaches can only be used for structural analyses which are based mainly on comparisons of structural properties.

2. Comparison of individual input coefficients. This type of comparison was first applied to the historical data within a single country. The principal input coefficients were compared to test the constancy of these coefficients among the four countries mentioned above (1).

3. Overall comparisons of direct and indirect effects, based on the inverse matrices, i.e. $(I-A)^{-1}$. In this study the production structures of four countries (West Germany, France, Italy and Japan) were compared.

Although the approaches mentioned above could indicate several interesting aspects of the input-output relations in different countries, they have failed to take into consideration two important factors: time and the stage of industrial development of the countries under study.

There are two major differences between the present study to the studies mentioned above. First, utilizing a dynamic comparative analysis, or in other words, the objective of the present study was to investigate to what extent the pattern of variation of the input-output coefficients could be related in some quantitative way to a certain number of general economic characteristics.

Second, in the studies mentioned above only five input-output tables were compared. The present study analyzed 25 tables from 18 countries (see Table 1).

TABLE 1.—SUMMARY OF THE INPUT-OUTPUT TABLES

Number and country	Date of table	Date of publication	Prices used	Number of sectors
1. Argentina	1953	1964	Pesos×10^6	23×23
2. Australia	1958–59	1963	AS×10^5	34×34
3. Belgium	1959	1965	B francs×10^9	65×65
4. France	1959	1965	F francs×10^9	65×65
5. Germany	1959	1965	D marks×10^9	35×35
(West).	1960	1965	D marks×10^9	35×35
6. Israel	1958	1962	Il. pounds×10^9	77×77
7. Italy	1950	1952	Lire×108	56×200
	1959	1965	Lire×10^9	65×65
8. Japan	1951	1955	Yen×10^9	182×182
	1960	1965	Yen×10^9	56×56
	1963	1967	Yen×10^9	56×56
	1965	1969	Yen×10^9	56×56
9. Mexico	1960	1960	Pesos×10^9	45×45
10. Netherland	1959	1965	Guilders×10^9	65×65
11. New Zealand	1959–60	1966	NZ $×$10^6$	44×44
12. Norway	1950	1954	Kroner×10^9	27×27
13. Pakistan	1963	1967	Rupees×10^9	35×35
14. South Korea	1966	1969	Wans×10^9	43×43
15. Taiwan	1964	1968	NT $×$10^9$	55×55
16. United Kingdom.	1948	1964	£×10^9	47×47
17. United States	1947	1951	$×$10^7$	450×450
	1958	1965	$×$10^9$	86×86
	1963	1969	$×$10^9$	86×86
18. Zambia	1966	1969	Kwachas×10^3	38×38

THE INPUT-OUTPUT TABLES

Input-output studies have now been undertaken in more than 50 countries. The input-output technique is still considered experimental in most countries, since in none of them has it been pursued for a long enough period to establish a routine of data collection and analysis. Many of these countries have not yet published their findings. In this study we have used tables from 18 countries. Table I summarizes the various tables that were used in this study.

There are 25 total tables (two from West Germany and Italy, three from the United States, and four from Japan). Some were obtained from Professor Leontief of Harvard University, whose collection was by far the most extensive available, the remainder directly from the nations involved. Several had to be translated into English.

The United Nations has established a precise format for preparing the basic transaction tables. The nations involved purport to adhere to the essentials of this format and it has been assumed in this study that they do so. Since in many cases these tables have been prepared with the aid of U.N. experts, the assumption should be legitimate. Of course the validity of the entire study depends on this uniformity since differing formats would mean a different classification of industrial structures, and comparisons would not be meaningful. The basic format is given in Table 2. The I/O Table 2, the I/O coefficients, were prepared by the authors, derived from the transactions tables. The manufacturing sectors are given in greater detail than the others, since the manufacturing sectors in most cases account for more than 85 per cent of the total intermediate use. At this suggested level of aggregation the classifications of the above tables can be made quite consistent. Using the relations described in Table 2, we have obtained aggregated tables of 23 and six sectors. Due to lack of space, only the aggregated 1963 input-output table of the United States is presented in the Appendix.

TABLE 2.—SECTOR CLASSIFICATIONS OF INPUT-OUTPUT TABLES

23-sectors aggregation	6-sectors aggregation	ISIC
1. Agriculture, hunting, forestry, and fishing	1. Agriculture	11–13
2. Coal mining	2. Mining	21
3. Crude petroleum and natural gas		22
4. Metal ore mining		23
5. Other mining		29
6. Food, beverages, and tobacco	3. manufacturing (nondurable)	31
7. Textile, wearing apparel, and leather		32
8. Wood and wood products		33
9. Paper, printing, and publishing		34
10. Manufacturing of chemicals and petroleum and coal products.		351–354
11. Rubber and plastic products	4. Manufacturing (durable)	3513, 355–366
12. Manufacture of nonmetallic mineral products.		36
13. Iron and basic industries, steel		371
14. Nonferrous metal basic industries		372
15. Fabricated metal products, machinery		38
16. Manufacture of transport equipment		384
17. Other manufacturing equipment		39
18. Electricity, gas, and water	5. Electricity, gas, and water	41, 42
19. Construction	6. Services	50
20. Wholesale-retail trade, restaurant and hotels.		61–63
21. Transport, storage, and communications		71–72
22. Services		8–9
23. Activities not adequately defined		0

ANALYSIS OF THE INPUT-OUTPUT COEFFICIENTS

The essential method of analysis was as follows: Every nation's economic strength was measured in the usual four ways: total GNP, GNP *per capita*, rate of growth of GNP, and rate of growth of GNP *per capita*. The GNP measures were given for the same year as that for which each I/O table was prepared. The rate of growth measures were derived by taking the average rate for the 5 consecutive years of which the I/O table was in the middle. In this way, any unusual economic development in that year (e.g. recession) would not alter the nation's basic pattern growth.

Although virtually by definition the developed nations were the superior by the GNP measures (all given in 1967 dollars to permit comparability), the underdeveloped nations were frequently superior in the rate of growth measures. This is an important point because comparisons of industrial structures between developed and undeveloped economies may be far less realistic

than among those of the same type. For example, it might be far less instructive to compare a slowly growing underdeveloped nation with a developed nation than with rapidly growing underdeveloped nation. It is the latter comparison which might prove of more value in the planning of the slowly growing underdeveloped nation.

The analysis was based on the 23 sectors industrial breakdown and on the highly aggregated six sectors breakdown given in Table 2. The latter included simply—agriculture, mining, non-durable manufactures, durable manufactures, utilities, services and other. Clearly, the former should be the more valuable. To plan an optimal industrial structure, the finer the breakdown, the more precise the planning. For the reasons given in the next section, the finer breakdown did not prove viable and the body of the final analysis had to be based on the more aggregated breakdown.

In addition to the six basic industrial sector purchases and the value-added portion for each industry, a foreign import sector was required to account completely for the total sector purchases. That is, each industry purchases a certain amount of its total input from abroad. The basis transaction tables all provide this value. Unfortunately, none of them indicates what these imports consist of. Thus, it is not known if the purchasing industry requires steel or potatoes to yield its output. This problem did not prove to be as serious as it appears, again for reasons which will become clear in the next section.

The analysis was based on tables derived from comparisons of each of the four economic well-being measures and the I/Q coefficients tables for each of the six industrial sectors.

The following hypothetical example will illustrate the basic idea of the comparison:

TABLE 3.—AGRICULTURE: INPUT COEFFICIENTS BY INDUSTRY. RANKING BY GNP

[In millions of dollars]

Country	Year	GNP	Agriculture	Manufacturing	Services	Imports	Value added	Total inputs
A	1962	1	0.51	0.06	0.01	0.02	0.40	1.00
B	1960	2	.33	.03	.03	.01	.60	1.00
C	1963	3	.21	.01	.06	.02	.70	1.00

An interpretation of this table would indicate that wealthier nations, as C, in their agricultural production, require less inputs from agriculture itself and from manufacturing industries, and more from service industries and they obtain more of their inputs from their own productive efforts (in a sense being more efficient). Thus, a nation aiming for higher GNP would plan to increase the amount of service industries product made available to agriculture. To be sure, this is grossly oversimplified, but that is the basic idea. A nation not doing so well as it hoped, and learning from its successive I/O tables that its service input coefficients to agriculture were declining instead of rising, might be given a valuable clue in its economic planning.

To determine if such significant relationships do exist between any (or all) of the four GNP measures and any (or all) of the I/O coefficient sectors for each industrial sector, several statistical tests were run, including analysis of variance. These were to confirm a visual inspection of the tables, which were generally adequate for the purpose.

CONCLUSIONS

The purpose of the study was to investigate the feasibility of using input-output analysis as an aid in economic planning by comparing I/O coefficients, as indicators of industrial structure, between the more and less successful economics. The basic conclusion is that it is not presently feasible. No consistent patterns were found in the industrial structures of the more successful economies which would enable them to serve as safe models for the others. This is in no way contrary to any studies which have detected similarities between two developed nations. By judicious choice, such similarities can be observed. But, by observing a broad spectrum, it is seen that no overall consistency exists, that the I/O coefficients vary widely among any set of nations.

In a sense, this is a negative finding and that, of course, does not diminish its value. If the analysis holds, then those concerned with economic planning will not waste valuable time and effort developing models which will yield no practical results. Certainly this study should not be taken as definitive and it remains to indicate why not. There are at least five possible areas which require further investigation. But let us assume for the moment that the findings of this study do prove valid.

There is a sense in which the results may be considered to be positive finding. Though reliance on mathematical models for national economic planning may be in vogue, their use is not universally accepted as the ideal strategy for economic development. Different nations are unique in a myriad of ways—in their natural resource base, their distance from foreign markets, the cultural attitudes of their people and so on. At this point, if the authors had to place a subjective probability on the matter, they would have to say that such value is greater than 0-5 that the basic reliance for economic growth should be a free market in which profit seekers, understanding the uniqueness of their immediate economic environment, would be best able to make decisions which would lead to optimal economic development. This does not exclude the use of all mathematical planning devices; it relegates them to a subordinate position and it removes authority from central planners whose claim to primary decision making responsibility rests on such devices.[1]

Finally, we turn to a survey of four potential explanations for the lack of consistency among the I/O coefficients. It may be that the initial hypothesis of the study does have validity and that its apparent rejection is in error.

First, the U.N. format may not have been followed. This could readily account for the failure of the 23 sector breakdown. To take a trivial example, haircuts might be misplaced as trade rather than services and numerous examples could be found. But in a six-sector breakdown, it would take incredibly gross misjudgements to cause serious errors. We would be inclined to dismiss this explanation.

Second, the basic data may have been incorrectly reported. Careless or undereducated technicians may misplace decimal points or add incorrectly. But in the more developed economies, this too would appear unlikely and it is here that no consistency was found.

Third, as noted, there is no import breakdown. Thus, agriculture for example, may show different I/O coefficients for two nations. But if the imports were broken down by industry, the portion which was agriculture might be just about that which would for the apparent difference. Again, in a six-sector breakdown this is somewhat less likely. Utilities and services are not imported and no consistency was found in these industries. More important, the import I/O values were generally too low to account for the wide differences among the other industries. Nevertheless, future I/O data gathering should break down the imports industry so that this problem can be resolved.

Fourth, the transaction tables are based on monetary measures. They show the monetary exchanges between industries. These are not necessarily an accurate representation of the amount of product exchanged. If the relative prices of the same product differ widely among the nations, it may be that the actual amount of product exchanged is consistent among the nations.[2] We were unable to obtain the necessary price data for each nation for the years involved to make the relatively simple corrections which would be necessary to eliminate this possible source of confusion. There is, however, a reason to believe that this is not a significant factor. Four of the six industrial sectors include internationally traded goods. It may be unlikely therefore, that the prices given severely distort the actual product exchange in those cases in which the years involved are close. Price changes do occur over the years and the range of years covered was wide 1947–1966). But relative price changes, as between durable and nondurable, would have to have changed sharply to account for the almost complete lack of consistency in the I/O coefficients. This difficulty with I/O analysis is widely recognized and we certainly concur that it should be dealt with within the preparation of any future I/O matrices.

At present, the application of I/O in the manner originally suggested in this study is not promising. It may be that by careful correction of the four possible sources of error noted, the entire study could be profitably reexamined. But we seem to be distant in time from the thorough corrections required. Reliance on I/O analysis as a practical tool would seem questionable.

There is one last point. Taking this I/O study as basically a valid approach and assuming that the four pitfalls were probably not responsible for the lack of positive results, there remains one possible approach of potential value. It is noted that the results obtained were due to the fundamentally different natures of the economies involved. Perhaps there is a problem of over-aggregation here. If two nations with similar backgrounds in resource endowment, cultural attitudes and the rest be compared; and if one was advancing more successfully than the other, then one might serve as a model for the other. To investigate this possibility would require an entirely different type of study from the present one, but the two in combination might yield practical results.

[1] Empirically, I/O models have yet to prove their predictive capability. One of the most intensive I/O studies, completed in 1965, forecasting for 1970 and 1975, is falling wide of the *Manpower Requirements for National Objectives in the 1970's* (Washington, D.C.: National Planning Association, 1968).

[2] One of the input-output analysis technique's defects is that it does not allow for changes in relative prices. It is recognized that this refinement of the technique is necessary, particularly for the purpose of comparisons of input-output tables.

APPENDIX

INPUT COEFFICIENTS FOR THE UNITED STATES 1963 ECONOMY (23 SECTORS)

[All figures are A (I, J)×10⁴; total supply and intermediate are in produced prices]

	1	2	3	4	5	6	7	8	9	10	11	12
1. Agriculture and forestry	3,055					2,837	411	621		11		5
2. Coal mining	1	1,530		19	21	5	4	2	22	16	20	65
3. Petroleum and natural gas			237							1,904		
4. Metal ore mining				1,110	21					32		13
5. Other mining	21	4		36	193	1			20	115	6	660
6. Food, beverages, and tobacco	632					1,745	69	1	39	133	12	3
7. Textile, apparel, and leather	38		2			20	4,017	225	48	8	381	52
8. Lumber and wood products	20	63		39		12	101	2,437	246	13	24	88
9. Paper, printing, and publishing	20	4	2		29	318	109	92	2,694	354	285	259
10. Chemicals	468	228	136	307	401	81	133	196	331	1,703	1,759	350
11. Rubber and plastic products	25	123	13	55	258	52	605	217	151	190	1,482	179
12. Nonmetallic mineral products	8	11	33	19	415	93	12	86	16	57	60	1,026
13. Iron and steel		146	24	155	150		2	202	1	45	30	91
14. Nonferrous metal industries				3	14		1	34	11	55	16	30
15. Fabricated metal products	100	638	162	391	659	254	51	421	156	220	135	221
16. Transport equipment	8	63	2	19	57	2		5	3	1	24	6
17. Other manufacturing	1			3		1	112	8	10	8	40	25
18. Electricity, gas, and water	52	243	112	219	351	60	59	70	112	198	108	324
19. Construction	97	52	302	26	50	18	14	26	24	89	31	43
20. Wholesale and retail trade	311	216	116	158	244	339	373	302	273	267	298	275
21. Transport and communication	337	343	448	1,007	523	593	220	560	471	624	355	910
22. Services	729	510	1,996	778	527	429	280	378	661	645	384	390
23. Activities not defined	16	49	57	52	72	183	877	54	189	76	81	90
24. Imports	178	7	834	2,053	702	159	229	390	320	236	236	138
25. Value added	3,893	5,748	5,524	3,551	5,312	2,798	2,322	3,674	4,203	3,210	4,233	4,755
Total supply	58,322	2,679	12,538	3,098	2,792	83,987	42,785	17,477	34,710	51,705	16,463	18,010

	13	14	15	16	17	18	19	20	21	22	23	Total intermediate
1. Agriculture and forestry					21		27	12	21	150	19	48,654
2. Coal mining	183	15	2	3	6	211			2	8		2,125
3. Petroleum and natural gas					29	645			5	5		12,279
4. Metal ore mining	456	1,044	1		216	1				1		2,795
5. Other mining	32	21			3		84			1		2,601
6. Food, beverages and tobacco		7	2		17	1	3	54	31	29	289	23,382
7. Textile, apparel and leather	10	14	27	107	301	3	24	42	7	6	19	21,194
8. Lumber and wood products	15		50	45		1	547	13	1	2		11,890
9. Paper, printing and publishing	10		99	11	431	8	33	124	16	385	220	28,123
10. Chemicals	222		144	75	216	92	351	164	370	113	9	32,078
11. Rubber and plastic products	6		167	183	685	3	71	31	46	19	3	13,104
12. Nonmetalic mineral products	18		193	87	78		729	19	3	12	1	12,603
13. Iron and steel	1,908		895	782	280	19	278	3	52	2	18	23,147
14. Nonferrous metal industries	206		399	209	336	6	165	3	5	1	17	8,454
15. Fabricated metal products	496	166	2,182	1,522	509	10	1,374	138	83	109	80	58,456
16. Transport equipment	30	81	321	2,664	58	1	13	17	132	44	26	22,389
17. Other manufacturing	12	10	16	4	727		19	37		22	47	2,955
18. Electricity, gas and water	243	374	64	47	54	1,834	34	169	61	142		17,253
19. Construction	67	51	14	17	21	295	3	40	269	435		15,635
20. Wholesale and retail trade	292	493	315	238	460	55	815	239	248	230	188	35,753
21. Transport and communication	893	750	209	273	291	378	600	149	1,471	288	839	57,516
22. Services	253	338	390	292	558	1,754	538	1,367	1,012	1,481	28	96,534
23. Activities not defined	296	764	111	65	125	46	65	126	64	145		16,138
24. Imports	279	1,278	121	39	601	35		2	412	24	194	18,301
25. Value added	4,074	4,585	4,276	3,388	3,978	4,602	4,217	7,248	5,636	6,346	7,993	599,862
Total supply	25,659	8,680	106,878	59,861	7,210	30,151	87,796	135,592	86,233	217,916	77,711	

INPUT COEFFICIENTS FOR THE UNITED STATES 1963 ECONOMY (6 SECTORS)

[All figures are A (I, J) × 10⁴]

	1	2	3	4	5	6	Total intermediate
1. Agriculture	3,055		1,081	1		67	48,654
2. Mining	22	539	443	174	858	19	19,800
3. Manufacturing (nondurable)	1,194	293	3,066	490	107	582	129,771
4. Manufacturing (durable)	116	498	332	3,813	36	555	128,002
5. Electricity, gas and water	52	176	100	107	1,834	103	17,253
6. Services	1,490	2,369	1,590	1,162	2,528	2,224	221,611
7. Imports	178	891	231	179	35	93	18,301
8. Value added	3,893	5,235	3,157	4,044	4,602	6,357	599,862
Total supply	58,322	21,107	247,127	221,299	30,151	605,248	

Note: Total supply and intermediate are in producer prices.

CLIFFORD G. McINTIRE

Mr. HATHAWAY. Mr. President, it is with deep sadness that I inform my colleagues of the death this morning of Clifford G. McIntire, a former Maine Congressman and an old and dear friend.

Cliff was a potato farmer before entering politics in the early 1950's. He served Maine well as a Representative in Congress for 13 years. Following his retirement from Congress in 1965, his expertise in both agriculture and government was well utilized as director of the natural resources department of the American Farm Bureau, and as a member of the President's Task Force on Rural Development.

At the time of his death, Clifford McIntire had been nominated as a member of the new U.S. Railway Association, and his nomination was under consideration by the Senate Commerce Committee.

When I was elected to the House in 1964, I assumed the seat vacated by Cliff in his unsuccessful bid for a Senate seat. Despite his own defeat and our party differences, Cliff took the time to give me advice, counsel, and guidance, thereby making my life as a freshman Congressman that much easier.

Throughout my years in the House and Senate, I have valued Cliff McIntire's counsel and his knowledge of farm issues, and particularly his knowledge of the Maine potato industry.

Maine and the Nation have lost a dedicated public servant. Those of us who knew him and worked with him, and those of us who benefitted from his friendship and counsel, will miss him dearly.

I extend my heartfelt condolences to Cliff's wonderful wife Wilda and to their family.

TRIBUTE TO FORMER CONGRESSMAN CLIFFORD McINTIRE

Mr. MUSKIE. Mr. President, it was with deep sorrow that I learned this morning of the death of a distinguished citizen of Maine and former Member of the U.S. House of Representatives, Clifford McIntire.

Born and raised in the small northern Maine community of Perham, Cliff McIntire knew and loved well rural America. Throughout his long and productive years—as a farmer, public administrator and Congressman—he dedicated himself to improving the quality of life of our farmers and our rural communities.

In his final days, he was preparing for yet another important national assignment as a director of the U.S. Railway Association, created by the Congress under the Regional Rail Reorganization Act of 1973.

Maine will miss him. The Nation will miss him.

Cliff and I were political opponents. In all of our political contests, however, I came to appreciate his commitment to decency, honor and fair play. He was a gentleman, considerate and friendly always, in his warm and down to earth way.

I extend my sympathy to his family at this time of their personal grief.

STATEMENT OF SENATOR DOMENICI TO THE ECONOMIC SUMMIT CONFERENCE

Mr. HUGH SCOTT. Mr. President, one of our colleagues, Senator DOMENICI, was an initiator of the concept for an Economic Summit Conference. As we all know, the conference took place this past weekend, and Senator DOMENICI participated in it. His remarks were delivered along with those of the other participants in the presummit conference on State and local governments. Senator DOMENICI has unique experience in this area since he was the former mayor of Albuquerque, N. Mex., before coming to the Senate.

I found the text he presented to be very informative, and therefore, ask unanimous consent to print it in the RECORD.

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

STATEMENT OF SENATOR PETE V. DOMENICI TO THE ECONOMIC SUMMIT CONFERENCE

Slightly over two months ago, Senators Bartlett, Chiles, Huddleston, Nunn and myself introduced Senate Resolution 363 calling for an Economic Summit Conference. We envisioned then what I see before me today: leaders from the many different sectors of our economy meeting to arrive at a consensus plan of action.

Perhaps if I take a moment to expand upon why we chose the device of summitry, we can more effectively focus on the areas that require immediate attention.

From my mail and from phone calls, from trips back home and from committee and floor activities, the message is the same: the American people want and must have immediate and effective measures to deal with inflation. Thus far, only piece-meal action has been taken. For example, we restrict credit, but leave government spending unchecked. We reduce employment, but fail to efficiently allocate food supplies. And we advocate industrial progress while failing to assure the presence of necessary commodities. But the magnitude, pervasiveness, and complexity of the inflation problem requires more than this shotgun approach.

This concern from our constituents gives real meaning to the following statistics. Between December, 1972, and December, 1973, the Consumer Price Index rose at an annual rate of 8.8%. By January, 1974, the rate had escalated to 9.4%, and by May, the rate was 10.7% above the previous year. Food prices alone went up over 20% in 1973. The rise in 1974 is certainly even more substantial. Gasoline is up 20% in price over one year ago. Home heating oil has soared almost 50% in cost during the same period.

The prices of raw commodities have escalated even more dramatically. Between March of 1973 and March of 1974, a bushel of wheat had gone up 125%; a bushel of corn 102%; a pound of sugar 111%; and a ton of steel 153%. There is no end in sight to these sky-rocketing prices, Mr. Chairman, for the Wholesale Price Index over the twelve month period ending this past July is up over 20% across the board and is now escalating at a rate of almost 40% annually.

During the same period of time that prices have gone up, wages have lagged behind. Although an overall 5.6% wage increase was reflected in the period of December, 1972, to December, 1973, when inflation is added in to adjust the figures, there actually was a 3% downward move in the purchasing power of wages. By May of this year, the average wage-earner's buying power was down almost five percent under the previous year. And last month, that figure exceeded six percent.

The result of these statistics is convertible into real hardship in the American home. Food consumption in 1973 was down 5.4% as Americans ate cheaper and ate less. Personal bankruptices soared 7% higher in the first nine months of fiscal 1974 than they had been in fiscal 1973. Interest rates, which had been raised to cool the inflated economy, have had the effect of crushing family financial planning. According to the National Foundation for Consumer Credit, six of every 100 American families are now in serious financial trouble. That is double the rate of one year ago.

This same credit situation has priced most families out of the housing market. It now requires an annual income of at least $18,000 to meet the total homeownership costs on a home with a $30,000 mortgate: a condition that rules out about three-fourths of all American families.

Yet the effects of inflation are not all tangible. Marriage counselors report that growing financial problems are putting severe, often irreparable, strains on many families. The current economic climate lends credence to the old proverb: "When poverty comes in the door, love goes out the window."

My constituents say that the stresses of inflation have gone beyond the level of bother or inconvenience. Inflation is devastating the American consumer's pocketbook, security, and even health. And it is putting serious strains on the family institution, not to mention the foundation of our economic system—small business ventures. Inflation is not just something we would like to bring under control; it is something we *must* bring under control if American life is to continue as we presently know it.

The answer, of course, is not just to bring inflation under control, but to do so in a manner which will evoke the least hardship and disruption in the economy. To this end, I have observed several areas of consensus for action.

First, the mandate from the American people is loud and clear that Congress and the federal government must show fiscal responsibility. This means the Congress must consider an outlay limitation bill, and make selected cuts in appropriations. Now, I do not suggest that we make cuts indiscriminately, or just for the sake of cutting, but we must trim the waste and fat from federal expenditures. We must also place the federal government in a leadership role in the equal belt-tightening which will be required in each and every segment of the economy.

Second, we must ease the burden on those sectors for whom economic depression is already a reality. There is a sickness in the symbiotic relationship between the housing and banking industries. Housing depends upon banks for mortgage money, and banks depend on depositors. Yet with the federal government paying higher interest rates than it allows savings and loan institutions to pay, money has flowed out of banks and to the government. As a result, in my home state and in many others, there is little or no money available for housing starts. When housing starts lag, workers are laid off, and this ripple-effect filters on to all other segments of the economy.

Congress can and must take action in the area. The Senate Banking Committee is prepared to report out a bill which will put $10 billion of 8.75% money into the housing market. Sponsors of the bill indicate 300,000 new jobs could start from this action, not to mention the benefits of making housing more readily available to middle-income people. The idea of a multitiered interest rate structure is not new, and can be used most beneficially in this manner.

Another thing we have got to do is create a greater inducement for savings. With treasury notes paying more than federal regulations allow savings and loan institutions to pay, the small investor has no reason to save his money in a bank or savings and loan. I note that the federal government is raising the minimum purchase amount on treasury notes which will have a salutary effect on disintermediation. But we need more. We either have to de-regulate the interest rates savings and loans can pay, or adjust those rates upward, or create tax incentives for saving. I prefer the latter approach as being more conductive to stability; therefore, I am a co-sponsor of S. 4021 which exempts an individual from federal income taxation on the annual interest from $20,000 in a savings institution. By this measure, we are going to reverse the flow of money from savings institutions, thereby making more money available to the housing industry.

The third major area which this conference must address is that of persons and government entities on low or fixed incomes. For example, Society Security and SSI increases are tied to the Cost of Living Index. However, the items which are undergoing the most rapid price-escalation are the bottom-line essentials in anyone's budget such as food and fuel. The Cost of Living Index averages in non-essentials and, therefore, does not reflect the true impact of inflation on low- and fixed-income persons. In effect, inflation is now operating as a regressive tax on the poor, and increased benefits simply

don't bridge the ever-broadening gap in their inability to pay for essentials. We must take immediate action to free Social Security and SSI increases from the Cost of Living Index, and put them on an index which more accurately and realistically reflects price increases in essentials.

The plight of municipal and state government is strangely similar to that of the individual with a fixed income. Once a city or state has established its revenue base, it cannot easily obtain further funding. As with the poor, the things cities in particular need the most—fuel and raw materials—are the things which are increasing in price the fastest.

Further complicating the plight of our local governments is the fact that over 10% of our American work-force is employed by the cities and states. This means we must be very careful about the actions we recommend with regard to local governments. Whatever we do should be tempered with realization that non-federal government workers are paid less than their counterparts in the private sector. This fact, combined with the erosion of existing wages by inflation, portends escalating wage demands in the near future putting state and local governments under an even greater financial strain.

One substantive action we can take is to incorporate in a legislative package an end to the requirements on how federal monies are spent on the local levels. Massive bureaucracies had been created on the state, city, and federal level which do nothing more than determine and administer how money is spent! Therefore, we need a new format in the relationship between the federal and local governments. Several mayors have indicated to me that they would be happy to take less money, and could even spend it more effectively, if all their funding was in the form of bloc grants. By establishing this policy and doing away with categoricals, we could effectuate a savings in terms of monies paid out by the federal government for total outlays and for administration. Furthermore, the administrative costs to the local governments will also decline if they don't have to administer categoricals.

Our fourth area of concern should definitely be the energy crisis which, with the huge burden of rising oil prices, permeates every aspect of economic life both at home and abroad. Our balance of trade is critical, our local governmental units face escalating costs in providing essential services, and the cost of all this is gnawing at our citizens' pocketbooks each time they go to the gas pump or turn on a light switch.

The Summit Conference must address this problem, and I suggest a two-pronged approach. First, we should call for a program similar to the Manhattan Project of World War II. All the shouting about the energy crisis seems to have subsided, but it should not have. The crisis is just as severe now as it was last year. We need the same frenetic concern which gave birth to the atom, only this time we need that concern directed at a weapon of peace, not war. Also, Congress should initiate an austerity program for the nation. The American people are challenging their leaders to provide such a program—they are well ahead of us in recognizing the need for austerity. When we give direction to their challenge, Americans will respond positively to an energy austerity program. This response will help correct our balance of trade deficit, will help lower oil prices by lowering demand, and will help focus attention on the need for development of alternative energy sources.

The last aspect of our deliberations which is an essential is anti-trust policy. The theory behind our anti-trust laws is that competition keeps prices down and quality up. But these laws are not being enforced, and as a result prices are escalating and productivity is plummeting. Greed and price-gouging characterize the current marketplace. We could make a significant contribution to the battle against inflation if we asked that the Justice Department be directed to carry out a more stringent enforcement of our anti-trust laws, and to seek rapid prosecutions for violations of these laws.

All of the items to which I have addressed my remarks can be undertaken legislatively. If it is the sense of this Summit Conference that we do so, Congress could incorporate these measures into an Omnibus Inflation Control Bill, which should be proposed immediately and then be either moved to the front of the calendar, or handled in a special session. I am hopeful that the Executive Branch will simultaneously coordinate its efforts with those of Congress by recommending tax and budget adjustments. And the private sector—consumers of all types—must cooperate by joining the belt-tightening campaign, saving where it is possible to do so, and showing restraint in wage demands. I am afraid that if we do not face the realization that some voluntary sacrifices are necessary now, even greater and more painful sacrifices will become mandatory and beyond our control later on. However, I am confident that this conference will give to the country a spirit of unity in crisis that will enable us to make these sacrifices and deal effectively with our most pressing national need—the war on inflation.

EFFICIENCY CAN REDUCE HOSPITAL COSTS

Mr. HUMPHREY. Mr. President, there is great concern in America today about the quality and cost of health care. We have many excellent hospitals in America, but the cost is prohibitive for many of the injured and ill who need health care the most.

Many of my colleagues in Congress are seeking a better health insurance system. I support these efforts wholeheartedly. However, we not only have the issue of establishing a sound health insurance system, but we have had a serious health delivery system problem. Central to both of these questions is the high cost of hospitalization.

In the September 29 issue of Family Weekly, there appeared an article on hospital costs that was valuable and very informative. The title, "Our $125-a-Day Hospitals: Where Does All That Money Go?" discusses a major problem in our health service community; that is, the inefficiency and high costs of many of our hospitals. The article has many sound ideas for lowering hospitals costs that I recommend to my colleagues.

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:

OUR $125-A-DAY HOSPITALS: WHERE DOES ALL THAT MONEY GO?

(By John Kelly)

Almost everything is more expensive than it was a decade ago. But no item in the economy can match the precipitous 500 percent rise in hospital costs. In terms of your paycheck, this means that while you now work one-and-a-third times longer than you did in 1964 to purchase a loaf of bread and three times longer to buy a sirloin steak, you work five times as long to pay for a day of hospitalization.

Why?

According to Alexander McMahon, president of the American Hospital Association, hospitals have been caught in the same inflationary bind as the rest of the country—"but in our case, the situation has been worse. Our workers' wages have risen nearly 70 percent in the last six years alone. That's much larger than the pay increases given employees in other industries. Moreover," he adds, "people now expect much more from hospitals both in the way of treatment and personalized care."

All of which is true. But McMahon's answer tells only part of the story. While he's right that hospital workers' wage increases have outpaced those of the employees in other industries, in terms of the percentage of the patient's bill, labor costs are just the same. According to Harvard economist Martin S. Feldstein, an expert on hospital financing, labor costs in 1955 accounted for 60 percent of a patient's bill, and in 1971, they accounted for exactly the same proportion—60 percent.

It is also true that patients expect more from hospitals. But Louis A. Orsini, vice president of the Health Insurance Association of America (HIAA), says that the effects of this demand have been distorted by hospital administrators' "edifice complex." "When federal-loan funds became available for hospital construction, a lot of institutions began adding new facilities whether they needed them or not," says Orsini. "Cardiac monitoring units or a handsome new pediatric ward may add to a hospital's prestige, but if they aren't utilized, the cost will be passed on to the institution's other patients."

Government figures show that many of these new facilities aren't even being partially used. A study by the U.S. Comptroller General's office says that in 1971 only about 40 percent of the country's pediatric beds were occupied—36,021 out of a total of 89,420. Considering that each of these units cost an average of $15,000 to build, that means hundreds of millions of dollars worth of new facilities went unused. And, with our declining population growth, they will probably remain empty for some time to come.

The figures on cardiac-care units and emergency rooms make equally depressing reading. In 1972, only about three percent of the 416 hospitals equipped to perform open-heart surgery used their facilities more than four times a week. And of the 6,200 hospitals with emergency rooms, 3,744, or well over half, cared for less than 13 percent of all emergency cases reported.

Oklahoma City illustrates how out-of-hand the overbuilding mania can get. With a projected population of 700,000 in 1975, the community theoretically needs 2,696 hospital beds. But by the end of next year it will have 4,642—a surplus of 1,946. Each of these extra beds costs about $50,000 to build and another $20,000 to maintain each year. And since the surplus is expected to remain at about the 1,000-bed level for the next 30 years, the unneeded units could end up costing Oklahoma City residents $650 million.

But overbuilding is not the only problem. Another major villain is what's known as the "cost-plus" method of payment. Nearly 90 percent of the more than $35 billion collected by hospitals last year was paid for by Medicaid, Medicare, Blue Cross and commercial insurance companies.

Under the usual arrangement, Blue Cross or a private carrier agrees to pay the hospital for the expenses it incurs caring for insured patients, as well as an extra bonus payment. In effect, the institution is guaranteed a profit no matter how inefficiently it operates. Hospital administrators claim that the third-party plans monitor their costs closely. But critics don't agree. Even Walter J. McNerny, president of the national Blue Cross Association, Inc., concedes "that the system is relatively unchecked."

Take a simple matter like hospital wages. As a rule, administrators and staff physicians can pay themselves pretty much what they choose without fear of being brought to task by the third-party plans footing the bill. Thus, it's not at all unusual for the chief pathologist in a hospital laboratory to earn $100,000 a year or more.

Far more serious and expensive, however, are the duplications and inefficiencies spawned by the cost-plus system. "There are so many areas of potential savings in an average hospital, it would make your head spin," says Herbert S. Denenberg, former Insurance Commissioner of Pennsylvania and a leading consumer advocate. "I know one institution, for instance, that pays $7.50 for tape measures it could buy for 25 cents." Laundry service may seem like a relatively minor budgetary expense. But 24 Boston hospitals cut their annual cleaning bills by over $1 million just by pooling their laundry facilities.

If private business operated so inefficiently, customers would be up in arms. But, says Harvard's Feldstein, hospital costs have been so cushioned through medical insurance that the average consumer really doesn't feel the pinch (except, of course, in his steadily rising insurance premiums).

Another way we could all save money is if hospitals would perform more diagnostic procedures and minor surgery in out-patient facilities. But insurance companies often won't cover out-patient treatment. This encourages hospitals to admit patients who really don't need full hospital care.

There *are* hospitals that are pointing the way to a brighter future. For example, whereas in most hospitals a private room costs anywhere from $100 a day upward, patients at Memorial Hospital in Long Beach, Calif., pay only $20 a day. The reason? Memorial's special daily unit. Patients scheduled for minor surgery or diagnostic procedures check into the hospital at 7 a.m. By 8 a.m. they've been given the necessary lab tests and presurgical preparations, and by 10 a.m. the operation is over. Most are home in time for dinner.

The 800-bed Albany Medical Center in Albany, N.Y., is also saving patients money. Instead of closing its operating rooms and labs at night and on weekends, the center operates them on a seven-day around-the-clock basis. As a result, the average hospital stay at the institutions has been cut from 11.6 days to 8.9 days. That adds up to a savings of over $300 for the average Albany patient.

Baptist Memorial Hospital in Memphis, Tenn., has also been a leader in creating cost-saving programs. In its recently opened special minimal-care unit, blood pressures and temperatures are only taken when a physician requests them. The patients administer their own medications and go to treatments on their own. According to the hospital officials, the elimination of more elaborate forms of care cuts $20 to $30 off each patient's daily bill.

CUBA

Mr. McCLURE. Mr. President, included in the 45 minute diatribe of Fidel Castro against the United States was a criticism of the Organization of American States. The OAS, said Castro, is a "prostitute, shameless, and ridiculous" and "an instrument of the worst form of neo-colonialism."

The dictator may be right. We will find out in November when the OAS meets to vote on lifting the 10-year-old embargo on Cuba. If in fact the embargo is lifted from this nation whose primary operation outside of its own borders has been the attempted export of revolution, it would indeed be appropriate to describe its action as ridiculous. If the tacit approval of a nation which denies its citizens freedom of speech, freedom of dissent, freedom to worship and freedom to emigrate occurs, it will certainly deserve the characterization of "shameless."

Cuba's foreign policy implies an inverse ratio between loudness of voice and size of stick. Maybe this puts Cuba in a quid pro quo situation. She can offer de-escalation of rhetoric in return for entry into the broadest capital market in the world. And it is convenient for Castro. If the OAS votes Cuba in, he can proclaim a great victory for communism. If it does not, he can point to his prescient remarks about the evil capitalists.

BICENTENNIAL

Mr. NUNN. Mr. President, 200 years ago today, Georgia was the youngest colony on the North American continent.

Tonight on the CBS Bicentennial Minutes, I have the honor of noting this anniversary and emphasizing that the struggle for the cause of liberty was already strong in the young colony.

Despite the opposition of the Royal Governor, money and 200 barrels of rice had been sent to the people of Boston from the people of St. John's Parish alone.

St. John's Parish was a settlement at Midway Church, about 40 miles below Savannah and the settlers there were in the vanguard of the movement for freedom of the colonies.

After the revolution, this parish was to receive a distinctive name—Liberty County. All the other Georgia parishes were named for English politicians who had taken the side of the colonies in the American Revolution.

In the fall of 1774, Samuel Adams began to unite patriot leaders. The young colony responded to his efforts. A letter said:

> We Georgians express the strongest desire to be united with the other colonies, in every constitutional measure, for the removal of public grievances, and are willing in this noble struggle to exert ourselves to the utpressed with the strongest sense of their most; to make every sacrifice that men, imrights and liberties and warm with the most benevolent feelings for their oppressed brethren, can make, and to stand firmly or fall gloriously in this common cause.

That was the sentiment and dedication to liberty in the young colony of Georgia 200 years ago today.

INCREASE IN GASOLINE TAX

Mr. GOLDWATER. Mr. President, in recent days there has been considerable speculation over whether the Ford administration would recommend an increase in the Nation's gasoline taxes as an anti-inflation device. I realize that while several persons in the Government have made statements which might lead to this decision that no final decision has as yet been announced by the White House. Nevertheless, I want to record right now the fact that I am completely and unalterably opposed to this idea.

Mr. President, we are already paying enough, if not too much, for the fuel to run our automobiles. In my State of Arizona where we measure distances between towns at hundreds of miles, it would prove nothing short of disaster to have an additional burden placed upon what our users already are paying for their fuel.

I would suggest that any attempt to increase the gasoline tax, should it come to the floor of Congress for debate, would be overwhelmingly defeated. In the meantime, I believe there are other ways to take care of our energy problems, and I will suggest one or two of them right here.

Why doesn't the administration get busy and suggest more incentives for the drilling of new wells and the construction of new refineries and the building of offshore unloading stations?

Mr. President, there will come a time when the 210 million people of this country are going to get sick and tired and fed up with high taxes. I have a strong suspicion that that day is not too far off, and when it comes, we in the Congress are going to rightfully hear about it because we have been the cause of most of our problems with money. I repeat that I will oppose any increase in the gasoline tax because I think it is uncalled for, unwise, and would work untold hardships on our people.

JEFFREY R. BIGGS NAMED TO DIRECT USIA OFFICE IN BRAZIL

Mr. McGEE. Mr. President, I take great pride in drawing the attention of my colleagues to an article in the Laramie, Wyo., Daily Boomerang of September 15, detailing the latest honor in the career of a young man who once served as a summer intern in my office.

Jeffrey R. Biggs, son of Mr. and Mrs. Wallace R. Biggs of Laramie, has been named assistant cultural affairs officer and director of the U.S.A. Center in Rio de Janeiro. The article details his career since he was graduated from University Prep High School at Laramie in 1959. In brief, Jeffrey has received his bachelor's degree from Harvard, a master's degree from Victoria University in New Zealand as a Fulbright scholar, is working on his Ph. D. from George Washington University here in Washington and has been with the U.S. Information Agency since 1967.

Jeffrey, his wife, Janet, and their daughter, Jennifer, will soon be in Brazil. I congratulate him and his family on this new position, and wish him every success possible in his new assignment. I know he will do well.

Mr. President, I ask unanimous consent that the article outlining this appointment and its responsibilities be printed in the RECORD.

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

BIGGS NAMED TO POST IN RIO

Jeffrey R. Biggs, son of Mr. and Mrs. Wallace R. Biggs of Laramie, has been appointed assistant cultural affairs officer and director of the U.S.A. center in Rio de Janeiro, effective this month.

Biggs is a graduate of University Prep, 1959. He has an AB degree from Harvard

University and a master's degree from Victoria University, Wellington, New Zealand, where he was a Fulbright scholar 1963–64. He expects to receive his Ph.D. in American Studies from George Washington University, Washington, D.C. in 1975.

At Prep, Biggs was president of the Student Council. He later worked on the summer-staff of Sen. Gale W. McGee in Washington. After a year of law school at Cornell University, he did political research for the Department of Agriculture before joining the U.S. Information Agency as a special assistant to the Chief of the USIA training division in 1967. Later he made a world-inspection tour of USIA offices and participated in a USIA grid-seminar in New Delhi, India. Prior to his appointment to the Rio position, Biggs was coordinator of American studies in the USIA cultural division.

This is Biggs' first foreign assignment. Going to Rio with him will be his wife, Janet, a Duke University graduate and until recently assistant coordinator of the Congressional Research service, Library of Congress, and a daughter, Jennifer.

The new USIS center in the Copacabana sector of Rio was completed in May this year. It is the largest of the USIA establishments in South America. The Rio center provides a comprehensive source of knowledge on the United States, including texts, films, microfilm, newspapers, and periodicals. The Rio center includes large conference and smaller seminar rooms, student orientation sessions, and art exhibits, workshops and round-table discussions. It provides multi-media presentations of slides, films, and videotape camera and playback equipment. Traditional services include a film library, reference service, lending of phonograph records and music scores, and the latest issues of selected magazines. It also houses the famous Thomas Jefferson Library, formerly located in the American Consulate in Rio.

The RIO USIS center was inaugurated to continue the long 105-year history of Brazilian-American relations on a program for Brazilians seeking additional cultural knowledge about the United States.

Biggs' Ph.D. thesis subject is Caleb Cushing, who masterminded America's first trade treaty with the Chinese in the 1840s.

THE BLACK ECONOMIC SUMMIT

Mr. BROOKE. Mr. President, in recent weeks representatives of the public and private sectors have met, at President Ford's request, to propose recommendations that will help alleviate our Nation's economic plight. I believe these meetings, both the regional conferences and last week's economic summit with President Ford, have been constructive. And I am hopeful that they will result in meaningful change.

But I want to point out that in addition to the meetings called by the Government, another economic conference was held recently. On September 21 and 22, approximately 60 representatives from various black organizations met in Washington to formulate a Black Economic Position Paper.

The principal purpose of the Black Economic Summit Meeting was to assure that during this evaluation of our economic situation, the economic needs of black people are given the proper attention.

President Ford has said that within the next 10 days he will make his proposals on improving the economy. I strongly urge that the President give serious consideration to the recommendations contained in the Black Economic Position Paper.

Mr. President, because I believe it is necessary that the views and recommendations of the conference receive the widest possible dissemination, I ask unanimous consent to have printed in the RECORD excepts from the Black Economic Position Paper which appeared in the Washington Post on Friday, September 27, 1974.

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

A CALL FOR ACTION FROM THE BLACK ECONOMIC SUMMIT MEETING

On Saturday, September 21st, and Sunday, September 22nd, approximately 60 individuals from various black organizations met in Washington, D.C. to formulate a Black Economic Position Paper. This meeting was not called by the Government. Instead, it was conceived and implemented entirely by the black community as a method of addressing basic economic issues of special concern to that community.

This Call For Action was developed at the weekend meeting and forwarded to the President, prior to his Economic Summit Meeting on Inflation. In view of the widespread indifference and lack of knowledge about the depression gripping black Americans, we present excerpts from our Call For Action so that the public may become better informed about the crucial economic issues facing the poor of this nation.

THE CALL

The President of the United States, in convening an economic summit meeting on inflation, indicated that he is looking for action that is "practical, possible and as rapid in its effects as we can possibly expect." Participants in the Black Economic Summit Conference would like to believe that the President is sincerely committed to that purpose and to implementing whatever progressive action suggestions and policy recommendations may surface in his summit meeting.

Bold and creative approaches will be required to adequately meet human needs and to ease the burden of inflation on the American consumer—particularly on blacks, other minorities, and the poor. The economic crisis now gripping this nation calls for the implementation of anti-inflationary alternatives which address the problems of black and minority people.

THE PRINCIPLES

The American economy belongs to the American people. The burden of halting inflation must not be placed on those least able to shoulder the costs—consumers, workers, the working poor, and the poor. While economists debate whether or not we are in a recession, the black community which historically has been economically deprived, is enmeshed in a depression of the first magnitude.

It is therefore crucial that the President's Economic Summit not serve as a mechanism for burying the economic plight of blacks under distorted economic theories and policies. Such theories and policies serve only to maintain the economic imbalances that fall, all too heavily, on the poor.

The Black Economic Summit proceeded from the following principles:

There is no tolerable level of unemployment. One of the success measures of any economy system of government is its ability to provide meaningful jobs in the public and private sector at an equitable and adequate wage for all citizens who are willing and able to work. Full employment is our goal.

Social programs have traditionally enhanced the participation of blacks in America's economy. It is imperative that these programs not be cut.

The military budget is not sacrosanct. There must be immediate reduction in wasteful, inefficient military expenditures.

The present federal monetary and tax policies serve to perpetuate imbalances in our economy. They result in amassing and concentrating most of our economic resources in the hands of a powerful few through special tax shelters, loopholes and massive subsidies for wealthy corporations.

RECOMMENDATIONS

1. Tax reform and recorded budget priorities

We are alarmed at official pronouncements that suggest social programs must be cut in order to trim the federal budget. It is clear that a budget in the vicinity of $305 billion is not in itself inflationary and that federal expenditures in relation to overall national spending are relatively stable.

Social needs can be met by: reordering budget priorities, including shifting funds from a swollen $90.5 billion Defense budget (FY 75); thoroughgoing reform of income, Social Security and property taxes; erasing inequities created by tax loopholes and subsidies, such as capital gains taxes, agricultural subsidies, and oil depletion allowances, for individuals and corporations.

Pending the enactment of thoroughgoing tax reform, we urge the prompt adoption of fiscal legislation which will relieve inflationary pressures on the economy while easing the effects of inflation in those low income sectors which bear its burden, disproportionately.

As immediate steps we recommend:

Sharply-increased taxes on excess profits, which are at record levels.

A surtax on upper-income recipients.

Direct tax relief to the lower-income wage earners in the form of an increase in the personal exemption or replacement of the exemption by a tax credit.

2. Full employment

We strongly support the concept and implementation of a full employment economy which provides a job with an adequate income for every person willing and able to work. This concept must be embedded in fiscal and monetary policies for economic expansion and must be sustained and supported by measures that include tax incentives for industry.

We recommend the immediate establishment of a public service employment program providing no less than 1 million jobs. The program we envision should be a first step toward a broader, permanent program of national public service employment to meet unmet needs in the public sector. It should include the following crucial aspects:

Jobs created should carry decent salaries, provide opportunities for career advancement, and include a training component. Consistent with the provision of the Equal Opportunity and Full Employment Act of 1976, as introduced by Congressman Augustus Hawkins and cosponsored by 60 other Congressmen, we demand that job placement provisions be an integral part of the total job training component.

The program should be national in scope, but allocation of "job-center" funds should be concentrated in local areas of high unemployment, including inner-city neighborhoods. Strong federal guidelines should be set and enforced. In addition to the funds allocated to municipalities, there should be provisions for the direct delivery of some federal funds to the impacted communities for the creation and distribution of jobs.

Strong anti-discrimination provisions must be an integral part of the program and minority representation in the program should be extensive enough to offset the high

levels of non-white unemployment. We further call for the vigorous enforcement of all existing anti-discriminatory laws, executive orders and agency regulations.

Jobs created should absorb both skilled and unskilled workers.

Public service employment will not only respond to the need for jobs but will also enhance the ability of hard-pressed cities to provide necessary public services in the areas of recreation, environmental control, public safety, health care, child welfare, and manpower. Entities such as Community Action Programs and Community Development Corporations located in and serving low-income communities should also be used as vehicles to implement a public service employment program.

We strongly oppose the Administration's concept embodied in the recently-published Labor Department's Work Incentive Regulations. To require recipients of Aid to Families with Dependent Children (AFDC) program grants to be forced into menial jobs is not an answer to true welfare reform.

Current eligibility requirements for federally-supported child care services effectively discriminate against those families with incomes marginally above the low-income level and those with moderate incomes. This forces women out of the job market. We urge the elimination of these unjustly stringent requirements and the implementation of universal free child care.

We urge the establishment of employment training programs which will address the needs of the 200,000 black veterans who have received less than honorable discharges.

We recommend the establishment of meaningful training programs to provide ex-offenders with the skills necessary to obtain gainful employment.

3. Housing and community development

We propose that immediate steps be taken to address the serious community development and housing crisis affecting black and poor communities with particular emphasis on:

Targeting to minority communities an equitable amount of the funds authorized under the Comprehensive Planning Assistance Program and Community Development Block Grants.

Utilizing all contract authorities for the construction of housing for low and moderate income families.

Making funds available for the rehabilitation of existing housing units so as to bring them within the reach of low and moderate income families.

Assuring that blacks and other minorities participate in all aspects and levels of housing delivery systems.

Utilizing Housing and Urban Development (HUD) programs consistent with a national full employment policy.

4. Lower interest rates and monetary policy

Under the guise of fighting inflation, the tight money policy has become a major inflationary factor. It has increased financing costs of cities and special purpose government borrowing, thus adding to the future tax burden in an unproductive way. It also has crippled the housing industry, while artificially increasing the costs of renting and buying homes. But lowering interest rates per se will not assure that scarce credit resources will be allocated to priority sectors of the economy. We propose that lower interest rates be tied to releasing credit for the housing industry and other priority needs while at the same time restricting loans for non-priority business and consumer credit. The institution of capital controls to restrict dollar outflows by multi-national corporations to overseas markets should be a major part of an eased monetary policy.

5. Price controls

The outrageous rise in prices requires attention and relief. We call for an immediate rollback and firm controls to keep prices from rising.

6. Replacement of food stamps by cash

The rise in food prices which has had a devastating effect on the poor and on low-income families cannot be tolerated. The food stamp program offers one approach to lessening the unfair burden on such families. But it is now too restricted in eligibility and purchase stipulations. Only about a third of currently-eligible persons participate in the program because of the high cost of the stamps, the failuire of authorities to adequately publicize the program, and the stigma of participation.

We propose that a cash allowance with built-in inflation indices be added to the Aid to Families with Dependent Children (AFDC) payments in lieu of the present food stamp program. Benefits should be increased and eligibility expanded. We also call for a similar cash allowance for all persons who although not on AFDC are eligible for participation in the current food stamp program.

7. Economic development and aid to minority businesses

Presently, many minority businesses are being liquidated because of the inability to repay federal loans. We recommend a one-year moratorium on federal loan repayments. There should be a significant increase in set-asides and subsidies to minority businessmen.

A system of tax concessions for financial institutions and other investors should be developed immediately. Such loans and investments should be made available for business development and mortgage financing in black and other poverty communities.

There are several federal programs that have begun to work effectively in minority communities to aid in the economic and business development of rural and urban low-income communities. Minority Enterprise Small Business Investment Corporations (MESBICs) and Community Development Corporations (CDCs) have been primary mechanisms for providing an economic base for these areas. A commitment must be given to these enterprises in order that they may play a greater role in resolving the dual problems of inflation and unemployment. Immediate consideration should be given also to the creation of a domestic development bank for the purpose of aiding in the redevelopment of rural and urban depressed areas.

8. Participation in decisionmaking

We strongly urge the President to appoint black and other minority men and women to key decisionmaking positions in all areas which affect national economic affairs, including the Council of Economic Advisors, the Office of Management and Budget, the Federal Reserve Board, and the Domestic Council.

Continued economic policies that tolerate high rates of inflation and of unemployment have dire consequences not only for our economy, but for our society as a whole. Unfair burdens have been placed on the backs of those least able to bear them, and the continuation or worsening of this condition may well snap the tender threads that bind our society. The spectre of widespread misery and bitter competition for scarce jobs can only increase social and racial tensions to an unbearable degree. The coming bi-Centennial year could thus find our Republic breaking apart as it celebrates the historic event of its coming together.

Our analysis of the economic situation reveals that the economic status of black people has deteriorated to an alarming degree, and that the people most disadvantaged have been the very ones chosen to bear the brunt of the nation's economic distress. Our recommendations draw a clear path out of the tangled jungle of economic problems and into the open fields of an equitable and just prosperity. On the eve of the Summit that will discuss alternatives, we ask that our suggestions be followed, for the sake of black people, for the sake of low and moderate-income families of all races, and for the sake of the nation.

NINE MYTHS OF THE BUDGET CUTTERS

Mr. HUMPHREY. Mr. President, there has been a great deal of talk in recent months about the need to slash the Federal budget in order to control inflation. Certainly all of us are concerned with inflation and are willing to take any reasonable step to reduce it.

However, many of us have had nagging doubts about the effectiveness of a $5, $10, or even $15 billion Federal spending cut in significantly bringing inflation under control in a $1.4 trillion economy.

On September 27, Walter Heller exposed nine of what he considers to be the most prominent "myths" of the budget cut zealots in an article in the Wall Street Journal.

Myth No. 1: "Profligate budget expansion has plunged us into this inflation." Dr. Heller notes that food, fuel and commodity price explosions, coupled with excessive dollar devaluation, accounted for the great bulk of the 1973–74 inflation. He also notes that the real volume of total Federal spending is somewhat lower today than in 1972.

Myth No. 2: "Huge Federal deficits have poured fuel on the fires of inflation." This may have been true at times in the past, but certainly is not the case today. Using the high-employment budget concept, the budget turned from a $2 billion deficit in fiscal 1973 to a $10 billion surplus in fiscal 1974 and is on its way to a $15 billion surplus in fiscal 1975.

Myth No. 3: "When you add back into the budget the net borrowings of 'debudgeted' agencies, the total Federal deficit last year was not $3.5 billion but $21 billion." This mixes oranges with apples. These borrowing transactions represent the trading of one asset—cash—for another asset—debt obligations—rather than the purchase of goods and services or the transfer of purchasing power.

Myth No. 4: "Cutting the budget offers us so much anti-inflationary clout that we should move ahead on it and make fiscal policy even more restrictive than it is." The experts are virtually unanimous in their conclusion that, short of brutal budget slashing, budget cutting will do very little to reduce inflation. A $5 billion reduction would shave a mere 0.1 percent or less from our rate of inflation.

Myth No. 5: "Since budget cutting would give the economy a psychological uplift, it would cost far less in lost jobs and lost output than the computer models indicate." There is no reason to draw this conclusion from any commonsense

analysis of the effect of a budget cut on our economy.

Myth No. 6: "In the face of raging inflation, budget policy has to be a one-way street; namely, cut, cut, cut. The main contribution the Federal Government can make to the battle against inflation is to tighten its own belt." This myth fails to recognize that a budget policy to fight inflation must also provide equity for the casualties of this battle—the poor, the old, and the jobless.

Myth No. 7: "Surely, out of this year's $305 billion budget, one can readily find savings of $5 to $10 billion, a mere 2 or 3 percent cut." With one-quarter of the fiscal year behind us, cutting the budget below $300 billion will be difficult and could be dangerous. Hasty budget slashing will hit the easily reached programs and not necessarily the lower priority programs.

Myth No. 8: "Nonetheless, since we must balance the budget in fiscal 1976 and develop surpluses thereafter, it is imperative to get started on budget cutting now." It is really too early to tell whether a balanced budget will be the proper fiscal policy for our economy a year from now.

Myth No. 9: "When all is said and done, the fact is that the 1969–71 economic game plan was subduing inflation even before Mr. Nixon slapped on the wage price freeze." Close analysis demonstrates that the economic game plan of 1969–71 was not slowing inflation.

Mr. President, I ask unanimous consent that Dr. Heller's excellent article, entitled "Budget Cutting and Inflation," be printed in the RECORD.

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

BUDGET CUTTING AND INFLATION

(By Walter W. Heller)

As the month of economic summitry draws to a close and the White House draws from it some guidelines for presidential action, budget-chopping seems to be high on the agenda. But before Mr. Ford and the Congress conclude that the budget is the taproot of today's inflation and decide on budget-cutting as their chosen path out of the inflationary wilderness, they should take a hard look at the "facts" and arguments on which the budget hardliners rely to make their case. A realistic reappraisal will surely assign budget cuts a more modest role in the battle against inflation.

Under the somewhat incendiary heading of "myths," let me examine some of the misapprehensions, dubious assumptions and questionable assertions that seem to underlie the zeal of the budget-cutters. To them, the term "myth" may be a red flag. But it saves space and may serve to organize the mind.

Myth No. 1: Profligate budget expansion has plunged us into this inflation.

Part of the answer to this myth is well known: skyrocketing food, fuel, and commodity prices, coupled with excessive dollar devaluation, accounted for the great bulk of our 1973-74 inflation. Though excess demand compounded the problem in 1973, inflation even then was as much a supply-squeeze and cost-push phenomenon as it was a product of demand-pull. Today, it is rapidly maturing into a self-propelling price-wage spiral.

Less well known, perhaps, is that recent real budget increases are being held to modest levels: the real volume of total federal spending (in constant dollars) is somewhat *lower* today than it was at the end of 1972.

Two perspectives on the "huge" $30 billion spending increase (to $305 billion) in the current year's budget also cut it down to size:

In high-employment terms, revenues are rising $33 billion this year. Indeed, with normal economic growth plus inflation of only 5% a year, federal revenue increases between now and 1980 would average $44 billion a year, according to Brookings projections.

Of the $30 billion budget increase this year, $19 billion is mandated under open-ended programs, and another $7 billion is earmarked for boosts in defense and federal pay, leaving only $4 billion for "relatively discretionary domestic programs." Only 2% increase, far less than the rates of inflation, is projected for social grant programs.

Myth No. 2: Huge federal deficits have poured fuel on the fires of inflation.

That surely was a valid view in the Vietnam inflation, but just as surely is *not* the case in the 1973–74 inflation.

On the contrary. After being very stimulative in 1972, the budget came hard about in 1973–74. Measured in terms of a high-employment economy (and regardless of the requiems being sung for the high-employment budget concept, it remains the best shorthand measure of the budget's economic impact) the budget turned from a $2 billion deficit in fiscal 1973 to a $10 billion surplus in fiscal 1974. And it's heading for a surplus of over $15 billion (annual rate) in the first half of calendar 1975. Even if one prefers to use a 4½% unemployment rather than 4% as a measure of high employment, the *shift* toward restraint—and it's the *shift* that counts most in the impact on aggregate demand—would still be over $15 billion.

On a national income accounts basis, the *actual* federal budget deficit has also been shrinking steadily: from $20 billion in fiscal 1972, to $15 billion in 1973, to less than $2 billion in fiscal 1974. Indeed, the NIA budget was in balance by mid-1974.

Granted, a surplus last year would have been even better. But the key point is that even after adjusting for the revenue-boosting impact of inflation, federal fiscal policy *has* been leaning against the inflationary wind.

Myth No. 3: When you add back into the budget the net borrowings of "de-budgeted" agencies (federally sponsored agencies like Fannie Mae and the House Loan Banks and wholly owned agencies like the Ex-Im Bank and the Postal Service), the "total" federal deficit last year was not $3.5 billion but $21 billion.

But that surely mixes oranges with apples. The Commerce Department quite rightly excludes the credit operations even of the on-budget agencies from its national income account calculations of the federal budget. Why? Because they represent the trading of one asset (cash) for another asset (debt obligations) rather than the purchase of goods and services or transfers of purchasing power.

Federal off-budget credit operations are an important part of total U.S. financial flows—federal agency securities represented 31% of the net increase in all money and capital market securities in 1973. It is obviously desirable to coordinate their borrowing and lending activities with Federal Reserve policy. And the net impact of their credit operations—along with those of thrift institutions and others—must be weighed in formulating U.S. fiscal policy.

But in effect to single out one set of lenders like FNMA and FHLB and imply that *their* net lending should be matched with increased taxes runs counter to economic logic. Would the advocates of this position have us boost taxes by, say, $15 billion to match their net lending this year and then, if there were a net repayment of $10 billion next year, cut taxes by $25 billion at that time?

Indeed, if one is going to play the budget consolidation game, it would be a good deal less illogical to combine state-local budgets with the federal budget. This consolidated budget shows an *actual* surplus of nearly $4 billion in 1973. I say "less illogical," because recent state-local surpluses are directly related to rapidly growing federal grants that help generate federal deficits. But I do not press the point.

Myth No. 4: Cutting the budget offers us so much anti-inflationary clout that we should move ahead on it and make fiscal policy even more restrictive than it is.

A variety of econometric studies have all come to the same conclusion on this subject: short of brutal budget-slashing, budget cuts do not offer much in the way of relief from inflation. The University of Michigan, IBM and Data Resources models—as well as studies cited by OMB director Roy Ash last June—all conclude that cutting federal spending by $5 billion would shave only 0.1% or less off of the rate of inflation. In exchange for this negligible benefit, the cost would be in the range of 100,000 to 200,000 jobs.

Myth No. 5: Since budget-cutting would give the economy a psychological uplift, it would cost far less in lost jobs and lost output than the computer models indicate.

Nothing we know on the basis of commonsense economic analysis or past evidence supports the assertion that cutting the budget will generate a sudden surge of confidence in the stock market and other financial markets, and that the resulting contagion will invigorate rather than subdue the economy. What a budget cut *may* do is to free funds for use in credit-hungry private markets. That indirect effect, not any psychological impact, might provide some offset to the direct demand-weakening effect of the cut.

Myth No. 6: In the face of raging inflation, budget policy has to be a one-way street, namely, cut, cut, cut. The main contribution the federal government can make to the battle against inflation is to tighten its own belt.

This view fails to recognize that a comprehensive budget policy for "fighting inflation" has to embrace measures to compensate the low and moderate income groups who are bearing the brunt of both inflation and recession. This requires bigger outlays for public service jobs, unemployment compensation, job training, food stamps, housing allowances, and the like. It calls for payroll and income tax relief for the working poor and those of moderate incomes.

In other words, the resources freed by pruning unneeded or wastful expenditures from the budget—and of removing oil and other tax shelders—can find ready and responsible outlets in redressing the grievances of those groups (and industries like housing) that have been ground under the hobnailed boots of inflation and monetary-fiscal austerity.

In passing, one should note that a number of summiteers, especially in the business and financial community, seem to support a different version of budget offsets. They wave the balanced-budget banner and urge expenditure cuts, yet in the next breath press for larger "tax expenditures" in the form of tax cuts on investment income, capital gains, savings, capital spending, and so on. Economic summitry is hardly synonymous with economic symmetry.

Myth No. 7: Surely, out of this year's $305 billion budget, one can readily find savings of $5 billion to $10 billion, a mere 2% or 3% cut.

Granted, many programs are marbled with fat that makes them juicier and tastier without making them more nourishing. Granted also, some savings can be achieved in the process of shifting budget priorities. But even with its improved procedures and staff,

Congress will find this a slow and painstaking job.

Quite apart from its depressing effect on a sagging economy, a crash program to cut the current budget "below $300 billion" when we are already one-quarter into the fiscal year is likely to be disruptive and inefficient. It will focus on those programs that the government can get its hands on quickly rather than those that are wasteful and of low priority. Equity and efficiency will be poorly served.

Myth No. 8: Nonetheless, since we must balance the budget in fiscal 1976 and develop surpluses thereafter, it is imperative to get started on budget-cutting now.

A balanced budget *could* be the right economic policy for fiscal 1976 if (a) the economy is well on its way to full employment by then and (b) the Federal Reserve can be relied upon to balance overly tight fiscal policy with an easing of monetary policy. But if these conditions are not satisfied, a balanced Bicentennial budget will be a will-o'-the wisp—budget cuts that retard recovery and the expansion of tax revenues that goes with it would prove to be self-defeating.

But what of the federal surpluses we will need later in the 1970s to irrigate the capital markets, to help finance the huge capital outlays we will need to meet our energy needs, expand capacity, and apply the latest technology? The requisites of non-inflationary capital spending, as now projected, clearly call for those surpluses. But they do not, of themselves, call for budget cuts.

The Brookings projections already cited indicate that revenues will grow so rapidly that, even with only moderate restraint on the expenditure side, the federal budget will generate large surpluses. Given present budget initiatives and only 3% inflation, these projections show a $39 billion net high-employment surplus by 1980.

Myth No. 9: When all is said and done, the fact is that the 1969–71 "economic game plan"—the lineal ancestor of today's "old-time religion"—was subduing inflation even before Mr. Nixon slapped on the wage-price freeze. Inflation had already receded from the 6% plus level in 1970 "to the 3½–4% zone by the first half of 1971."

Neither the conclusion nor the numbers stand up under close analysis. Since the alleged effectiveness of fiscal-monetary restraints in 1971 is so central to the argument for budgetary austerity today, it is important to demonstrate how misleading it is:

Although the rise in the CPI slowed down from 6% in 1969-70 to 4½% by mid-1971, two-thirds of that improvement was simply a swing in mortgage interest rates, up 10% in 1969-70 and down 11% by mid-1971. Commodities other than food kept rising at about a 4% rate throughout the period.

The wholesale price index showed little change, rising 3.7% from 1969 to 1970 and 3.5% from mid-1970 to mid-1971. The consumption component of the GNP deflator rose 4.8% in 1969-70 and 4.4% from spring 1970 to spring 1971, with prices of consumer services and durable goods actually rising.

The "chain price index for gross private product," perhaps the best comprehensive index of quarterly price movements, rose 4.8% (annual rate) during the second quarter of 1971, actually a bit more than the 1969-70 increase.

The weight of the evidence led Arthur Burns to conclude in his statement to the Joint Economic Committee in July 1971, that substantial progress had not been made in checking inflation.

The foregoing effort to separate fact from fiction on the budget is not designed to shield the budget from its fair share of belt-tightening and waste-cutting in the face of virulent inflation. Rather, it seems to reduce the twin danger that we will vent our inflationary frustrations in unwise and unwarranted budget cuts and let the zeal for fiscal restraint block the tax and budget relief so urgently needed to temper the wind to the shorn lambs.

U.S. FARM EXPORT PROMOTION IN A PERIOD OF INCREASING FOOD PRICES

Mr. McGOVERN. Mr. President, in a period of rapidly increasing food prices, many Americans wonder why the Government of the United States continues its efforts to promote the export of agricultural products.

The agricultural trade press has reported that serious thought is being given to a 5-year phaseout of the market development program under which the Foreign Agricultural Service of the U.S. Department of Agriculture pays part of the cost of export development activities by producer organizations.

Termination of a successful long-term program because of short-term constraints, particularly when our short-term situation could well be reversed in a few months from now, could be most dangerous to our long-term interests.

It is appropriate to discuss the historic development of this program, the export promotion efforts of other producing nations, and the impact of these efforts on our farms and our economy.

The market development program, as it exists today, has its origins in the Agricultural Trade Development and Assistance Act of 1954—the act which also gave birth to the food-for-peace program which it was my privilege to direct in 1961 and 1962.

Commercial export sales—the trade development part of the 1954 act—and the food-for-peace program—the assistance part of it—always have been related.

Our food-for-peace program created markets for commercial export sales. Milk and wheat products were largely foreign to the Japanese after World War II, but donations from U.S. surplus stocks of dairy and wheat products helped develop the Japanese taste for foods such as these. When Japan's economy recovered, it was in a position to buy the food products which its people had learned, through food for peace, to like.

Through this process, Italy and Spain have become important commercial customers of U.S. farmers, and our food-for-peace efforts in India through the years have made that country an important potential future customer for U.S. farmers.

It was in fact revenues from the sale of food-for-peace commodities, paid for by the recipient countries in their local currencies, that provided the initial funds for the market development program. Subsequently, these counterpart funds were supplemented by dollar appropriations, but the amount has been modest through the years. The fiscal 1974 contribution by FAS to this program was $10.4 million—almost the same as the level of 6 years ago.

At the same time, however, the cost borne by the producer organizations for this cooperative program has increased sharply, from just over $5 million in 1968 to nearly $9 million this year.

The producer organizations, representing nearly all farmers in the United States, have an estimated 305 agricultural trade experts working to develop markets for our farm products—161 of them in the United States and 144 overseas. In addition, 125 foreign organizations devote several hundred man-years of staff time to the cooperative project.

Departments of Agriculture in the States work with FAS in foreign market development; FAS estimates that these departments allocated about 70 man-years of staff time to these activities.

The substantial growth in U.S. farm exports is well known—from $3 billion in fiscal 1955 to $21.3 billion in fiscal 1974. Subtracting the approximate $10 billion in food imports in fiscal 1974—primarily sugar, cocoa, coffee—the United States had a net agricultural trade surplus of over $11 billion, enough to compensate for the deficit in nonfarm export trade, putting our trade balance ahead by $2.3 billion—the first time our balance of payments was in the black for 3 years.

The importance of such a program to my own State is borne out by our share of the export sales of agricultural products in the most recent fiscal year for which data is available—among the States we were seventh in wheat exports, with $81.6 million worth; tenth in feed grain exports, with $50.2 million; tenth in hides and skins, with $19.6 million; ninth in meats and products excluding poultry, with $11.6 million; ninth in tallow and lard with $9.8 million, and second in flaxseed with $8.8 million.

Inasmuch as wheat is South Dakota's most important export product, international wheat marketing efforts are worth examining as an illustration of this program. A number of organizations participate with FAS in wheat market development. Among these are Great Plains Wheat, Western Wheat Associates, and the Millers National Federation.

Our South Dakota Wheat Commission has played a leading role in Great Plains Wheat, Inc., over the years. Through operating funds raised through a check-off of three-tenths of 1 cent for every bushel of wheat sold in South Dakota, the Commission undertakes a variety of wheat promotion activities, including a contribution to Great Plains Wheat, Inc., of about $40,000 annually. State Wheat Commissions throughout the Great Plains also contribute, as do State members of Western Wheat Associates.

During fiscal 1973, GPW spent $520,000 in cash and goods and services raised from U.S. wheat growers and obtained $386,000 from the FAS Market Development program to carry on its worldwide program maintaining offices and experts in the major world wheat markets.

World representatives of GPW and similar organizations perform an important service to American agriculture. In addition to actual promotion and sales they serve as an important intelligence system for American farmers, obtaining market information which may not be available through our official channels.

There is a clear short term rationale for phasing out export market development at a time when many agricultural

commodities are in short supply for the first time in our memory. But it is clear that the experiences of the last 2 years are not certain to be the wave of the future.

Even though food grains threaten to be in critical supply for this coming year, there is every possibility that livestock and poultry feeding could be reduced so substantially by widespread liquidation of foundation herds, as is the case with dairy herds, that the domestic market for U.S. grain production could be eroded by a significant degree as early as the 1975–76 marketing year. Should that unfortunate possibility become reality, it would be essential to then have in place a viable, strong market development mechanism in other countries—and essential that we had continued to be a reliable, stable supplier of the products needed by our customers.

Assistant Secretary of Agriculture, Clayton Yeutter, in an address to State Departments of Agriculture in the Northeast on July 22, 1974, said, "We cannot turn market development on and off like a spigot." He is right.

Our short supply situation in some grains provides us a further reason for maintaining a sound export market program such as this. Although we may be tight on one commodity in any one crop year—such as was the case last year in soybeans or this year in corn—it is entirely likely that adequate or surplus situations may exist in other commodities. This year that is the case with respect to rice, to some extent wheat, and certainly with beef, pork, and poultry.

These facts suggest to me that we may wish to consider making our overall export development programs more flexible—to permit "fine tuning" to adjust to changes in our supply situation here at home. Certainly this is not the year for an all-out program to export corn; but a market development mechanism in place is the best way for the United States to talk with its traditional customers about our tight situation and the necessity to stretch out their purchases until our supply situation recovers.

Today's collapsed market in the animal protein sector—meat, milk and eggs—seems to me an ideal case for maintaining and even expanding a program such as this.

It is clear from a quick analysis of the historic expenditures of the FAS Export Development program, and from our export sales figures, that U.S. efforts to export finished animal protein products have not been adequate.

Livestock and meat organizations—excluding poultry—use less than $1 million a year in FAS funds for export promotion, compared to over $2 million for cotton, $1 million for fats and oils, and over $3 million for grains. And of the livestock and meat promotion activities, the major portion went for mink and hide promotion.

There is rapidly growing interest in developing foreign markets for meat and meat products. Foreign market experts tell me that there is significant untapped overseas potential for export of U.S. meat, principally in the eastern European bloc and in the newly rich middle eastern countries. The poultry industry which uses about $700,000 annually from this program is actively developing this market for processed U.S. poultry products.

Just last week, the Soviet Union purchased a substantial quantity of beef from Argentina. The United States needs to share in these developing markets for beef and other meat products; had a stronger meat export promotion program been in place we might have had a share of that transaction.

Should the United States ever cut back in its efforts to develop agricultural markets throughout the world, we can be certain that other exporting countries will move in quickly to fill the void. As a matter of fact, our export promotion expenditures have fallen consistently, in relationship to those of other exporting countries.

Mr. President, I welcome the new attention and discussion being given to our agricultural export promotion activities. This interest is healthy.

I believe that it will serve to reinforce the belief that this is the time to strengthen and make more flexible the programs which we already have, rather than contracting or phasing them out.

It has been my concern for some time that the Department of Agriculture needs to carefully rethink a number of its policies with respect to exporting our American food abundance, and I so stated this concern on a number of occasions.

I am disturbed, for instance, that our present market mechanism would permit a foreign government to buy a significant share of our tight supply of feed grains in the coming year, leaving our own livestock, poultry and dairy producers with inadequate supply and impossibly higher prices.

If the Department does not guard against such an occurrence, then it can be certain that even its friends in agriculture and in the Congress will be unable to support the continuation of its export sales efforts.

The distinguished chairman of our Committee on Agriculture and Forestry (Mr. TALMADGE) has announced to the Senate that the first order of business of our committee in the next session, beginning in January, will be to consider significant improvements in the farm program which we enacted last year.

In addition to dealing with the necessary increases in floor prices for crops and dairy products and the question of a reserve stocks management policy, it is my hope that we can also examine our export policies and our export market development programs with respect to their impact on our farmers and ranchers' economic position and on our overall economy.

Mr. President, I ask unanimous consent that there be printed in the RECORD two dispatches which appeared on the Commodity News Service wire relating to the export market program, the text of an address by Assistant Secretary Yeutter on this subject, and tabular material which provides significant information with respect to our investment in export market development.

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

AGRICULTURE EXPORT PROMOTION CUTS REPRESENT PERSONAL RATHER THAN DEPARTMENTAL OPINION

WASHINGTON, September 17.—Top Agricultural Department Economist Don Paarlberg told CNS today a suggestion be made about fighting inflation by reducing or eliminating the promotional activities of the foreign market development division at last Friday's agricultural mini-summit on inflation represents a personal rather than a departmental viewpoint.

Paarlberg said the idea is just one of a number he believes should be discussed but not necessarily implemented. He was quick to cite the reasons he feels the proposal has merit, however, saying that the question is whether it would be logical to promote agricultural exports when supplies are short and demand is strong at home.

While his remarks were cleared with USDA Secretary Earl Butz's office, the views are Paarlberg's own and not the result of consultation with others. Had Paarlberg presented his views to acting foreign market development head Leon G. Mears, they probably would not have been met with approval.

Mears expressed complete surprise when told of the proposal, and as of today had not yet received a copy of Paarlberg's remarks. He did not wish to comment on the specific suggestion without reading it himself; but export promotion cuts "are certainly not a policy that I am aware of," he said.

Mears told CNS foreign market developments positions is that phasing down its programs would entail serious risks for the U.S. "We're convinced in our own minds," he said, "that in the years down the road the U.S. will have an abundant surplus to export, and since other countries may be in the same position, (the U.S.) needs to maintain a competitive edge by continuing to promote agricultural products."

The Office of Management and Budget is currently finalizing an inter-departmental study in which OMB recommends cutbacks in the export promotion activities of several government agencies.

Mears said he expects the report to be substantially different by the time it is made public, indicating that USDA's position in inter-agency discussions has not been sympathetic to the OMB stance. Paarlberg said his own thoughts on the subject are not specifically related to the OMB study.

USDA CONSIDERS 5-YEAR PHASE OUT OF SUPPORT FOR EXPORT GROUPS

WASHINGTON, September 23.—The Department of Agriculture is considering a five-year phase out of financial support for groups promoting exports of U.S. agricultural commodities. The phase out is the recommendation of a study by USDA's office of planning and evaluation.

The groups in question were set up with the help of USDA's foreign market development office to promote U.S. commodities abroad. They are essentially industry, not government, controlled.

For that reason, a high USDA official told CNS, financial aid to them was meant to serve as seed money until the groups got off the ground and became fully financed by their respective industries. But most have been reluctant to withdraw from the Federal trough, the official said, and some in USDA think continuing to subsidize private groups promoting foreign sales is a mistake when domestic food prices have become a major political issue.

The five-year phase out, the official told CNS, would give the groups notice that they must sink or swim on their own but will also give them adequate time to find necessary funding.

Perhaps understandably, foreign market development's acting director Leon G. Mears is reluctant to see this area of his agency's activities drastically cut back.

Mears said that while such groups as the American Soybean Association have established efficient internal financing programs permitting* independence, in other commodities the problems are more difficult. In grains, for example, Mears said there are only a few firms and several of them are international, which makes them unwilling to contribute to promote a particular country's product.

Mears said he shares the goal of trying to phase out Government financial participation, but believes setting a specific timetable for all the associations is unrealistic. He also contends critics should look at the long-range benefits of exports rather than just at immediate dissatisfaction with high prices.

The USDA study recommendation is now under discussion, the high official told CNS, with no deadline for a decision. The official said that even if the recommendation is adopted, it won't necessarily mean a reduction in overall funding for foreign market development. Instead, the money might simply be shifted to other activities.

One USDA official, economist Don Paarlberg, has been publicly advocating cuts in the department's export promotion activities, but has termed his position a personal one.

LIST OF COOPERATORS

COTTON

Cotton Council International or International Institute for Cotton.

DAIRY & POULTRY

Poultry and Egg Institute of America.
Dairy Society International.

FAT & OILS

American Soybean Association.
National Peanut Council.
National Soybean Processors Association.

FRUIT & VEGETABLES

California Prune Advisory Board.
Florida Citrus Commission.
California-Arizona Citrus League.
Northwest Horticultural Council.
Cranberry Institute.
California Raisin Advisory Board.
California Cling Peach Advisory Board.
Sunsweet Growers, Inc.
California Almonds Growers Exchange.
Rio del Mar Foods, Inc.
Diamond Walnut Growers, Inc.
Texas Citrus Exchange.
Pure Gold Inc.
McAllen Fruit and Vegetable Co.
Co-River Citrus Co.
Sunkist Growers, Inc.
Continental Nut Export Co.
Heggblade-Margueleas-Tenneco, Inc.
The Potato Board.
Seald-Sweet Growers, Inc.
Texasweet Citrus Inc.
Del Monte Corporation.
Green Giant Company.

GREEN & FEED

Western Wheat Associates, USA, Inc.
Great Plains Wheat, Inc.
Millers' National Federation.
Rice Council for Market Development.
U.S. Feed Grains Council.
National Dry Bean Council, Inc.
American Seed Trade Association.
Protein Grain Products International.

LIVESTOCK & MEAT PRODUCTS

National Renderers Association.
Santa Gertrudis Breeders International.
American Braham Breeders Association.
American Hereford Association.
American Polled Hereford Association.
American Angus Association.
Tanner's Council of America.
American International Charolais Association.
Holstein-Friesian Association of America.
EMBA Mink Breeders Association.
American Quarter Horse Association.
Brown Swiss Cattle Breeders' Association.
National Association of Animal Breeders.

TOBACCO

Virginia Dark-Fired and Sun-Cured Tobacco Export Association, Inc.

(*Mr. Mears states that he was quoted incorrectly; the phrase should read "permitting more independence.")

U.S. AGRICULTURAL EXPORTS VERSUS FAS MARKET DEVELOPMENT EXPENDITURES

Leading markets for U.S. agricultural exports	U.S. commercial sales		U.S. market development expenditures	
	Millions	Percent of total	Thousands	Percent of total
FISCAL YEAR 1963				
Canada	$517	14.4	$30	0.3
Japan	487	13.5	859	8.8
United Kingdom	360	10.0	738	7.6
West Germany	347	9.6	1,076	11.0
Netherlands	344	9.6	556	5.7
Italy	210	5.8	899	9.2
Belgium	119	3.3	477	4.9
Spain	112	3.1	239	2.4
France	84	2.3	665	6.8
Denmark	72	2.0	95	1.0
Total	2,652	73.6	5,634	57.7
FISCAL YEAR 1973				
Japan	2,219	19.3	2,195	20.0
Netherlands	971	8.2	463	4.2
Canada	929	7.8	266	2.4
U.S.S.R.	900	7.6	0	----------
West Germany	888	7.5	1,055	9.6
United Kingdom	529	4.5	856	7.8
Italy	497	4.2	378	3.4
Spain	387	3.3	111	1.0
France	335	2.8	448	4.1
South Korea	311	2.6	317	2.9
Total	8,038	67.8	6,089	55.4

RELATIONSHIP BETWEEN PROMOTION EXPENDITURES IN FOREIGN MARKETS AND AGRICULTURAL EXPORTS, SELECTED COUNTRIES, FISCAL YEAR 1973 [1]

Country	Agricultural exports (millions)	Promotional expenditures [2] (millions)	Promotion/exports (percent)
Australia	$4,202	$39.8	0.94
Canada	2,880	24.7	.85
Denmark	1,318	13.2	1.00
France	5,821	5.5	.09
Israel	269	6.8	2.52
Netherlands	3,750	14.5	.38
New Zealand	1,855	16.4	.88
South Africa	1,100	14.9	1.35
United States	12,900	[3] 17.6	.13

[1] Figures revised June 28, 1974, using Dec. 31, 1972, Treasury exchange rates.
[2] Promotion expenditure estimates of these countries are based on agricultural attache reports from selected posts.
[3] Includes expenditure of government funds and cash contributions of the cooperating trade associations.

U.S. AGRICULTURAL TRADE BALANCE

[Fiscal years 1964-74; in millions of dollars]

Fiscal year	Exports	Imports	Trade balance (plus)
1964	6,068	4,096	1,972
1965	6,097	3,986	2,111
1966	6,676	4,454	2,222
1967	6,771	4,453	2,318
1968	6,311	4,656	1,655
1969	5,741	4,931	810
1970	6,719	5,592	1,127
1971	7,758	5,828	1,930
1972	8,047	6,048	1,999
1973	12,894	3,323	5,571
1974	21,300	9,500	11,800

MARKET DEVELOPMENT—NO TIME FOR COMPLACENCY

(Speech by Assistant Secretary Clayton K. Yeutter, before the Northeast Regional Meeting of the National Association of State Departments of Agriculture, Saratoga Springs, N. Y., July 22, 1974)

Market development has been one of the keys to the improving incomes of American farmers in recent years. Long-term market development work has been responsible for steady and significant gains in U.S. export sales of farm products—the kind of steady sales that have strengthened the dollar and helped keep down the American consumer's overall cost of living. Market development is a proven success, for our agriculture and for the nation.

And yet agricultural market development may be entering its most crucial period.

It is true that our farm exports have doubled in the past three years. It is true that strong growth trends have been established for several of our important commodities, such as soybeans, feed grains and cotton. It is true that we have well-established market development programs operating in many of the fastest-growing agricultural markets overseas.

But it is also true that the current seller's boom in farm commodities has probably already passed its peak. Consumer demand is softening around the world under the impact of inflation. Perhaps most serious of all, many people in this country have begun to question why we should continue our agricultural market development efforts when food prices are high and there are predictions of a world food crisis. Even many farmers, especially those trying to produce livestock profitably on high-priced feed, question why we should encourage more foreign demand for our farm production.

There are only two reasons why we should continue market development programs. First, they are absolutely vital to the continued economic well-being of American farmers. Second, they are likewise vital to the continued economic well-being of our consuming public.

We in the United States are fortunate in that we can produce many farm products more efficiently than anyone else in the world. Hence, we want to export them in the same way that the French export wines and the Japanese export consumer goods, to pay for the imports that support our standard of living.

Recent devaluations of the dollar were necessary because we didn't export enough . . . and those devaluations meant a quick cut in the relative standard of living for every American. Only the 65 percent increase in farm exports last year, to a total of more than $21 billion, staved off still another devaluation.

Now, with the price of imported energy far higher, and with imports of this country still running at a record pace, farm exports are being called upon to play a more important part than they have ever played before in the economic health of this country.

It is not going to be easy.

Despite the surge of Malthusian converts, we have not entered the era of perpetual food scarcity. The current tight world food supplies derive importantly from unusually bad weather in a number of countries. The situation has been complicated further by the Arab oil boycott, which affected world fertilizer production. But these are temporary conditions, not permanent ones.

Furthermore, higher farm prices of the past two years are bringing in more acres and stimulating higher yields around the world. Economic competition in the agricultural sector is likely to get stiffer, beginning next year.

Consumer incomes are also taking a beating from inflation and high priced energy. This is slowing the trend toward better diets, and holding back some of the demand growth that would otherwise have materialized. The softening of consumer demand has already hurt livestock producers all over the world. It is likely to have an important impact on grain demand too.

Agricultural productivity is continuing to increase in countries around the globe, from technology that is already available. Crop yields are increasing more than 2 percent per year in the U.S., about 3 to 4 percent in the Soviet Union, more in some other countries. Livestock feed efficiency is improving too. With a return of favorable weather, and continued gains in crop yields, the world could rebuild its food stocks very rapidly indeed. Then predictions of famine would be forgotten and farmers would be left quietly alone to figure how much the market can take without driving prices below the cost of production.

We cannot count on bad weather to produce good markets for farm products. Unless our reliable markets expand as fast as crop yields, we will be back with surpluses on our hands again. When that happens, U.S. consumers will wonder what happened to their dollar purchasing power—and farmers will know.

You believe in market development, and have been working hard for it. State Departments of Agriculture all over the country are working closely with our Foreign Agricultural Service and providing strong support for the market development effort. I was tremendously pleased last week when we were able to announce the formation of the Eastern U.S. Agricultural and Food Export Council to promote farm exports from the Northeastern States.

Many of the people here today are playing key roles in EUFASEC. Phil Alampi, of course, is President of the new group; Frank Walkley, our host as Commissioner of Agriculture and Markets in New York State is the Secretary-Treasurer, and Nathan Chandler of Massachusetts is on the Executive Committee.

It is no accident that farm exports from the Northeast were nearly a quarter of a billion dollars in 1973, and are up considerably this year. Fruits and vegetables, dairy and poultry products, tobacco, feed grains, soybeans, purebred livestock and a wide variety of processed foods flow from farms in this region to markets in other lands. With the efforts of EUFASEC and all of you in the years ahead, we hope that total will grow.

We cannot wait until our markets are sagging to start the effort, however. Market development is a long-term proposition. It takes years for the pay-off in significant sales increases. Market development needs to be consistent—and perhaps even counter-cyclical.

We started to cultivate the Japanese taste for beef as early as 1965. They've doubled per-capita beef consumption since—but it still is only 8½ pounds per year.

Another example: the U.S. Feed Grains Council started a project to develop a heavy lamb industry in Spain 6 years ago. The Spanish lamb industry was languishing because the traditional small, tender lambs were too expensive, and consumers rejected the larger less-tender lambs then on the market. The Feed Grains Council began by organizing tours of lamb industries in France, and offering technical assistance on breeding and feeding a larger but still-tender animal.

Today a number of Spanish lamb producers are moving into the new heavy lamb production. Consumers are just beginning to be aware of the new product.

In five years, we expect Spain will have ten million heavy lambs on feed—adding a million metric tons a year to Spanish feed consumption (the ration includes 65 percent grain and 25 percent soybean meal).

The lead time on the whole heavy lamb effort will probably total ten years.

We cannot turn market development on and off like a spigot.

Farm products are vitally necessary to balance our trade accounts and maintain our buying power. Close to a third of our current exports are farm products. Our import bills are higher than they have ever been. And we have the farm productive power to supply both our domestic markets and further growth in export trade.

For its part, the U.S. Department of Agriculture is absolutely committed to continuing a strong and effective market development effort. State Departments of Agriculture are giving outstanding support. We must also have the same committed effort from farmers, and from producer and processor organizations.

People will continue to get more income through economic progress—and they will spend it on their demonstrated desire to eat better.

We have seen this time and time again. We have increased our exports to the Korean livestock industry from virtually nothing a decade ago to nearly 800,000 tons of feed grains last year. We have seen our commercial wheat exports grow from 23 million metric tons a decade ago to 32 million metric tons last year. We are seeing it in the current development of the Spanish lamb industry, which I mentioned earlier. We can see opportunity in the future of the Soviet Union's livestock industries; our experts predict their livestock expansion program and their crop production trends will develop a "feed gap" equal to 40 million tons of corn by 1985. We can look at the tremendous expansion of our soybean industry, and see potential for our peanut industry. I personally believe that there is far more potential than we have tapped in the export sale of beef breeding animals and of high quality meat products. We have had feelers from major Japanese sources about long-term contracts on whole broilers, because Japanese domestic production costs are rising so rapidly.

All of these potential market development gains represent increased demand for farming resources. That is the real key. Whether a U.S. farmer is producing soybeans for export or fresh tomatoes for the local market, whether he has a cow-calf ranch or an orange grove, his returns are importantly affected by the demand for farming acres and farm management. If the demand is strong, his income will be good; if that demand slackens, his income will decline.

We must get this message across to farmers if we are to maintain the farmer support that agricultural market development needs.

We must also help consumers to understand their stake in farm exports and market development. They must realize that with the dollar floating on the world market, anything that helps our trade balance helps their buying power. They must realize how much farm exports contribute to their standard of living in this way.

Exports are the key to the future for the U.S. farmer, and one of the foundations of strength for the American dollar. Market development is the key to farm exports tomorrow.

It is no time to be complacent.

LIVESTOCK LOANS

Mr. DOLE. Mr. President, it has been called to my attention that a large number of Kansas farmers with livestock operations are not receiving assistance under the Emergency Livestock Credit Act. Most of these individuals are family farmers who have been producing and fattening livestock for their entire lives. As one who participated in the drafting and passage of this law, I feel that it was clearly within the intent of Congress that these farmers should receive assistance under the act.

VIEWED AS POLITICAL GIMMICK

It is understandable why many farmers who have suffered severe livestock losses and who now have been declared ineligible for loan guarantees are viewing this law as a political gimmick. Such implementation, in my opinion, is contrary to the intent of the law and the Congress. If the Department of Agriculture fails to properly use the authority and discretion given it, then I believe every Member of Congress should rise in opposition and that more specific directives should be enacted.

The individuals contacting me seem to clearly fall within the definition of "bona fide farmers and ranchers who are primarily and directly engaged in agricultural production for the purpose of breeding, raising, fattening, or marketing livestock" as intended by Congress.

The exclusion of many farmers, and especially family farmers, from eligibility for loan guarantees appears to hinge on the definition by the Farmers Home Administration of the criterion "primarily engaged." It is my understanding that FHA regulations specify that a farmer must meet both of two requirements in order to be considered "primarily engaged." These requirements are: First, a majority of total income derived from livestock operations and second a majority of working time involved in his own livestock operation.

INTENT OF CONGRESS

These criteria, in my view, do not reflect the intent of Congress. It will be recalled that the Senate accepted the House version of the Emergency Livestock Credit Act. However, the House of Representatives, in floor debate, changed the definition of those eligible for loan guarantees from its original broad language to a more restrictive version. The definition accepted by the House, as set forth in the first sentence of subsection 2(a), was nearly identical to the Senate language.

The flow of debate in the House, supported by legislative history in the Senate Agriculture Committee, indicates a specific intent to exclude "drugstore cowboys" or those persons primarily involved in nonagricultural occupations. As stated in the committee report and the House debate, the Congress specifically agreed that the Government should not provide emergency credit relief to those who produce livestock as a hobby or as a tax

shelter or only as an outlet for investment of already sizable outside incomes.

The eligibility requirements as clarified in the House debate and as originally defined in the Senate specifically included family farmers. As the sponsor of the House definition stated in the floor debate:

Viable groups of small- and medium-sized family producers have always proven to be the healthiest type of industry in our free enterprise system. My purpose in supporting this legislation, and particularly this amendment, is to keep the family farm as a strong, competitive element in our livestock industry.

And as the Senate report stated:

The central thrust and purpose of this legislation are to save from financial ruin and economic liquidation the family farmer, who is the backbone of this nation's rural economy. It is the tremendous influx of desperate pleas from these family farmers in the form of calls, letters, and telegrams that has prompted the committee to act so expeditiously.

In view of the intent of Congress in defining those eligible for assistance as it did, I believe the FHA requirements represent an inaccurate and excessively restrictive interpretation of the law. Most agricultural operators, and especially family farmers, in Kansas and other States as well probably do not receive a majority of their income from livestock operations yet are very much dependent upon their livestock income. Losses from livestock operations have been as severe for many of these individuals as for cattlemen with little or no income from any other source.

CRITERIA MISDIRECTED

The Department of Agriculture's twofold requirement for being "primarily engaged" seems incorrect for several additional reasons. In view of the decline in livestock prices and the rise in the prices of grain and other crops, farmers who previously received a majority of their income from livestock operations may now find that the portion of livestock-related income has shrunk to less than half of their total, due to circumstances beyond their control.

Other farmers may find themselves in dire financial straits because of losses in their livestock operations. Many of these individuals who may have received a majority of their income from livestock would no longer be able to do so due to forced cutbacks in their investment. Many farmers, regardless of whether or not livestock-related income has been a majority of their previous total, will no longer be able to continue their livestock production without assistance under the emergency loan program. These enterprises are vital to a continuation of a healthy livestock industry since they are involved in a substantial amount of livestock breeding and background and finishing feeding. In the interest of the continued operation of individual livestock operations and the livestock industry as a whole, such farmers should be eligible for loan guarantees under the Emergency Livestock Credit Act.

Many farmers have little to do with livestock operations during the summer months when their primary activities are involved with grain crops, although they do spend a majority of their time during the winter months in feeding cattle. While the portion spent on livestock during winter months may not be a majority of working time for many of these farmers, the importance of these farmers to the industry as a whole and of their primary engagement in livestock enterprise is unquestioned.

The low number of loans which have been made under the program to date can be seen in the information I have recently obtained from the U.S. Department of Agriculture:

Loan guarantees granted and value of loans guaranteed

Kansas	7	$987,000
Nebraska	4	548,000
South Dakota	11	2,062,000
Arizona	0	1,557,000
Iowa	12	600,000
New Mexico	3	4,000,000
Oklahoma	25	136,000
Montana	1	
Total, United States	105	15,800,000

There are obviously more cattlemen in Kansas who are in dire straits than seven and the losses in the industry are of such magnitude as to require much more than $987,000 to keep cattlemen operating.

For these reasons, I strongly believe that the regulations put forth by the Department of Agriculture concerning the Emergency Livestock Credit Act should be changed to cover the livestock operations of all agricultural operators and particularly family farmers as I have described. Farmers who have taken such severe losses as to require credit under the act to continue their livestock operations or who may be threatened with going out of business entirely because of losses in the livestock industry should clearly be entitled to assistance under the act. Dozens of Kansas farmers have already contacted me to express their concern about this matter and I hope that prompt action in modifying these regulations will be forthcoming.

THE DEPRESSED HOUSING INDUSTRY

Mr. THURMOND. Mr. President, the economic problems facing our Nation's housing construction industry have been one of the most frequently discussed subjects in Congress as well as in the series of economic summit conferences held at the request of President Ford. Ramifications of the depressed housing industry have been serious and far-reaching.

Recently, I received a letter from Mr. John B. Veach, Jr., president of Appalachian Hardwood Manufacturers, Inc. describing the grave economic plight facing hardwood lumber manufacturers in southern Appalachia. The extremely low volume of housing starts has resulted in a drastic reduction in the demand for hardwood lumber. At the same time costs of manufacturing are at an all-time high, thus creating a crisis situation which threatens the economic livelihood of many hardwood manufacturers and the hundreds of employees who depend on this important industry.

Mr. President, I ask unanimous consent that Mr. Veach's letter be printed in the RECORD at the conclusion of my remarks, and I would commend to the Congress the seriousness of the economic concerns he has voiced. It is my sincere hope that we come forth with effective proposals for dealing with these and other economic problems.

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

APPALACHIAN HARDWOOD MANUFACTURERS, INC.,
High Point, N.C., September 10, 1974.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: The enclosed letter to Dr. John Muench describes the economic impact of current conditions on the Appalachian Hardwood industry, one of the most important industries in South Carolina.

As you will see in this letter, lumber manufacturers are in, or headed for, a crisis situation. Costs of manufacturing are at an all time high, while demand for the product has deteriorated to a five-year low.

Without an immediate turn-around in the economic situation, a majority of the mills in South Carolina will close soon, leaving hundreds of your constituents unemployed. Many of these mills will be unable to return to production when demand improves.

Our members favor a sharp upturn in housing starts immediately by whatever means the government can employ. Additionally a reduction in the prime rate would enable many of our member mills to continue production during the current money crisis.

We hope you will support sound measures that encourage new residential construction at a rate of not less than 2 to 2½ million new starts per year, and a reduction of the prime rate as soon as possible.

Sincerely,

JOHN B. VEACH, Jr.,
President, Appalachian Hardwood Manufacturers, Inc.; Vice President, Bemis Hardwoods Division, Whitewater, Inc.

APPALACHIAN HARDWOOD MANUFACTURERS, INC.,
High Point, N.C., August 17, 1974.

Dr. JOHN MUENCH,
National Forest Products Association,
Washington, D.C.

DEAR DR. MUENCH: I am writing to you as President of the Appalachian Hardwood Lumber Manufacturers at the request of our Board of Directors. The sharp decline in sales and prices of hardwood lumber in recent weeks as a result of the serious decline in homebuilding starts is so serious that unless something is done by the government to bolster this area of business, permanent damage to the Hardwood Industry will result.

The Appalachian Hardwood producing area covers parts of eight states—Maryland, West Virginia, Virginia, Tennessee, North Carolina, South Carolina and Georgia. It is that area in those states where the elevation is above 1000 feet.

Appalachian lumbermen had good years in 1972 and 1973. The first three months of 1974 were also defined as good business months. When demand was good and sales were excellent, prices were stable and most manufacturers were able to meet demands placed on them by their prime users.

More than half the product of Appalachian hardwood lumber producers goes to the furniture industry in the Virginias and the Carolinas. Furniture plants in Kentucky, Tennessee, Indiana and Arkansas also use this product. It is typically high-grade lumber, with excellent working properties. The

lower grades are used in the manufacture of pallets and skids, residential hardwood flooring, truck flooring and architectural woodworking.

Since June, when we had a modest slowdown in demand (sales were about 20% below production), business conditions have deteriorated to an alarming degree.

Manufacturers had a very poor July in which sales were typically 50% of production and so far in August there has been an even greater decline. At the same time, costs have increased greatly for stumpage (the cost of purchasing trees), wages and mill supplies. There has been a dramatic decline in the demand for low-grade lumber for flooring of all types, and some species such as poplar in the lower grades are unmerchantable.

Manufacturers face a period of extreme loss. They generally see a 30%–40% decline in lumber prices and very little demand for grades of 2 common oak and lower. This same decline in demand carries through all of the lower grades of all the species. This very serious decline in demand for the lower grades seriously affects the profit of all timber producers. The reason is that logs are yielding approximately 70 percent of the unsalable lower grades. Since it costs the same amount of money to process a low-grade log as a high-grade log, a definite profit squeeze is put on the manufacturer.

Due to low volume and high prices, small operators are not able to borrow enough money to carry inventory. When they are able to borrow the money, the 10%–10½% interest charges are too large for the small operators to carry. To insure cash flow the smaller operators must dump their lumber on the market, forcing the price of all lumber down. Larger operators who can afford to build inventory are finding that they cannot hire the labor to pile lumber, and are suffering greatly from the loss of cash flow. These larger operators are also forced to dump their lumber on the market, again forcing the price of lumber even lower.

As a result of this drastic decline in home construction, the timber industry is entering an extremely critical period which may well force many operators out of business. If past history is repeated, many of these operators will never return to the manufacturing industry when the demand would make it economically feasible for them to re-enter. Operators who are able to stay in business but must cut back on production will lose skilled and semi-skilled labor that they will not be able to recall when the demand picks up.

It is our assessment that if the economic trend of the last six months continues for another six months, the hardwood lumber producing industry in Appalachia will be unable to meet the demand if and when the economic situation stabilizes and there is again an adequate demand for Hardwood lumber for furniture, truck flooring, architectural woodwork and residential construction. Meanwhile, the economic chaos in Appalachia, due to the loss of jobs and the closing of mills, will be tremendous.

A survey of our members shows us that if the current economic situation involving extremely high manufacturing costs, coupled with a sick housing market and a resulting low demand for furniture grade hardwoods, continues another six months, our industry will be crippled and will be unable to regain 100% of its manufacturing capabilities within a period of 18 months to two years. Our members would urge the government to free money for the mortgage market and to use all other measures available to move housing starts into the area of two to two and one-half million new individual homes a year. Furthermore, our members strongly urge the establishment and maintenance of sound government fiscal policies, and from them economic programs that would be applied evenhandedly so as to restore public confidence in our fiscal integrity.

Dr. Muench, here are a few quotes directly from our members in answer to this question—"if the economic trend of the last six months continues, what is the outlook for your business?"

"We will shut down—in not less than eight months we will be out of business. That will put 200 of our people out of work. If conditions level off at the present situation—we could operate at a very low profit level."

"It would mean disaster for our business. No doubt we will close down within the year. We much prefer inflation to depression."

"We will shut down—cut production 95%—we will keep only a skeleton crew, at best. If the government could get the interest rate down to start home building up again, we'd all be able to stay in business."

"The price of lumber is going below the cost of production; of course, we will have to shut down some facilities. We estimate 1200 families in Appalachia will be out of jobs next year at this time, from our company alone. We are cutting back on production immediately, closing two mills."

"We are now operating all mills in Appalachia at a minimum profit. If the trend is down in the next six months, we will curtail production if necessary. I see a drastic rate of unemployment in both our southern and Appalachian mills."

"We are seriously considering cutting back from two shifts to one shift immediately. We will keep just key men unless the interest rate is eased soon. We have no choice except to close. For the first six months of '74, our profit is down 40% from the same period in '73. We cannot afford to borrow money to run our business at a 10% interest rate. Our accounts receivable are up and timber is just not paying its way. Not including our independent contractors, we'd lay off 170 people by this time next year if conditions do not improve."

"Business is off 20% and profit is down about the same from the same period in '73. I estimate we will have 300 people out of work by the first of the year if there is no improvement."

"Our inventory is way up. If this continues, we will be in the loss column by early fall. We are cutting back to one shift from two shifts and I see a loss of 100 jobs immediately."

"The price of flooring is down from $445 to $235 per thousand board feet. The cost of manufacturing is $340. As you can see, there is no way we can operate, taking that kind of a loss. Profits are down 75%, and our bank interest rate is 11½%. The cost of harvesting timber is way over what it was this time last year. We just can't afford to take it out of the woods. Our production is down 20%, and the cost of labor has risen 12% since September."

"We will lay off 30%–40% of our work force—100 people—in six months. Business is down 30% and profits are down accordingly. Cash flow is our big problem. We have already cut back on furniture parts manufacturing, and we have completely cut off purchases from smaller mills."

"Profits are down 15%–20%, due mainly to poor business over the last three months. We can build inventory for a short time but stumpage prices, especially on National Forest timber, must come down in order for us to stay in business. And there must be some demand for our low-grade lumber which right now is not merchantable."

"May, June and July of '74 compared to the same period in '73, shows a 10% reduction in dollar volume. In addition to terrible rail service, we are experiencing a tremendous increase in accounts receivable and cancellation of orders previously booked."

"We are losing $32 to $35 per thousand board feet in the lower grades. Costs are that much higher over selling prices. We have cut all purchases of logs and lumber from smaller mills. Costs of stumpage, labor and mill equipment are at an all time high, but we intend to keep our production at the present level as long as we can."

As the foregoing quotes from some of our members show, there is little but pessimism in our industry. Appalachian Hardwood Manufacturers, Inc. has always been a dynamic, progressive association whose members typically are optimistic about our industry. Unfortunately, current conditions, as you can see, do not allow us the luxury of continued optimism. Best regards.

Sincerely,

JOHN B. VEACH, JR.,
Vice President, Bemis Hardwoods Division, Whitewater, Inc.; President, Appalachian Hardwood Manufacturers, Inc.

SIERRA CLUB OFFERS "A SKEPTICAL VIEW OF NUCLEAR POWER"

Mr. CRANSTON. Mr. President, as we enter a period of rapid growth of nuclear power, it is essential that questions about the safety, necessity, and efficacy of nuclear power be answered. There are questions about powerplant siting, waste disposal, the efficacy of emergency core cooling systems, the possibility of nuclear theft and sabotage, and the long-term impact of low levels of radiation.

There are also critical economic questions, for if the nuclear industry is to expand at the rate that the electrical utilities have planned, the capital required for this task will be astronomical. A recent article in the Washington Post suggested that if the utilities carry out their planned construction, they will be spending about $300 billion over the next decade compared with $75 billion over the last 10 years. If the utilities have to borrow even half of this $300 billion, the strain on the supply of loanable funds will be enormous and will drain capital away from other public needs such as energy research and development and public mass transit.

In short, our past assumptions about the need to expand rapidly our nuclear generating capacity may need to be rethought. One very penetrating view along these lines is a speech presented on August 26 to the American Nuclear Society by the executive director of the Sierra Club, Mr. Michael McCloskey. I commend Mr. McCloskey's article to my colleagues.

Mr. President, I ask unanimous consent that Mr. McCloskey's speech to the American Nuclear Society be printed in the RECORD.

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

A SKEPTICAL VIEW OF NUCLEAR POWER

(By Michael McCloskey)

Early this year, the Sierra Club decided it no longer could rest content with the continuation of nuclear power. It called for a halt in the licensing of new plants and joined the growing ranks of the disbelievers. The fact that it did this in the midst of an energy crisis is all the more significant; and, I might add, it did so despite the best arguments of its President at the time, who is a nuclear engineer. Because the decision was not arrived at easily, I think its occurrence is all the more noteworthy, and, I submit, is symptomatic of a developing trend. Today I

wish to discuss the climate that bred our skepticism and that is likely to breed even more disbelief.

At the outset, though, I want to stress that the Sierra Club is not a collection of modern-day Luddites. We are not against technology, even high technology. We recognize its benefits and that we will be relying on it more and more. And, I should add, our membership draws heavily from the ranks of scientists and engineers. In fact, we have organized units near most Atomic Energy Commission laboratories, such as Hanford, Los Alamos, and Livermore.

The Sierra Club had many reasons to want to believe in the promise of nuclear power, as did most environmentalists. In the late 1960's, nuclear power seemed to be just the alternative we needed to save spectacular places like Hells Canyon and the Grand Canyon from the last of the giant hydro projects. Then, with the passage of the Clean Air Act in 1970, it seemed to be the easiest way to get away from the dirty emissions of fossil fuel plants. And while the uranium required entailed mining, far less land was disturbed than with strip mining, and its advent could also allow us to rely less on offshore oil drilling. Moreover, oil and gas reserves would not need to be depleted at such rapid rates. It was comfortable to believe that some sort of miracle power was at hand.

And the Sierra Club was deeply involved in pursuing these other environmental goals. We led the fight against dams in the Grand Canyon; we have been in the Storm King case against a pumped storage plant in New York from the beginning; we launched a pivotal case that went successfully to the Supreme Court to prevent clean air from being degraded with new fossil plants or in any other way; we were a party to the successful suit which stopped outer continental shelf leases in the Gulf of Mexico for many months; we have been in the thick of the fight for strong legislation to control strip mining, and have the key case, now on appeal, to obtain a comprehensive environmental impact statement on the federal coal development program in the northern Great Plains. We are not a one issue organization which is on a single-minded crusade against nuclear power.

We had to balance the position we took on nuclear power against reducing our chances of success in pursuing our other goals. We agonized over the decision for a long time, with various study groups in the club rendering reports over a three-year period. Our board was advised by a technically competent committee, which was split down the middle. But in the end, we found that we could no longer close our eyes to the intractable problems of nuclear power out of a desire to enhance the chances of our other campaigns. Each issue must be faced on its own merits, with solutions sought for each.

We had not been oblivious, though, to the problems of nuclear power. We were a party to the Calvert Cliffs case which set the ground rules for environmental impact statements on nuclear plants; we worked along side of the Kansas State geologist in pointing out the problems with the proposed waste repository in salt beds there; we were a member of the National Intervenors in the Bethesda hearings on emergency core cooling safety; we joined in demanding a comprehensive environmental impact statement on the breeder program; and we have probably participated in as many local licensing interventions as anyone.

Yet all of these actions, and the actions of many other environmental groups, did not seem to be evoking basic answers to the problems. If anything, our perception of the magnitude of the problems has grown. We are not convinced that anyone knows how safe the emergency core cooling system is, and what the risk is of a significant accident. We do not think it is responsible to proliferate radioactive wastes whose safekeeping cannot be guaranteed by those who benefit from their production. And we are profoundly disturbed at the revelations by Taylor and Willrich of the dangers of illegal diversion of fissile materials.

We believe society should have satisfying answers for these problems before it permits more nuclear plants to be built. Thus, we are calling for a halt in licensing new plants until answers are forthcoming. Let me emphasize that this policy has two sides to it. On one hand, it could interrupt licensing; but on the other hand, it would force the issue of whether answers exist or can be found. If the answers can soon be found, the industry has nothing to worry about. It merely needs to learn to speak understandably and convincingly. But if the answers do not exist, and cannot be found in a reasonable time, can we all afford to gamble so much? We are gambling with people's lives, with the well-being of future generations, and with prodigious sums of capital that may affect the viability of our economy.

Whether one is willing to gamble depends on a lot of factors. We are no longer willing to gamble because the stakes now seem to be too high, and we no longer have faith in those who would do the gambling for us. Let me describe our changing perception of these factors.

We began jousting with the nuclear industry over the issue of siting, and indeed that is a central issue at this conference. We were anxious to keep nuclear plants out of proposed state parks and wildlife refuges, away from scenic and wild coastlines, off of earthquake faults, and to keep their thermal effluent out of our rivers. By the same token, we were just as anxious to keep other large industrial facilities out of these places and away from these things too. But in the process, we became more acutely aware that there are significant differences. A nuclear plant is not just another industrial plant.

As we go nuclear, we are building up our inventory of highly radioactive materials. The greater the inventory, the greater is the chance that some of it will pass into the environment in general. And some of it has through weapons testing and use, through the loss of nuclear submarines, through leakage into the ground and into streams at storage facilities for weapons waste (16 leaks at Hanford alone), and now from at least one nuclear plant (Consumers Power's Big Rock Point plant in Michigan). This radioactivity can be concentrated in organisms, as by filter feeders such as oysters, which can concentrate it as much as 250,000 times; and it can become more concentrated as it moves along a food chain from prey to predator. And juvenile and fetal forms of animals are particularly sensitive; unborn babies in pregnant women are one hundred times more sensitive than adults. And the results of exposure may not show up for ten to fifty years, or they may be delayed until later generations display genetic malformities (and only one out of a million mutations is an adaptive improvement). And worst of all, some of the radioactive materials will be with us for hundreds of thousands of years. In building up our radioactive inventory, we are creating obligations, manufacturing hazards, and developing risks that envelop our biosphere and transcend time in a way that no generation of man has ever before had the effrontery to imagine. In doing this, we are not merely saying that we here and now accept the risk, we are also forcing the words of acceptance upon the lips of all the unborn, of all species, in all places, for nearly all time—for our benefit alone.

It is certainly difficult for the public to know what risk it is now accepting. Is it merely a 5 percent increase in ill health as an NAS–NRC committee suggests, plus 3000–15,000 more cancer deaths a year? Experts differ over whether there is any safe threshold level, and agencies differ over whether the limits on exposure are stringent enough. The Environmental Protection Agency wants higher standards than the AEC but loses jurisdiction to the AEC as a result of a struggle; EPA says krypton 85 should not be released from reprocessing plants, while the AEC says it poses no long-term hazard. And now Tamplin and Cochran assert the safe exposure level for plutonium should be 300,000 times less than the present level, and of course plutonium is now being produced by fission reactors. As Professor David Rose said recently in *Science* (April 19, 1974), "If the Tamplin and Cochran risk estimates turn out to be correct, nuclear fission power will need to be rethought, because the consequences of even a single large accident become disastrous."

The stakes with nuclear power strike us as too high in another regard. Nuclear power is offered as a source of almost infinite power—as a panacea to the energy crisis. Yet, as Barry Commoner reminds us, "there is no such thing as a free lunch." There are real costs involved in procuring it. There are the biological costs we have just discussed. There will also be costs in terms of not having a sensible program for curbing our energy appetite. Full speed ahead on nuclear power will create the illusion we can continue for a while on a super-exponential course of increasing our rate of energy consumption (up from 3.5 percent per year between 1950–1965 to 4.5 percent between 1965–1973), with minimal attention to energy conservation or prudent self-restraint. The result will be earlier depletion of our oil and gas reserves, as well as environmental havoc from too much fossil fuel development. No one really believes we will have a program to push nuclear power while we otherwise restrain demand and curtail fossil exploitation. Moreover, continued high growth rates in energy consumption will bring us just that much farther toward being up against new environmental limits, such as local heat rejection limits, if we are to avoid climatic change, depletion of other resources, and limits on available space for facilities of all sorts.

Finally, a high rate of nuclear growth, as well as growth in energy consumption in general, will require tremendous amounts of capital. Professor Rose estimates that one trillion dollars will be needed through the year 2000 for this purpose, which is one-fifth of all the new capital that will be formed by then. This capital intensive industry could begin to distort the whole pattern of capital investment in this country and drain off capital that is needed for other enterprises and social priorities like housing. Or alternatively, utilities may find it increasingly difficult to contemplate continued outlays of this magnitude as the competition for capital grows. The nation may well find that it is not willing to spend so much to make a would-be self-fulfilling prophecy come true.

Basically, a crisis of confidence is developing over the objectivity and balance of those who have pushed the nuclear power program along so fast. The program appears to have moved along prematurely, with failures in quality control, a growing credibility gap, demonstrable bias among the regulators, and an implausible stance on public understanding of risk. Let's look at each of these problems.

Much of the difficulty attending the nuclear power program may arise out of the fact that the civilian deployment of large reactors was pushed before the engineering and operating problems were ironed out, before the manufacturers were ready, before adequate personnel to construct, operate and

repair the plants had been trained, and before the program was fully competitive in economic terms. How else does one explain the fact that only five of thirty-eight reactors last year were able to operate at full capacity, with one-third of the total shut down at any one time? How else does one explain the fact that in April of this year when forty-three plants were obstensibly on line, the AEC reported fifty-one major shutdowns? How else does one explain the fact that these plants were ready to deliver power only 60.9 percent of the time on the average compared to 75 percent for fossil plants? How else does one explain the fact that the predominant reasons for delays in bringing new plants on line in 1973 were poor productivity of labor (84 months combined delays), shortage of construction labor (18 months of delay), late delivery of equipment (68 months of delay), and equipment failures (15 months of delay.) Legal challenges from all quarters were a relatively minor factor (only 9 months of delay). Utilities such as Consolidated Edison claim "we may simply exhaust our manpower pools when we try to operate and maintain the plants." And despite massive R and D subsidies to launch the industry, its economics remain uncertain, with costs per KWH having quadrupled in the last decade. The Joint Economic Committee of Congress still feels that nuclear power is less economic than coal and other sources of energy. Meanwhile, some utilities are seeking rate hikes to cover losses with these plants.

The premature promotion of large-scale development also produces potential problems of safety for the public. A lack of assured quality control had led to a series of so-called "reactor incidents." The recent AEC Task Force Study on the reactor licensing process identified 850 abnormal occurrences in a seventeen-month period. It said: "The large number of reactor incidents, coupled with the fact that many of them had real safety significance, were generic in nature, and were not identified during the normal design, fabrication, erection, and pre-operational testing phases, raises a serious question regarding the current review and inspection practices both on the part of the nuclear industry and the AEC. This is particularly true when the increasing number of operating reactors which will be on-line in the 1980's and 1990's is considered."

The Task Force, of course, assumes that tightened inspection can correct the problem. But can it? It is one thing for a few highly trained physicists and engineers to know what they want done. It is entirely another thing to actually see that everybody down the lines behaves as they would have them. Will there ever be enough totally rational and reliable managers, operators, and construction workers to keep us out of harm's way? Perhaps the technological optimists are leaving too much of the human equation out of their expectations. Can we really franchise out so much high technology to so many utilities in so many communities with so much riding on the safety of the outcome? Perhaps we have too much sophisticated physical science here and not enough sophisticated social science.

Problems of this sort have caused more and more people to wonder about the quality of the regulation they are getting from the AEC. In its recent study on the energy outlook, the Joint Economic Committee of Congress concluded: "The Atomic Energy Commission has developed a serious credibility gap in recent years by suppressing unwelcome evidence of danger and by demoting or firing researchers who have pushed their findings too vigorously."

AEC Commissioner Doub has admitted "the mistakes made and the inappropriate actions taken to explain nuclear power to society." But the problems are deeper than devising better methods of explaining nuclear power. The AEC, or the Nuclear Energy Agency which is to succeed it, must convince the public that it can be trusted to be a vigorous and impartial regulator, which is free of the taint of political machination.

Over the past few years, the AEC rarely acted on a problem until it threatened to become a cause celebre, and thereafter it acted in a temporizing manner. If we could trust the AEC, why was it not alert enough to move on its own motion to deal with the host of problems that have plagued the debate over these last few years? Why did it need to be pushed to adopt the "safe as practicable" limit on radiation releases from plants, why did it take intervenor pressures to get a full-dress review of the safety of the emergency cooling system, why did it not know of the missing water in the Kansas salt beds where it wished to deposit wastes, why did it wait so long to start to seriously study the problem of ultimately disposing of radioactive wastes in a safe way, why did it not take the lead in de-rating the plants in danger of fuel-rod densification, why did it take Taylor and Willrich's study and a critical GAO report to get it to promulgate tighter security regulations, and why is it only now promulgating emission limits for uranium mills and reprocessing plants? Something is terribly wrong with a regulatory agency that characteristically waits until someone on the outside points out the problems it should have been anticipating and regulating competently all along.

Not only has the AEC been lax, it has also been biased. Its licensing proceedings are adjudicatory proceedings, but the applicants always win. They always get their license, albeit often with minor modifications. What court would be regarded as fair if it always decided for the plaintiffs? Are we to believe that every last applicant was qualified, its plant needed, and site suitable? Was every opposing intervenor always wrong? Would not the odds in human experience suggest that the intervenors might deserve a favorable decision in at least ten or twenty percent of the cases? Surely, some of their attorneys, who are winning their fair share of cases before impartial tribunals, could win a few cases here too if they had an impartial tribunal. In retrospect, can the AEC now confidently say that all of the forty-three plants now operating deserve their licenses—the ones that have been down as often as not, that have been reprimanded by the AEC for lapses in management, and that have leaked radiation?

With such bias and laxness in the agency that is supposedly protecting the public, how is the public to know how much risk it is really assuming? If the risk were virtually nonexistent, Congress would not be debating an extension of the Price-Anderson Act to keep a ceiling on liability, and public subsidies for insurance, in the event of a "nuclear incident." The Act defines such an incident as ". . . any occurrence . . . causing . . . bodily injury, sickness, disease, or death, or loss of or damage to property, arising out of or resulting from the radioactive toxic, explosive, or other hazardous properties of source, special nuclear, or by-product material . . ." Obviously, the nuclear power industry is not willing to assume the financial risk of relying on the safety of this type of power. It wants the government to continue limiting its liability and subsidizing its coverage. But the public is asked to expose itself to an added measure of damage that is not insurable. The new ceiling may float somewhat upward from $560 million, but the damage, according to the revised WASH-740 report, could rise to as much as $17 billion in the worst case. And no insurance, of whatever amount, could really compensate us for the 45,000 deaths and 100,000 injuries (up from the 1957 estimate of 3,900 deaths and 43,000 injuries).

Now, of course, it is asserted that the chances of this ever happening are on the order of one out of 100 billion. But the methodology for deriving such estimates is suspect among nuclear critics because there is little empirical data on component failure rates in analyzing accident chains. The numbers can be manipulated to vary the final result, and indeed we have been hearing all sorts of numbers: one in a million, one in a billion, and one in 100 billion. But the odds go up when you consider all manner of accidents, the total number of plants projected at times in the future, and if you look at the lifespans of the plants. Robert Gillette in *Science* (Jan. 26, 1973) reported there is a one in a thousand chance of an accident causing some release of radioactivity. With a thousand reactors predicted for the year 2000, the AEC's Reactor Licensing Task Force (Oct. 1973) reported a one in 33 chance of a major accident occurring during their thirty-year collective lifespan. Indeed that Task Force said in its draft report that ". . . the Rasmussen study will provide needed insight on quantifying the loss-of-coolant accident chain probabilities . . .", "it is difficult at this time to assign a high degree of confidence to quantification of the level of risk associated with nuclear reactors. . . ." It concluded by saying that ". . . it does not believe the overall incident record over the past several years, combined with the common mode failures that have been identified, give the required confidence level that the probability for such an accident is 10^{-6} (one in a million) or less per reactor-year." Not surprisingly, that forthright conclusion got edited out of the final report.

And there are other types of risk too. Theodore Taylor thinks that the chance of losing fissile materials to thieves might be reduced to one loss every ten to twenty years if exceedingly strict security measures are imposed. Presumably, with measures that are not yet that strict, we are now exposed more often to a risk of losing bomb-grade materials to blackmailers and thieves. And the new security measures really are not designed to deal with para-military assaults, which may occur because some countries, desperately wanting nuclear weapons, may resort to this approach because of the obstacles otherwise posed by the Non-Proliferation Treaty. And who knows what the chances are of safe containment of rad wastes for hundreds of thousands of years. If the AEC did not know about all the drill holes into its proposed salt bed repository in Kansas, how likely is it that it can confidently predict that future societies will find no reason to drill into the same formations for salt or other purposes, just as ignorant of what the AEC had left there as the AEC was of those who had been there before it.

Now we are always reminded that no one has been killed yet. But the risk may be going up as the plants are getting larger (over 1000 MW) and the safety problems more acute with hotter cores, and the number of years of experience with these is less than with smaller plants (only 47 reactor-years of experience with plants over 500 MW, compared to 81 reactor-years of experience with plants over 100 MW). And we are being pushed toward even more risky technology such as the Liquid Metal Fast Breeder Reactor. It is a sobering thought to be reminded that our last experience with a breeder didn't inspire much confidence. The Fermi plant almost ran away in 1966, with an accident that exceeded the maximum credible one in AEC specifications and that was not stopped by automatic safety devices. No one may yet have been killed, but that may be because we are not that far out enough on a limb yet. But will the limb break off when it gets too heavily weighted with too much highly complex machinery and too few people who are equipped to deal with its idiosyncracies?

Some tell us, though, that we should be prepared to accept fatalities as part of the

cost of having power, just as we seem to accept automobile accidents. But there are important differences. Exposure to the risk of auto accidents is a personal one accepted by those who choose to travel by car; it is not forced unknowingly on an entire population regardless of their choice. Moreover, the degree of risk associated with auto travel is widely understood, at least in a rough sense. People do not understand what risk they are facing with nuclear power. Finally, the results of an accident with nuclear power could be sudden, catastrophic and concentrated in one area, rather than gradual, incremental, and dispersed as with auto accidents. The impact in the area affected could be devastating. The land and waters in the area affected could be poisoned for extended periods, and the genetic integrity of future generations could be jeopardized. The consequences of a nuclear accident are more profound than the sheer number of immediate fatalities, and they are bad enough. Moreover, too many Americans are already destined to contract cancer (one in four), without compounding the risk.

The nuclear industry—the vendors, the utilities, and the scientists involved—should re-evaluate the risks to them of moving too fast. Public concern is growing, and more scientists are joining the ranks of the sceptics all the time. They are being bolstered with new information and insight. A race is underway between mounting scepticism, those intent upon pushing us into an irretrievable dependence on nuclear power, and those who still believe that answers can be found to allay the concerns. It would be tragic if we found ourselves boxed into a situation in a decade in which the country found it had lost faith in nuclear power and yet it had invested so much in it that it did not know how to forego it. This would be a prescription for chaos. But the country has turned its back on unwelcome doses of new high technology before—as in the case of the SST—and it can do it again.

Now is the time for the industry to convince its critics that answers can be found and soon. If they cannot, then one would think that, at the very least, the industry would pursue a cautious course. One would think it would adopt all the measures that may tend to limit the problem—that it would build smaller plants, that it would de-rate more of the larger plants, that it would always install cooling towers and stay away from shorelines and areas of critical environmental importance, that it would standardize its designs and tighten the licensing and inspection process, and keep its reactors an appropriate distance from population centers; one would think it would willingly cooperate in tightening security around all plants with fissile materials, and push methods of denaturing plutonium to render it unsuitable for use in making bombs, and that it would back efforts to separate long-lived actinides from wastes so that they can be burned up in reactors to appreciably simplify the long-term waste storage problem. Of course, most of these measures would cost money and slow down the pace of development. But those who are being asked to lend huge sums of money for these investments may soon give more thought to the security of their loans. Development on a prematurely large scale can be costly too in down time, elaborate repairs, and a never-ending series of expensive retro-fits to meet higher standards needed to cure overlooked problems.

And there is a way the nation can proceed to meet its energy needs without heavy reliance on nuclear power. The Ford Foundation's Energy Policy Project shows that various energy conservation measures can be taken to reign in our energy consumption growth rate by the year 2000 to only 65 percent of what it would otherwise be. This could be done with no lowering of our standard of living nor any drop in employment. And the amount of nuclear capacity would only need to expand modestly to three times the current capacity, rather than ten or twenty times.

Self-reform is a rare phenomenon. It is doubtful that any industry will voluntarily chose to slow down and live longer. But the industry is risking everything if it opts for business as usual. A calamitous confrontation could occur in the coming decade if the industry chooses to blindly gamble on winning the race that is now underway with the rising tide of doubt. Credibility is dropping so fast that before long no answers will be trusted. All those associated with the industry may want to start asking themselves how much they are willing to risk in such a race.

CONNECTICUT DIGESTIVE DISEASE SOCIETY

Mr. RIBICOFF. Mr. President, in 1970, a group of interested businessmen and doctors in Connecticut combined forces to form the Connecticut Digestive Disease Society. The purpose was to establish, encourage and foster a wide variety of educational research and service efforts covering the entire scope of digestive diseases.

They were responding to a concern that Federal funding for medical research might be severely restricted—and that the great progress being made in the fight against such crippling illnesses as cancers of the digestive system, peptic ulcers, ileitis, colitis and hepatitis might be slowed. In Connecticut especially, restrictions had already hampered programs centered around the Yale University gastroenterology program, which had developed a unique educational system for Connecticut doctors and many important research and patient service advances.

Since its inception, CDDS has been successful in its fund raising activities to the point where it is now awarding grants to Connecticut physicians involved in this subspecialty, as well as making awards for significant advances in this area of medical science.

Last year, I was honored to be the first recipient of the Society's "Humanitarian of the Year" award. This year, that award will be bestowed upon my distinguished colleague from Connecticut, Senator LOWELL WEICKER.

I take this opportunity to commend the work of the Society and its good judgment in recognizing Senator WEICKER's efforts in meeting the responsibilities we all must share in the effort to bring the advances of science from the laboratories to the benefit of the American people.

Mr. WEICKER. Mr. President, I appreciate the comments of my colleague from Connecticut, Senator RIBICOFF, and share his concern for progress in the medical sciences. The work of organizations like the Connecticut Digestive Disease Society—multiplied throughout the Nation—is of enormous benefit to the battle against crippling disease.

After little more than 3 years of work, CDDS is already supplementing governmental funding in the field of gastroenterological research. Organizations like CDDS direct the life blood of philanthropy to help cure the physical threats to our well-being and happiness. I commend their efforts and appreciate being designated the recipient of their 1974 award.

THE ECONOMY

Mr. HASKELL. Mr. President, even though the details of the administration's economic program will *not* be known for several days, I think we have a good general idea of the direction that program will take.

I am willing to reserve judgment on that program until it has been announced and until I have had an opportunity to consider it thoroughly—with one exception. The exception is the possibility of a 10-cent-per-gallon gasoline tax. We heard some talk of such a tax earlier, but believed, with considerable relief, that the idea had been shelved. It may have been only a trial balloon then. The idea has gained new currency in the administration during the past few days. It may be only a trial balloon this time, too.

If so, I would like to take this opportunity to indicate to the administration that the idea will not float with Coloradans and it will not float with me.

I have no quarrel with the objectives of such a tax: It would pay for tax relief for lower income families, help provide public employment for those now without jobs and the growing numbers who will likely find themselves unemployed and it would provide some kind of relief for the moribund housing industry.

Such a tax would also help inhibit consumption. I support all these goals. But I strongly oppose forcing the hardest hit victims to pay for the cure.

Many of my colleagues have argued repeatedly that inflation strikes most fiercely at those in the middle- and lower-income ranges and those on fixed incomes. I have argued that, too, and many who testified at the economic summit conference argued that.

And we have all argued that these groups suffer most because so large a percentage of their incomes must be spent for food and fuel—which together account for around 60 percent of the current inflation.

And we have all argued that the first goal of an economic program must be to help these Americans. It has been said so often and so widely that I believed it represented one of few consensus views about our economic illness. Now, incredibly, there is serious talk within the administration about laying a tax on gasoline—a tax which will be paid in large part by those who, one, can least afford it; two, are suffering most now from the doubling of gasoline prices in the past year; and, three, are supposed to benefit from the proceeds of such a tax.

Mr. President, according to press reports following the summit conference on the economy, the administration blithely argues that the burden of a 10-cent-per-gallon gasoline tax will not be sharply felt by poor because they drive less than do people who earn more. No sociological reasons were attached to that analysis. It could be that poor peo-

ple simply do not enjoy vacationing and seeing the beauties of America by car. It could be that they do not enjoy, as so many of us do, leisurely Sunday drives with the family. It could also be that they drive less than many other Americans because they cannot afford to go anywhere anyway.

The latter seems the most reasonable explanation, Mr. President. And, in my view, it is also reasonable to assume that if poor people are driving less they make fewer frivolous trips than others do and rely upon their automobiles mostly to get to and from work, the supermarket, health care facilities, and so forth.

The administration also feels—again, according to press reports—that the burden of the gas tax to poor people will be offset by other benefits they will receive. Offsetting an additional burden is no help. The burdens they now carry must be offset but without the imposition of yet another burden. Anything less is a sham.

As I said earlier, Mr. President, this latest talk may be yet another trial balloon. If the administration is in the business of governing by trial balloon, I wonder why it did not send one up about a rollback in crude oil prices or levying a tax on the excess profits of industries which have grown fat on administered prices?

I am afraid we can predict the direction the administration will take by the absence of talks about such steps as these.

The President has promised to send to Congress a "coherent and consistent economic program. While consistency is usually a much sought after virtue this time I am not so sure I will welcome it. Because after offering to impose a 10-cent-per-gallon tax on gasoline, consistency dictates that the administration also impose a consumption tax on food—the other major commodity in our current inflation. The rationale would be much the same: The poor and the elderly eat less than those who earn more, hence would pay less in taxes.

Mr. President, tax fairness is a worthy goal in the best of times. But now, more than ever, it must be the guiding principle in any efforts to heal the economy with taxes as the tool. Those who can afford to pay must pay. Those who cannot must not be asked to. And that is as true of consumption taxes or conservation taxes as it is of income taxes.

I will oppose any effort to levy an additional tax on gasoline at the pumps. I urge my colleagues to do likewise.

TRUTH IN SAVINGS—I

Mr. HARTKE. Mr. President, for the past 3 years, I have been stressing the need to have full disclosure on savings accounts. Several years ago, Congress recognized the need for full disclosure in credit transactions by passing the Truth in Lending Act. Savings is merely the other side of the financial coin. Consumers have a right to know what earnings they can expect when they place their money with a savings institution.

Mr. President, recently I testified before the Subcommittee on Financial Insituations on the subject of my truth in savings proposal, S. 1052. I ask unanimous consent that my statement be printed in the RECORD.

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

STATEMENT OF SENATOR VANCE HARTKE BEFORE THE SUBCOMMITTEE ON FINANCIAL INSTITUTIONS

I am here today to support the inclusion of a truth in savings provision in the Financial Institutions Act which is now before this Subcommittee. But, I am also here to oppose the limited and ineffective type of "not much truth in savings" which is contained in Section 106 of the Administration's legislation.

More than a year ago, I testified before Senator Proxmire's Subcommittee in support of my Truth in Savings proposal, S. 1052. That hearing record includes the testimony of Federal regulatory officials, banking industry and public interest representatives. The record of that hearing gives ample testimony on the provisions of my proposal.

My appearance here today is designed to provide this Subcommittee with comments on the glaring deficiencies of Section 106 of the Administration's legislation. I will make only brief comments at this time, but I would like the opportunity to make a more detailed written submission to the Subcommittee at the conclusion of my remarks.

Mr. Chairman, Truth in Savings is a rational outgrowth of Truth in Lending. It is the other side of the financial coin. In Truth in Lending, the law requires that certain essential disclosures be made to the person borrowing an institution's money. In Truth in Savings, the law would make a similar set of essential disclosures to those who let institutions use their money.

The purposes of my Truth in Savings proposal are simple and straightforward:

(1) To enable consumers to comparison shop among competing savings institutions;

(2) To enable consumers to understand the terminology of savings institutions; and

(3) To enable the consumer-depositor to verify the amount of earnings which the savings institution has credited to his account.

Since December of last year, I have had an exchange of letters with the Treasury Department on their Truth in Savings proposal. That exchange is included in my detailed written submission to this Subcommittee. It reveals that, while Treasury professes to be in accord with the three objectives I have outlined, their legislation falls short of reaching two of the three goals.

First, Section 106 does not require the disclosure of the annual percentage yield. This is the figure which gives the consumer the effect which compounding of earnings will have on his money.

While Treasury recognizes that disclosure of the annual percentage yield "may . . . be useful in some cases", it argues that the yield means different things at different savings institutions. My proposal makes the annual percentage yield mean the same thing at every savings institution. I would go so far as to suggest an amendment to my own proposal to prohibit the use of any of the essential savings terms in any manner other than that which is specifically set out in the legislation. In that way, consumers can be assured that terms such as "annual percentage rate" and "annual percentage yield" will mean the same thing at every savings institution.

Section 106 of the Administration's proposal also promotes consumer confusion by failing to apply even its inadequate coverage to all savings institutions. Truth in Savings should apply to any institution or organization which, in the regular course of its business, receives, holds or issues individual savings deposits or pays earnings on those deposits. I would even suggest that Truth in Savings go beyond my own proposal to include the U.S. Treasury.

Mr. Chairman, at the June, 1973, hearings, there was some concern over the ability of consumers to comprehend even the simplified terminology of my Truth in Savings proposal. That concern led the Federal Reserve Board to request public comment on the possibility of standardizing the fifty to one-hundred different methods of computing earnings.

The conclusion of the Federal Reserve Board was that standardization of earnings computation is not desirable in terms of its impact on the savings industry and on consumers. In the absence of standardization, full disclosure—along the line of S. 1052—is essential.

The most important deficiency in the Administration's proposal is its failure to provide the consumer-depositor with the means to verify the savings institution's determination of the earnings in his account. A recent study by Miss Nancy Gramovsky of Kansas State University revealed that eighty-five percent of savings accounts fail to pay the earnings that should have been paid according to the consumer's understanding of his account. That is a serious indictment of our present standards of disclosure and it is especially important because the government regulatory authorities rely primarily on consumers to discover earnings irregularities.

Mr. Chairman, I do not doubt that most consumers are unaware of the need for full disclosure by savings institutions. But the situation was not much different prior to the adoption of Truth in Lending. Consumer awareness will come only when enough essential information is placed in the individual's hands. Put another way, you have to know something before you can ask the right questions.

I urge you to recommend the adoption of Truth in Savings legislation, and I hope that you will go beyond the limited and ineffective scope of the Administration's proposal.

RESOLUTION OF THE DISTRICT OF COLUMBIA BOARD OF HIGHER EDUCATION CONCERNING SENATOR WAYNE MORSE

Mr. EAGLETON. Mr. President, I have received the following resolution from the District of Columbia Board of Higher Education which I wish to call to the attention of the Senate. I am pleased that the citizens of the District of Columbia remember the fine work of Senator Morse on behalf of the District.

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

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

RESOLUTION No. 74-29

Whereas, the Board of Higher Education has noted the death on July 22, 1974, of Wayne L. Morse, who served as a member of the Senate of the United States from the State of Oregon from 1945 to 1968; and

Whereas, the citizens of the District of Columbia are greatly in debt to Senator Morse for his leadership in securing the enactment of the District of Columbia Public Education Act on November 7, 1966, which established Federal City College and this Board, and for his strong and continuing support of the College in its successful effort to become the first urban land grant college in the United States;

Therefore, be it resolved that this Board, on behalf of the District of Columbia and all of its citizens, and particularly its young citizens, express its appreciation for all that Senator Wayne L. Morse has done for the cause of education in the District of Columbia, and its deep regret at his sudden and untimely death, and that this Resolution be made a part of the permanent record of this Board.

Be it further resolved that a copy of this Resolution be forwarded to the family of Senator Wayne L. Morse in Eugene, Oregon, and to his former colleagues on the United States Senate Committee on the District of Columbia.

By unanimous vote, approved by the Board, July 30, 1974.

HUMANITARIAN CRISIS IN CYPRUS

Mr. KENNEDY. Mr. President, the Subcommittee on Refugees, which I serve as chairman, resumed its public inquiry into the Cyprus refugee problem and U.S. policy toward recent developments in the Eastern Mediterranean.

Since the outbreak of violence in mid-July, the subcommittee has closely followed developments on the island. An earlier hearing was held in August 20—and, shortly thereafter a fact finding mission traveled to Cyprus in behalf of the subcommittee. Just a few days ago the study mission returned to Washington, and last Thursday we heard their report.

Mr. President, the Turkish invasion and occupation of Cyprus has turned the island into shambles. In political terms, it violated the integrity of an independent state. In economic terms, it shattered the island's flourishing development. And in human terms, it brought personal tragedy to thousands of families—and a nightmare of death and horror and grief.

A drive along the roads of Cyprus quickly tells the tragic tale of the Cypriot people—of the human consequences of an armed invasion, of bombing and napalm, of cease-fire violations, of military occupation, and man's inhumanity to man.

In the occupied territory only a small percentage of the population remains—including some 8,000 Turkish refugees bombed out of their homes. Desolation and destruction mark many areas. Whole villages and towns and cities are empty of people, who fled their homes in fear of advancing Turkish forces. The 15,000 to 20,000 Greeks who remain are being held as virtual hostages— often without adequate food and water and medical care. And some 500 are being cruelly detained in Kyrenia's Dome Hotel.

Government controlled areas have been inundated with refugees from the north. Over 20,000 men, women, and children—at least a third of the population—have been seeking shelter wherever they can find it—in open fields, under trees, along the roadsides, and in schools, monasteries, and public buildings. Only in the last 2 or 3 weeks have relief supplies begun to arrive in meaningful quantities, and clusters of tents are beginning to sprout around town and cities in government controlled areas of the island. But food, blankets, medicines, and other relief goods are still in short supply. And, with the approach of the rainy season and the winter cold, the condition of the people will deteriorate—unless adequate relief measures are taken now, or a political settlement is accomplished, which will permit the refugees to return to their homes. The overwhelming majority of needy people in government controlled areas are Greek Cypriots.

But significant numbers of Turks—including some 10,000 refugees—also command our help and concern.

Mr. President, a great deal has been said over America's role in the crisis—and over the apparent complicity of our Government in the human and political tragedy of Cyprus.

We are told by our Government that we must be practical in our approach to the crisis. We must understand what has happened. And we must accept the new realities on the island.

But what are these new realities? And what are we being asked to understand and accept?

Are we to condone the invasion and occupation of Cyprus? Are we to condone cease-fire violations, and the nibbling away of an independent state? Are we to condone the human tragedy brought about with American supplied weapons, and stand silent in the face of these realities?

I believe the American people expect more of their Government. And I call on the President and members of the administration to give some greater evidence of concern and action over the tragedy of Cyprus—and over the needed diplomacy to restore the island's territorial integrity, and the right of the Cypriot people, working together, to determine this end—including the allocation of foreign military assistance to Turkey. Important first steps must include a strengthened United Nations presence on the island, the orderly withdrawal of Turkish forces, and the return of refugees to their homes.

With such goals in mind, we should also strengthen our support of relief and rehabilitation efforts by the Cyprus Government, the Turkish Cypriot Administration, the United Nations High Commissioner for Refugees—UNHCR, the International Red Cross, and others. We should lend our diplomacy to the reopening of the Nicosia airport, which would greatly facilitate the work of the international relief agencies.

We should lend our diplomacy to help guarantee the free access of these agencies, for humanitarian purposes, to all parts of the Turkish occupied area.

And we should increase our contributions to the UNHCR and the other programs for the relief and rehabilitation of the refugees and other Cypriots in distress. I have introduced an amendment for this purpose to the pending foreign assistance bill. And I am extremely hopeful that, given the very urgent human needs in Cyprus and so many other areas of the world, the amendment will be adopted by the Senate, and the foreign assistance legislation will be expedited toward enactment.

In order to share with the Senate the report of the subcommittee's study mission to Cyprus, Mr. President, I ask unanimous consent that the text of the statement of Prof. Dennis Skiotis, a member of the team, be printed in the RECORD.

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

STATEMENT OF DR. DENNIS SKIOTIS, MEMBER OF THE SUBCOMMITTEE STUDY MISSION TO CYPRUS

Mr. Chairman, my name is Dennis Skiotis, and I am Assistant Professor of Ottoman and Modern Greek and Turkish History at Harvard University. As you know I was a member of a Study Mission you dispatched to Cyprus, composed of myself, Dale deHaan, Staff Director of the Subcommittee, and Jerry Tinker, staff consultant.

By way of introduction, I would like to note briefly the activities of the Study Mission team on Cyprus. We visited the island during the first week of September, traveling extensively in refugee areas on both sides of the ceasefire line. In the Government controlled area in the south, we spent almost three full days in the region where the great bulk of the Greek Cypriot refugees are located. We had unrestricted and free access to all areas, and the Government of Cyprus was fully cooperative. We chose where and when we wanted to stop, and we spoke with hundreds of refugees.

We also spent two days in the Turkish occupied areas, visiting Turkish Cypriot refugees in Nicosia, and traveling north to Kyrenia and Ballapais, and to the port of Famagusta in the east. We were received cordially by the Turkish Cypriot administration. However, we had only restricted access to military occupied areas, which now comprise some 40% of the island—perhaps more. There are frequent check-points, and travel arrangements must be cleared with local Turkish commanders. This applied as much to the Turkish Cypriots as it did to us.

During our stay we met twice with acting President Clerides, and conferred with members of his government, relief officials, as well as representatives of the Cypriot Red Cross. On the Turkish side we met with Mr. Rauf Denktash, the constitutional Vice-President of Cyprus and the head of the Turkish Cypriot community, with members of his administration, and the Red Crescent Society. In addition, we consulted with the representatives of the International Committee of the Red Cross, the United Nations High Commissioner for Refugees, and the United Nations Forces in Cyprus (UNFICYP). Traveling to and from Cyprus, we paid brief visits to Athens and Ankara to confer with Foreign Ministry and relief officials. In Athens we met with Dimitrios Bitsios, the acting Foreign Minister, and in Ankara we conferred with senior diplomats, including Sukru Elekdag, soon to be the Secretary General of the Foreign Ministry.

In Geneva we met with officials of the International Committee of the Red Cross and the U.N. High Commissioner for Refugees. In London we visited with the President of Cyprus, Archbishop Makarios, and held discussions with British Foreign Office and relief officials.

The new American Ambassador to Cyprus, William Crawford, and his staff, extended every courtesy to us; in fact, quite by coincidence, we traveled with the Ambassador enroute to Cyprus and appreciated learning his views. I should note at this point, Mr. Chairman, that the Department of State and the Embassy had originally expressed concern over our Mission—concern over security and over the dangers arising out of strong anti-American feelings in Cyprus. I think there was some surprise, therefore, when we—as representatives of this Subcommittee and carrying your expression of personal concern, Mr. Chairman—received a very warm

reception in the refugee areas. We were actually cheered and applauded—all signs of the great appreciation felt by the people of Cyprus at this first public expression of American concern over the tragedy of Cyprus and particularly, of course, the plight of the refugees.

THE CRISIS IN CYPRUS

Once again, Mr. Chairman, refugees have become pawns in a political struggle between two sides. Once again we are being treated to a heartless numbers game of how many refugees—if any—will be permitted to return to their lands and their homes. New frontiers, new schemes for new constitutional structures are being bruited constantly. In the meantime the refugees wait, and they suffer. The picture on Cyprus, on the island of Aphrodite, could not be grimmer, and fear and frustration have gripped 90% of the population—Greeks and Turks alike.

To explain fully how all this came about we would have to go back in history for a thousand years, for, unfortunately, Greek-Turkish antagonism in one form or another has existed that long. Some of this background will be provided in my report and, perhaps, in the questions asked later on. But in the limited time available for this morning, I will have to limit myself to what might be called the day before yesterday's event.

The whole tragic story began on July 15 when the legitimate government of President Makarios in Cyprus was overthrown in a coup led by Greek officers on instructions from the military junta ruling in Athens. Nikos Sampson was the puppet installed by the junta in Athens as President and despite a flurry of diplomatic activity, Turkey launched an invasion of the island 5 days later—ostensibly to protect the island's 18% Turkish minority from the threat of enosis, union of Cyprus with Greece. The Turkish landings were resisted stubbornly by the Greek Cypriots and on that same day, July 20, the United Nations Security Council adopted the first of a number of strongly worded resolutions calling for an immediate ceasefire, urging an end to foreign intervention and withdrawal of all foreign troops from the island; and requesting the guarantor powers of Cyprus, Greece, Turkey and Britain to start negotiating for a settlement. A shaky ceasefire went into effect shortly thereafter—with the Turkish Army steadily expanding the width of their corridor from Kyrenia to Nicosia—but efforts to work out a settlement in the second round of Geneva peace talks collapsed on August 14th after Turkey refused to allow the Greek and Greek Cypriot delegations a 36 hour delay to confer with their respective governments on Turkish proposals.

Before dawn, the Turkish Army, heavily reinforced with armor and wielding the advantage of complete air superiority, slashed across Cyprus towards both east and west. In three days, this overwhelming military thrust sliced off at least 40% of Cyprus which was slightly more than what the Turks had been demanding in the Geneva talks. The rapid and effortless Turkish advance on Cyprus had both a profound repercussion at the international level and a devastating effect on the population of the island.

At the international level, Greece, headed since July 23 by the civilian government of Constantine Caramanlis (who had been recalled to Greece as a result of the junta's blunder on Cyprus) briefly considered war with Turkey, rejected that option, but withdrew militarily from NATO. This was done in reaction to U.S. policy which was widely reported as having first "tilted" towards the junta and the Sampson coup, and then after the first invasion towards Turkey. Indeed, U.S. policy at every crucial stage of the Cyprus crisis seems to have been one of hasty improvisation coldly calculated to minimize disturbances within NATO. Not only did it achieve the opposite result in the end, but more importantly in human terms, it failed the defenseless people of Cyprus.

For whatever the merits or dubious legality of the initial Turkish landing, the second phase of the Turkish Army's so-called "peace operations" on the island—particularly after the Sampson regime had given way to the moderate and constitutional leadership of Glafkos Clerides—was an unjustified violation of the independence and territorial integrity of Cyprus. In fact, in simple language, it was aggression.

CONSEQUENCES OF THE INVASION

Mr. Chairman, there are today two stark realities on Cyprus. The first is the presence of an army of occupation—some 40,000 Turkish troops. The second reality is the humanitarian crisis confronting over 282,000 Cypriots—nearly half the population of the island—who are now refugees, civilian detainees, prisoners, or in need of relief assistance, on both sides of the uncertain ceasefire line.

Regrettably, there is little understanding outside of Cyprus as to conditions in the field. Having seen firsthand literally thousands of refugees—having talked to hundreds from all areas of the island, on both sides, Turks and Greeks—I believe it is important at the outset to briefly describe the refugee situation.

Humanitarian consequences of the invasion

As Table 1 outlines, there are several discrete and separate categories of displaced persons on Cyprus and other people in need of help. The first, and by far the largest and most serious category, are the Greek Cypriot refugees in the Government controlled area of the South. Official statistics in the field, although based upon a preliminary count taken while we were there, numbers some 194,000 Greek Cypriots displaced prior to the ceasefire from Turkish occupied areas, with an additional estimated 20,000 post-ceasefire refugees, from areas such as Athna and other villages and towns along the ceasefire line.

TABLE 1.—*Humanitarian problems in Cyprus**

	Total
I. Refugees:	
1. In Government controlled areas:	
Greek Cypriot refugees	194,000
Post cease-fire refugees (from Athna and other areas along cease-fire line)	20,000
Turkish Cypriots displaced or cut off	34,000
2. In Turkish occupied areas:	
Greek Cypriots displaced or cut off	20,000
Turkish Cypriot refugees	8,000
II. Prisoners and detainees on both sides	6,000
Total	282,000

*Based upon statistics of the U.N. High Commissioner for Refugees and the International Committee of the Red Cross, as of Sept. 15, 1974.

These refugees are everywhere present. To drive along the roads of the southern portion of the island is to drive through an endless refugee camp. Refugees are still encamped under trees, along roadsides, under small lean-to huts, awaiting more permanent shelter. Every available public building and accommodation is filled with refugees—schools, churches, monastaries, and civic buildings. District towns are flooded with refugees, with idle men swelling the unemployment rolls. Small towns along the way have doubled in size.

During one long day we toured the Larnaca district, around the British Sovereign Base Area of Dhekelia, to towns overwhelmed by refugees, mostly from the second phase of the Turkish invasion from around Famagusta. A typical situation was that of Ormidhia town, whose population jumped by some 300%. Refugee families were scattered everywhere, and relief supplies were just beginning to arrive—over two weeks after many of the refugees first moved. An empty soccer field was being turned into a refugee city of tents—camping tents for six people, now holding one or two families with as many as 14 men, women and children huddled together.

The critical problems were all the classic problems which confront refugees—the need for shelter, for blankets, for food and other necessities of life. All were in short supply, and many were unavailable. In particular, there was, and remains, a desperate need for blankets. Despite the arrival of thousands of blankets while we were there, and the promise of more to come, there was clear evidence of the need for more. In the town of Xylophaghou we visited a school crowded with refugee families forced to sleep on cold, concrete floors. Food supplies were rapidly dwindling, and a Government sponsored food distribution and rationing program was just getting underway. Starting with a daily distribution of bread, relief officials were hoping to expand the ration programs to include protein foods, milk, and other supplies, *if*—and it is a big "if"—disaster relief supplies from abroad arrive on schedule before government stocks are depleted.

While we visited Cyprus, and during our tour in the Dhekelia area, the Turkish army undertook what United Nations officials later described to us as "armed reconnaisance in force" along the ceasefire line above Athna. This type of military action, which has occurred regularly since the ceasefire was announced—and variously described as Turkish "land grabs" or "salami tactics"—has produced the second category of refugees, the some 20,000 Greek Cypriots who have fled since the ceasefire. Like the thousands before them, during the first and second phases of the invasion, the refugees are fleeing for safety and out of fear of the Turkish military.

Whether real or imagined—and it is probably real—the fear of the Turkish military is widespread. Whenever and wherever we talked with Greek Cypriot refugees, the story was basically the same: they moved the instant they saw or thought the Turkish army was advancing towards their town or village. And they did move instantly—dropping everything, taking very little with them, and either driving by car or tractor, or busing to safety in Government controlled areas. The stories of rough, sometimes brutal treatment of civilians by Turkish forces in Kyrenia after the first invasion, had spread over the island like wildfire. Thus, after the second invasion, Greek Cypriots fled the moment there was rumor or sight of military forces—creating a virtual vacuum into which the Turkish army could and did move without resistance and without the presence of people.

We saw direct evidence of this the day we visited the Athna forest, bordering the British Base area. Cars and trucks were moving down the road from Athna town, loaded with people and with whatever they could carry—cloths, baskets, mattresses, a few pots and pans—heading for the safety of the British Base and the shelter of the trees. But conditions are miserable—dusty, no tents, few blankets, no water, little sanitation, and a meagre amount of food distributed by the British. Yet the refugees continued to come that day—by the hundreds.

The night before the fall of Famagusta, some 8,000 refugees came into the forest area, and in the days that followed some 7,000 more arrived. It was, for many, a first stop before moving onward, but the day we

visited, there were over 9,000 refugees still encamped under the trees. Before too many weeks the rains will come, and the only question we were asked was whether tents would arrive in time.

I should note here, Mr. Chairman, that the policy of the British authorities is to do the minimum possible for the refugees, lest they decide to stay on British Base areas. A British colonel, who was in charge of a modest field kitchen which comprised the British "relief effort," told us quite candidly that the British didn't want to accept the refugees, and only did so in the beginning because they were seeking sanctuary from actual combat. Now that a ceasefire had been declared they wanted them off the base.

A third category of refugees and persons in duress, are the Turkish Cypriots in Government controlled areas. Some 34,000 are refugees in such areas as Episkopi (on the Akrotiri British Base), and Dhekelia, where camps have been established under the auspices of the International Committee of the Red Cross and now under the U.N. High Commissioner for Refugees. In almost every way, the plight and the needs of these refugees is identical to that of their Greek Cypriot counterparts. In addition, several thousand Turkish Cypriots are cut-off or isolated—either by choice or by circumstance—in Turkish villages or in the Turkish quarter of larger towns in the south. These beleaguered villages are under the observation and protection of United Nations Forces in Cyprus, and are receiving relief assistance from the ICRC or the U.N. High Commissioner.

We visited one mixed village, Kalokhorio, where the Turkish quarter has not been disturbed—having hoisted a white flag above the mosque as a signal of the lack of hostile intentions. There was no indication from our visit of any harm being done to these Turkish Cypriots. However, there can be no question that other villages are and do feel beleaguered and isolated. We were assured by international observers that physical conditions in these cut-off villages and towns are not as bad as suggested by the Turkish Cypriot administration in Nicosia. As one United National official, who has been on the island for many months, stated: "Objectively nothing has changed in these Turkish villages, except the fear that something has changed." But in the context of the violence and random mass killings that have occurred on the island since the fighting broke out, the apprehension that conditions may change for the worse from minute to minute, does not serve to reassure Cypriots in enclaves on whatever side of the ceasefire line they find themselves at the moment.

The last category of refugees and persons in need are those in the Turkish occupied area, involving some 8,000 Turkish Cypriot refugees, and an estimated 20,000 Greek Cypriots displaced or cut-off.

The Turkish Cypriot refugees are those reportedly displaced during the conflict, such as around the old city of Famagusta, and those who have fled from the south to the north. We visited two schools in the Turkish sector of Nicosia where such refugees were located. The few we saw appeared to be in good condition, with no over-crowding, and adequate relief assistance from the Turkish Cypriot Red Crescent Society.

However, the refugees the Turks most often mention are not those from the current conflict, but rather from the 1963-intercommunal violence, when some 25,000 Turkish Cypriots were displaced. We visited one such area bordering Nicosia, called Omorphita, which is a symbol of the neglect the Turks feel the Greek Cypriots and others paid to their needs 11 years ago.

The second type of refugee problem in the Turkish occupied areas is that of the Greek Cypriots isolated in Kyrenia and Bellapais, and an uncertain number of villagers cut-off and isolated in the so-called panhandle, Karpasia, estimated at 15,000. We were not able to arrange a visit to this isolated area, and at the time of our trip the only known outside observer to have access to Karpasia was a United Nations officer. But reports indicate that the people there are in increasingly desperate straits—running out of food and other supplies. To date, the U.N. High Commissioner for Refugees has been unable to freely deliver relief supplies or to have unrestricted access to refugees in the Turkish occupied areas. Until this is done, the world will not know the full tragedy of Cyprus, nor will we be able to provide all the help we can. And until the Turkish policy of isolating inhabitants of Karpasia ends, the world must assume they have something to hide. This policy contrasts sharply with the free access enjoyed by the United Nations and the Red Cross throughout the Government controlled area in the south.

Finally, there is the humanitarian problem of releasing prisoners of war and civilian detainees—some 6,000 on both sides. Considerable and very encouraging progress has been made in this area, resulting from the recent talks, under U.N. auspices, between President Clerides and Vice-President Denktash. Two prisoner exchanges have been made, and more are promised next week.

Economic consequences of the invasion

It is exceptionally difficult to quantity the full extent of the damage and destruction caused by the conflict, nor all the ramifications the invasion has had, and will have, on the economy. But, for a state as small as Cyprus, there can be no doubt that it has been catastrophic.

Regarding the extent of physical destruction, the evidence we saw and the documentation we received, indicate that minimal bomb or structural damage occurred—with the exception of areas in and around the Kyrenia-Nicosia enclave which was the site of the original Turkish landing and the staging ground for phase two. Considerable looting has occurred in many areas. Kyrenia city, for example, has been looted beyond description, and on our long drive across the island to Famagusta, there was widesperad evidence of looting of Greek Cypriot villages along the road. In fact, we ourselves saw two military trucks and a lorry loaded with miscellaneous pieces of furniture heading for some unknown destination down the road from Famagusta.

The new city of Famagusta—the "Miami beach" area known as Varosha—is the major exception to the problem of looting. Evident care has been taken by Turkish military commanders to seal this area off from all potential looters. It appeared from our visit to be relatively untouched. But it remains a symbol as to what has happened to the economy of Cyprus; this once bustling city of 40,000, a key element in the island's tourist industry, is now a ghost town. We stood on the empty main street—"John F. Kennedy Blvd."—amid high-rise hotels and apartments and expensive shops, and could see only a few stray dogs and cats, and a lonely contingent of Swedish U.N. troops. An entire metropolitan area has become a refuge.

Since the Turkish invasion, the Government of Cyprus estimates that the country is losing some $4.5 million in economic production every day. The vast citrus industry in the Morphou area rots on the trees. The fields of wheat, which should now be planted, lie fallow. Unknown numbers of livestock and cattle are dead because of the lack of food and water. The mines and light industry lies idle. And not a single tourist remains on the island. It will not be too many months before the foreign exchange crisis becomes critical—a fact that has only been delayed temporarily by the action of Greece in providing some $17 million each month in financial support of the Government of Cyprus.

There can be little doubt, Mr. Chairman, that the damage to the economy of Cyprus will only serve to heighten the plight of the people, and made the life of the refugees all the more precarious. With each passing day the economic situation worsens, as will the condition of the refugees, if something more is not done soon.

International relief assistance

Fortunately, a significant international relief effort is now underway, in cooperation with the Government of Cyprus and under the auspices of the U.N. High Commissioner for Refugees and the International Committee of the Red Cross. Active in Cyprus since July, the ICRC issued an appeal in August for some $9 million in emergency relief assistance. This was followed on August 30th by an appeal by the U.N. High Commissioner for contributions of $22 million for relief through the end of the year, dovetailing his operation with the Red Cross program.

Although there was a commendable and early response from many nations to the plight of Cyprus—particularly from Greece, the European *Economic* Community, and the United States—the appeals of both the ICRC and U.N. High Commissioner have only received token amounts to date. The U.N. High Commissioner has said his operation will come to a standstill if further contributions are not forthcoming: he has received only $4.5 million of his $22 million goal.

Aside from the considerable bi-lateral aid Greece has given Cyprus, the United States has been the largest contributor. As of this week, the United States has pledged $3 million to the U.N. High Commissioner's program, and our total assistance, in cash and kind, is $4,925,754. American voluntary agencies have contributed $109,175.

But massive relief needs remain to be met. More blankets and tents are required, on an airlift, urgent basis. And if the crisis drags on, as it appears it will, considerable planning must begin now to provide food and other essential items. In addition, the medical situation, which is relatively stable now, can only worsen as refugee camps become crowded and the rains bring increased health and sanitation hazards. Early signs of medical problems are already evident, and a World Health Organization representative who toured the refugee areas at the time of our visit, outlined to WHO urgent medical requirements to head-off epidemics.

We were greatly impressed, Mr. Chairman, at the capacity of the government of Cyprus to undertake relief programs and absorb relief assistance—under the most difficult of circumstances. They have the talent, the energy, the infrastructure, and most of all, the concern, to carry forth a meaningful and significant relief effort—*if* they are given the tools and the resources to help them help themselves. This we, and the international community cannot fail to do.

Political consequences of the invasion

Having briefly reviewed some of the humanitarian and economic consequences of the Turkish invasion, it is essential to note the serious political consequences which have also resulted.

Stated succinctly, the invasion has undoubtedly destroyed the constitutional framework and political structure of the Government of Cyprus, as established in 1960. There can be no turning back the clock. The future of Cyprus will be a future governed by a new and different governmental and political structure. This, of course, will be the primary function of negotiations in the days ahead, and the outline of the solution can barely be seen at this time. Most frequently mentioned, particularly in Ankara, but also elsewhere, is some form of territorial separation of the two communities on the island—of geographic segregation of

Turkish and Greek Cypriots, thus creating a Turkish majority area on Cyprus.

To an outside observer, it may seem possible, even easy, to work out some kind of new bi-regional arrangement on either side of the present ceasefire line. But, Mr. Chairman, I do not believe that any Greek Cypriot government can be found that would accept a settlement imposed by the force of arms, and predicated on the non-return of two out of five of its people. If that "solution" is, in fact, forced upon the Greek Cypriots, there can be little doubt that they will be left with no alternative but guerilla war—with all that that implies for the future peace and stability of the eastern Mediterranean. The very likely outcome of a prolonged stalemate would be *de facto* partition—in effect, double enosis—the political, or at the very minimum, administrative and economic union of the two separate parts of Cyprus with Greece and Turkey. In the process, Cyprus would cease to exist.

Consequences of partition

Whatever name or label is used to describe partition in Cyprus—whether it is called "bi-regionalism," "geographic federalism," or "consolidated cantonments"—the reality of partition on an island the size of Cyprus is that there will inevitably be serious human and economic consequences.

The partition line most frequently envisaged in discussions on Cyprus, particularly within the Turkish community, relates to the so-called "Attila line." This line was first proposed by the Turkish Cypriot Communal Chamber in 1964, and was raised again this past July by Turkey during the Geneva talks. The Attila line runs from Kokkino in the northwest, via Xerarkaka, south of Lefka, Akaki, through Nicosia, east through Angastina and Prestio, to Famagusta. The area north of this line is approximately 1,750 square miles, comprising roughly one-third of the territory of Cyprus. Currently, the Turkish Army occupies land considerably beyond the Attila line.

But no matter where a line is finally drawn, any artificial division of the island will bring immense economic problems as well as massive population dislocation—the general character of which can only be imagined after an analysis of important economic and population factors. The following information was obtained from official sources in the field, and serves to document some of the population and economic factors related to partition in Cyprus.

Impact of partition on population patterns

Drastic changes in population patterns of Cyprus will come with partition—changes every bit as serious and disruptive as those which have already come with the Turkish military invasion, which has in effect turned the island upside down. Most severely affected, of course, is the Greek Cypriot community, which comprises some 78% of the population.

A partition along the Attila line, which will require a significant segregation of Greek Cypriots and Turkish Cypriots into separate areas—and which seeks to assure a Turkish majority in their area—will mean moving nearly half the total population and resettling them elsewhere on a permanent basis. Based on 1972 population estimates, this would amount to moving some 51,800 Turks (44.6% of the total Turkish Cypriot population) from scattered areas around the island into the northern zone. In turn, this would require moving out of that northern area at least 147,500 Greek Cypriots (or some 29.3% of the total Greek Cypriot population), who, until the invasion, lived there.

Official estimates indicate that such a shift could involve as many as 40,000 families, and it would alter significantly the population density in each of the two ethnic areas. According to Cyprus Government estimates, this would reduce the density of population in Turkish areas by half—from 185 to only 76.9 persons per square mile. Yet, at the same time, it would force the population density in the Greek area to jump from 181 to 202.6 persons per square mile. The following table, based on official estimates and data from the last detailed census in 1960, provides a population profile of Cyprus.

TABLE 2. *Population profile of Cyprus*

Total population 1972

Greek (78%)	503,100
Turkish (18%)	116,100
Armenians, Maronites, others (4%)	25,800
Total (100%)	645,000

Average population density, 181 per sq. mile.

Population of area north of the Attila lines:

Greek (67.7%)	147,500
Turkish (29.5%)	64,300
Others (2.8%)	6,000
Total (100.0%)	217,800

Population of important urban centers in the northern area:

Morphou: 7,480 (120 Turks, 7,360 Greeks).
Kyrenia: 4,183 (1,383 Turks, 2,800 Greeks).
Lefka: 5,400 (Turks, no Greeks).
Famagusta: 39,400 (6,900 Turks, 27,700 Greeks, 4,800 others.

Nicosia:

Turkish sector	27,400
Greek sector (Greeks)	72,600
Others	10,500
Total	110,500

In short, if partition in Cyprus is to mean significant segregation between Greek and Turkish Cypriots, and if it also means the Turks are to have a majority in their area, as Turkey now seems to demand, it will require a drastic rearrangement of existing population patterns—rearrangement that cannot help but be painful, and probably inequitable, to the Greek Cypriots. An example is the city of Morphou, which falls above the Attila line, and which seems clearly within the Turkish area from the Turkish point of view. If Morphou were made to become a Turkish majority area, well over half of 95% of the city's current population would have to leave their homes. In Kyrenia, 30% to 60% of the population would have to leave and be replaced by Turks.

The impact upon land ownership would be no less severe, and will obviously be a major stumbling block in any partition plan. It will require compensation for Greek privately owned land in the northern areas of Cyprus, as well as extensive land exchange programs between Turkish and Greek Cypriots. Because the Greeks own more land in the north than the Turkish Cypriots do in the south, land exchange will obviously be complicated no matter whose statistics one uses on current land ownership. The Government of Cyprus claims the 1960 Census shows some 20.4% of the total agricultural land in Turkish hands, while the Turkish Communal Chamber says arable Turkish land is 30%. The discrepancy may not seem great in terms of total land tenure, but when the critical differences of where the land is located, its level of development, and its crop, are added to land distribution patterns, exchanging land on an equitable basis will be difficult, if not impossible—regardless of what the actual total of land may be respective to the two communities.

Impact of partition on the economy

Being a relatively small island, the economy of Cyprus is necessarily homogeneous and, even as it has prospered and grown remarkably over the past decade, it remains a fragile and developing economic system. Partition of this totally integrated economy would have disastrous consequences, and to partition it in an equitable fashion will try the wisdom of Solomon—because it works, prospers, and grows only as a whole.

If the Attila line forms the basis of partition, it will include many of the principal foreign exchange earning portions of the economy. On the Turkish side, it will include the copper mining region in the Morphou Bay area, the whole of the highly-developed agricultural Morphou plain (including the mostly Greek citrus industry), all of the perennial springs in the Kyrenia mountain range, most of the irrigated plain of the eastern Mesaoria, large areas of citrus groves in the Serrakhis river valley, large forest areas in the Kyrenia region (although two thirds were burned during the invasion) many of the best tourist resorts, and portions of Famagusta, including the largest port facilities on the island.

In comparison, the Greek controlled area, although retaining a sizeable portion of the fertile Mesaorian plain, would contain a high proportion of uncultivable mountainous and forested terrain (the Troodos Mountain area), and undeveloped land.

Agriculture

Because Cyprus is basically an agricultural country, with approximately 47% of the land cultivated and well over half of the population engaged in some form of agriculture, partition will inevitably have a severe impact upon its agricultural sector.

For example, the fertile Mesaorian plain, the breadbasket of the island's cultivable lands. Its principal crops are wheat, barley, vegetables, and citrus fruits. Extensive irrigation in the area is required during the summer dry season, and this has been developed over the past decade. If this plain is partitioned along the Attila line, it would place within Turkish control some 37% of all croplands, and provide the Turkish Cypriot community with more than half of the valuable irrigated crop land, and over half of the wheat cultivated areas—to feed less than a quarter of the island's population.

The Morphou plain would also fall in the Turkish area, and as a result Turkish Cypriots would control two thirds of the best citrus growing region of Cyprus. These include the orange and grapefruit groves in the Famagusta and Morphou areas, and the lemon orchards near Karavas and Lapithos in Kyrenia. Citrus fruits represent the most important export of the island, valued at some $17.3 million in 1970 according to Cyprus Government statistics.

Turkish controlled areas will also have the second best potato growing region of Cyprus, along the Nicosia-Morphou road, as well as approximately half of the carob and olive producing areas. The value of potato exports, mostly to England, was almost $16 million in 1970.

Tourism

In recent years, tourism has grown as a significant foreign exchange earner for Cyprus, and it has almost been exclusively Greek Cypriot investments and management that have made it possible. Partition of the island, especially if Famagusta is divided differently than it is now, will also cut the tourist business in half.

The Greek controlled areas would retain many of the tourist and ski attractions in the western part of the island and in the Troodoos mountains. But the tourist trade concentrated in the Kyrenia and northern coastal resorts will fall into Turkish hands. Loss of Kyrenia will be especially hard for Greek Cypriots, largely because of its flourishing, Greek-owned hotel business. In 1970, Kyrenia and Famagusta (now both in the Turkish occupied area), and Nicosia, together accounted for 82% of the tourist accommodations and are clearly the most significant aspects of the foreign exchange earnings of tourism.

Forestry

Although the timber resources of Cyprus provide less than 30% of its timber requirements, the forests represent a key resource in the island's economy. Partition will mean

that the northern area, which contains some 197 square miles of timber, or about 29% of all state and privately owned forest land, will be in Turkish hands. Roughly one-third of the island's timber output will be reserved for less than a quarter of the population.

Mining

The Turkish occupation of the Morphou Bay area brings within its control the U.S.-owned Cyprus Mines Corporation, the island's largest copper producing company and another significant foreign exchange earner. According to information in Nicosia, this copper mine's output in 1970 totalled some 18,000 metric tons, a substantial drop from the peak years of the 1960's, and it will, officials say, decline further unless there are new investments of capital equipment. All other mining areas will remain in Greek held territory.

Industry

Officials indicate that this branch of the economy will be least affected by partition, largely because there is little heavy industry on the island aside from the mines. Light industry is largely concentrated around Nicosia and the southern port cities, and remains in Greek controlled areas. The significant winery industry, almost wholly Greek-owned, is in the Limassol area and would be in Greek areas under a partition plan.

The hazards of economic partition

Over the past decade, the economy of Cyprus has grown at a remakable rate, and it has become one of the most dependable members of the International Monetary Fund, and one of the highest rated recipients of United Nations Development Program funds. Indeed, Cyprus has prospered and has developed economically at a far better rate than its neighbors, including Turkey and even Greece. It has one of the highest per capita incomes in the Eastern Mediterranean—nearly three times that of Turkey.

However, this prosperity and economic performance has been based upon the integrated economy of the whole island. What political partition will mean in economic terms is anyone's guess—even if the intention is not, as Turkey says it is not, to divide the island's economy. But how a political partition line can be drawn without also dividing or disrupting the economy of the island, is clearly one of the most troubling questions confronting negotiations over the fate of Cyprus.

The results of the Turkish invasion have already, in less than three months, wreaked havoc with the economy of Cyprus. As I have already noted, the losses from physical damage and dislocation caused by the military activity since July have already run into the millions. But as serious as the economic effects of Turkish occupation have been to date, consequences of partition may be even more damaging. Every indicator suggests that Cyprus could not easily recover economically from a permanent political partition—certainly not in the near future, and perhaps not for many years to come.

CONCLUDING NOTES

1. Ethnic conflict between Greeks and Turks on Cyprus has led, and will lead inexorably in the future, to confrontation between Greece and Turkey. Britain, as a guarantor power, is also immediately involved. All this in turn, gives rise to problems within the western alliance (NATO) and automatically draws the United States into the picture. Intense U.S. and NATO activity in the eastern Mediterranean tends to bring about the reaction of the Soviet Union and the issue thus reaches the level of world politics involving the stakes of war and peace. Finally, Cyprus' membership in the United Nations and her ties with the non-aligned nations bring an additional factor to bear on the power equation around this small island. This, in fact, has been the general pattern and complexity of international crises over Cyprus since 1963–64, in 1967, and now, again, in 1974.

2. Considering this extremely complex network of conflicting interests involving Greece, Turkey, Britain, the United States, NATO, the Soviet Union, the United Nations, and, most important of all, the divided people of Cyprus—the only way of reconciling most of these interests is to maintain and preserve a truly independent, democratic Cyprus. Viewed in this perspective the Greek junta's engineered coup in Cyprus in July was a clear attempt to impose an unacceptable solution. So too, however, was the military intervention of Turkey which now threatens partition.

Surely, one of the most important lessons of this latest Cyprus crisis is that the much touted concept of detente has degenerated to a mechanical nonaggression agreement among the Great Powers, while any smaller power which feels strong and determined enough to strike can defy both Washington and Moscow as well as the United Nations. Nobody can claim that the people of Cyprus have benefited from detente. Their suffering is ignored, and their legitimate interests forgotten.

3. It is to the end of restoring the independence and territorial integrity of Cyprus that the U.S. should now turn its full energies. The Cyprus crisis will not go away as we "tilt"—or, perhaps more accurately, as we "slide"—from one side to the other in an unsuccessful policy of drift that is called "being neutral." Active, imaginative diplomatic approaches are needed urgently.

4. Needless to say, any negotiated settlement will have to provide the Turkish Cypriot community on Cyprus, which has legitimate and serious grievances, with an enhanced degree of security, autonomy and participation in the economic life of the country. How this is achieved, and within what constitutional framework, is, of course, a matter for creative diplomacy and negotiations to define.

In this connection, the talks now taking place between President Clerides and Vice-President Denktash, are crucial and must be actively supported.

However, we can foresee no viable solution to the crisis on Cyprus unless a substantial number of refugees are permitted to return to their lands and their homes. Some movement and transfer of population may be necessary and, indeed, desirable. But no plan that perpetuates what military conquest has brought about can long survive.

5. United States diplomacy should be carefully orchestrated with peace initiatives advanced by the United Nations. Only within the context of a United Nations solution will the Soviet Union, which has legitimate security interests in the eastern Mediterranean, accept the final disposition of the Cyprus issue.

6. The United Nations has a long and constructive record of involvement in Cyprus. But its presence and its peace keeping capability on the island were severely tested in this latest crisis. In fact, the credibility of its peace keeping functions has been gravely impaired. The U.S. should support a new and strengthened mandate for UNFICYP to enable it to perform its peace keeping mission satisfactorily.

7. The longer the time needed to achieve a resolution of the crisis, the greater will be the suffering and tragedy of the people of Cyprus. Political postures cannot be allowed to freeze into inflexibility; the need of the people of Cyprus is urgent and it must be a priority before the international community.

MORE TRIAL BALLOONS

Mr. HARTKE. I wonder, Mr. President, if the adminsitration or its spokesmen will ever tire of launching as "trial balloons" proposals that have already become earth-bound chestnuts.

First it was the 10-cent-a-gallon tax on gasoline. Now we learn that the President and his advisers are discussing a Btu tax on fuel which would work an even greater hardship on those least able to afford it.

Mr. Ford's administration surely cannot be so regressive in attitude and outlook as to favor such schemes. Energy conservation is a desirable goal—in fact, an imperative goal. Outside of the minions of the multinational oil companies, few Americans are willing to tolerate continued reliance on Arab oil or to endure economic blackmail.

I cannot believe, however, that the combined brain power of the executive branch is incapable of devising any other policy for energy conservation. Without belaboring the obvious, Mr. President, I would like to take a few points from the testimony offered last week before the Special Committee on Aging of which I am proud to be a member.

The poor in general and the elderly in particular pay out a disproportionate amount of their incomes for direct energy consumption. The welloff in our society use vastly more energy per capita but need devote only about 4 percent of their incomes to energy purchases. Middle income groups pay, on the average, 6 to 7 percent. The poor, however, must utilize 15 percent of their incomes to cook, keep warm, and get to and from work in those instances where they have automobiles. More importantly, the poor—according to the testimony of S. David Freeman—use less energy than other Americans but what they do use is devoted almost entirely to essentials. This allows for almost no leeway for cutting back.

The elderly, let us keep in mind, Mr. President, are more severely affected by the cold. To ask them—or to force them—to keep their homes at 68 degrees or lower is a real hardship. During the winter months they stay indoors far more than the rest of the population to escape the cold.

In gross terms, an excise tax on gasoline would have a greater effect on middle and upper income groups since the poor own only about 9 percent of the Nation's automobiles and consume only about 5 percent of the gasoline. But such reasoning is too reminiscent of Mr. Greenspan's remark the other day that stockbrokers were actually the greatest victims of the present inflation. An excise tax—and even more importantly a Btu tax—will have a devastating impact on poor and lower middle income families because they simply do not have the necessary economic cushion to insulate themselves from such Government-imposed hardships.

I do not like either the excise or Btu tax concepts because they are entirely regressive, affecting most severely those least able to absorb the blow. This is not a just solution, it is not even a particularly effective solution to the problem of

energy conservation. But if the administration is at all serious, I strongly urge it to combine these proposals with some form of tax relief or direct payment to lower and middle income families who will otherwise be forced to bear the entire burden.

NEEDED NOW: A SOLAR CONSTRUCTION PROGRAM

Mr. GRAVEL. Mr. President, instead of helplessly exporting American wealth to pay for foreign oil, why does not this Government start on a positive program to build solar energy plants?

I say it is time to make solar energy a major tool of our foreign policy. For a year, we have been cajoling and threatening and yielding to foreign oil owners.

What is needed is a real commitment by this country to replace foreign oil with solar energy on the fastest possible schedule. Complete replacement is not necessary, of course. Just a major reduction in our demand for foreign oil would almost certainly bring down the price of what we still do buy.

Our solar resources are certainly big enough to let us show that we mean business, serious business. At an average energy conversion efficiency of just 5 percent, solar energy from less than 4 percent of the U.S. continental landmass could supply 100 percent of the country's current energy needs, according to the AEC's Solar Subpanel IX, October 1973.

READY, FOR A PRICE

There is no question that solar energy systems would work if we built them today. There is no question, also, that they would work cheaper and better if we waited 5 years to build them. Solar Subpanel IX reported as follows:

> Although the full impact of solar energy probably won't occur until the turn of the century, the economic viability of several applications (e.g., heating and cooling of buildings, wind electric power, and bioconversion to fuels) could be developed and demonstrated in the next five years.

Here is the question: Should we wait 5 years to demonstrate competitive cost, or should we start building now and subsidize the early solar plants and solar buildings?

No matter when we start building solar energy plants, the first ones will be crude and expensive compared to the ones we will build later. So what? Is it not better to pay those extra dollars to American workers and industries than to foreign oil owners?

If construction contracts were arranged now, we could be enjoying methane, hydrogen, oil, and electricity from solar sources within 2 to 4 years. And jobs right away.

American industry is clearly capable of rapidly organizing to build simple things like algae digesters and wind generators and solar heat collectors and mirrors. They are ever so much easier and faster to build than nuclear power plants.

BIG STAKES AND MINIBUDGETS

It makes no sense to bleed this country to pay for foreign oil when we could create an abundance of badly needed jobs and obtain clean energy by building solar plants.

This year, our oil bill will be about $15 billion higher than last year. As Hobart Rowen points out in the Washington Post, September 26, 1974, $15 billion is the equivalent of a 10 percent personal income tax surcharge—all of which goes out of the country. We are literally shipping our wealth and jobs away. Not all of it is coming back, as our growing trade deficit shows. And it will get worse unless we do something positive.

For just a fraction of $15 billion, we could start building a whole lot of solar plants.

It is time to stop diddling around with annual solar energy budgets in the $50 to $100 million range. Such amounts can not build even one solar energy plant, or create the mass-production conditions which are the essence of cost reduction for solar energy.

WILL SOLAR ENERGY BE "FREE"?

The point is this: it would be a better bargain to subsidize solar energy during the process of its cost reduction, than to ship our wealth and our jobs out of the country to pay for foreign oil. We have been subsidizing nuclear power for a very long time. I am saying that it would make good sense to start mass producing solar energy facilities and to subsidize the early ones, instead of waiting 5 years for the technologies to reach commercial viability on minibudgets.

By subsidize, I mean tax credits, or tax-free profits, cost-plus contracts, or a combination of these and other temporary incentives. No matter which mechanisms we use, it is urgent to get started, at last.

Even with subsidies, a multibillion dollar solar construction program might turn out to be "free," if free means no extra cost to the American public. Either the program might pay for itself by gradually causing a drop in the prices we pay for whatever foreign oil we still need, or the program might pay for itself by making it unnecessary for our Navy to spend billions on ships to protect our foreign fuel supplies. And by creating jobs for the unemployed, it could save billions.

LOBBYING FOR A SUNSHINE FUTURE

I am pleased to see that at least one citizen action group is lobbying vigorously for a faster solar energy program. The Task Force against Nuclear Pollution, Inc., which represents 105,000 Americans who are impatient with the low priority which Congress is still giving to solar energy, is intensifying its work on Capitol Hill. The task force is located at 152 E Street SE, Washington, D.C. 20003.

Soon, I hope to see organized labor, industry, and professional societies up here, urging Congress to back a major solar energy building program. Such a program would make a great and positive contribution to solving this Nation's problems in fuel, jobs, and foreign affairs.

SENATE AND HOUSE CONFER ON SOLAR ENERGY BILLS

Mr. GRAVEL. Mr. President, on September 3d, the President signed the Solar Heating and Cooling Demonstration Act, which became Public Law 93–409. Solar heating and cooling of buildings could drastically reduce the peakload demand at central power stations, and make it unnecessary to build many of the nuclear plants now projected. I hope that citizens will ask their Senators and Representatives for copies of this law.

Later in September, both the Senate and House passed bills which address the use of solar energy for fuels and electricity, as well as direct heating and cooling of buildings.

On September 17, the Senate passed S. 3234, which I cosponsored, without opposition. It is a small but important step in the right direction. On September 19, the House passed H.R. 16371 by a vote of 383 to 3.

The House bill contains an important provision in section 11.G. which is missing from the Senate bill. That provision, which I hope will survive the Senate-House conference, would establish a solar energy incentives task force to report to the President and to Congress, within 120 days following the signing of the law, on recommedations for a program of incentives to accelerate the commercial application and consumer use of solar energy technology.

THE IMPORTANCE OF INCENTIVE DATA

As chairman of the Energy Subcommittee of the Senate Finance Committee, I discovered that everyone agrees incentives for the use of solar energy are needed and desirable, but no one has been funded by the National Science Foundation to figure out which incentives might produce what energy savings, and at what cost to the Treasury. Such calculations represent a lot of work, and it simply will not get done until we fund people to do it.

I think we will see solar construction begin the moment we enact the right monetary incentives. The absence of such legislation is clearly one of the biggest obstacles to the immediate use of solar energy.

Mr. President, I ask unanimous consent that the text of H.R. 16371 as passed by the House be printed at the end of these remarks.

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

(See exhibit 1.)

THE ADMINISTRATION'S PROPOSED SOLAR BUDGET

Mr. GRAVEL. Mr. President, on September 27, Federal Energy Administration Chief, John C. Sawhill, told the World Energy Conference in Detroit that between now and 1985, there is only a limited potential for energy contributions from solar energy technologies. It is Mr. Sawhill's opinion that solar, geothermal, steam, wind generators, solid waste, and other "new energy sources" cannot be regarded as alternatives to nuclear power because they are undeveloped.

The budgets which Mr. Sawhill is considering for solar energy would keep it undeveloped, for sure. The total of his 5-year investment in solar energy for fiscal years 1975 through 1979 is less than the proposed Federal investment to build one 500-megawatt nuclear breeder plant. The proposed $1 billion budget for solar energy is as follows:

[In millions of dollarhPs]

Program	Fiscal year— 1975	1976	1977	1978	1979	Total
Solar heating and cooling	17	36.5	50.7	57.5	48.6	210.3
Solar thermal conversion	10	37.0	60.3	84.0	97.5	288.8
Windpower	7	18.8	27.5	30.4	22.5	106.2
Bioconversion	5	10.0	24.6	27.1	27.8	94.5
Ocean thermal gradient conversion	3	12.0	15.8	26.5	49.7	107.0
otovoltaics	8	40.5	63.5	73.5	85.7	271.2
Total	50	154.8	242.4	299.0	325.8	1,072.0

Source: Intra-agency Panel for Terrestrial Applications of Solar Energy.

EXHIBIT 1

H.R. 16371

A bill to authorize a vigorous Federal program of research and development to assure the utilization of solar energy as a major source for our national energy needs, to provide for the development of suitable incentives for rapid commercial use of solar technology and to establish an Office of Solar Energy Research in the United States Government

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 "Solar Energy Research Development, and Demonstration Act of 1974".

FINDINGS

SEC. 2. The Congress hereby finds that—

(1) the needs of a viable society depend on an ample supply of energy;

(2) the current imbalance between supply and demand for fuels and energy is likely to persist for some time;

(3) the demands on nonrenewable sources of energy are rapidly becoming unacceptably large and must be augmented;

(4) solar energy offers a nonpolluting, inexhaustible source of energy available for the benefit of all mankind;

(5) insofar as practical utilization is concerned, the various solar energy technologies today are at widely differing stages of development, with some already near the stage of commercial application and other still requiring basic research;

(6) the early development and export of viable equipment utilizing solar energy, consistent with the established preeminence of the United States in the field of high technology products, can make a valuable contribution to our balance of trade;

(7) the mass production and use of equipment utilizing solar energy will help to eliminate the dependence of the United States upon foreign energy sources and promote the national defense;

(8) the national effort in research, development, and demonstration activities relating to the utilization of solar energy has been extremely limited; and

(9) the resources of the Federal Government must supplement those of private industry in research, development, and demonstration of solar energy technologies.

POLICY

SEC. 3. The Congress declares that it is the policy of the United States to pursue a vigorous and adequately funded program of resource assessment, research and development, and demonstrations with the objective of utilizing solar energy as a major source for our national energy supply.

DEFINITIONS

SEC. 4. For purposes of this Act—

(1) The term "solar energy" means energy which has recently originated in the Sun. It includes direct and indirect solar radiation and intermediate solar energy forms such as wind, ocean thermal gradients, products of photosynthetic processes, organic wastes, and others.

(2) The term "byproducts" includes, with respect to any solar energy technology or process, any solar energy products (including energy forms) other than those associated with or constituting the primary product of such technology or process.

(3) The term "insolation" means the rate at which solar energy is received at the surface of the earth.

(4) The term "Project" means the Solar Energy Coordination and Management project established by section 5.

SOLAR ENERGY COORDINATION AND MANAGEMENT PROJECT

SEC. 5. (a) There is hereby established the Solar Energy Coordination and Management Project.

(b) (1) The Project shall be composed of six members as follows:

(A) one appointed by the President;

(B) an Assistant Director of the National Science Foundation;

(C) an Assistant Secretary of Housing and Urban Development;

(D) a member of the Federal Power Commission;

(E) an Associate Administrator of the National Aeronautics and Space Administration; and

(F) the General Manager of the Atomic Energy Commission.

(2) The President shall designate one member of the Project to serve as Chairman of the Project.

(c) The Project shall have overall responsibility for the provision of effective management and coordination with respect to a national solar energy research, development, and demonstration program, including—

(1) the determination and evaluation of the resource base, including its temporal and geographic characteristics;

(2) research and development on solar energy technologies; and

(3) the demonstration of appropriate solar energy technologies.

(d) (1) The Project shall carry out its responsibilities under this section in cooperation with the following Federal agencies:

(A) the National Science Foundation, the responsibilities of which shall include basic and applied research and overall funding;

(B) the National Aeronautics and Space Administration, the responsibilities of which shall include the provision of management capability and the development of technologies;

(C) the Atomic Energy Commission, the responsibilities of which shall include the development of technologies;

(D) the Department of Housing and Urban Development, the responsibilities of which shall include fostering the utilization of solar energy for the heating and cooling of buildings; and

(E) the Federal Power Commission, the responsibilities of which shall include fostering the utilization of solar energy for the generation of electricity and for the production of synthetic fuels.

(2) Upon request of the Project, the head of any such agency is authorized to detail or assign, on a reimbursable basis or otherwise, any of the personnel of such agency to the Project to assist it in carrying out its responsibilities under this Act.

(e) The Project shall have exclusive authority with respect to the establishment or approval of programs or projects initiated under this Act, except that the energy involved in any particular program or project shall be responsible for the operation and administration of such program or project.

(f) The National Aeronautics and Space Administration is authorized to undertake and carry out those programs assigned to it by the Project.

RESOURCE DETERMINATION AND ASSESSMENT

SEC. 6. (a) The Chairman shall initiate a solar energy resource determination and assessment program with the objective of making a regional and national appraisal of all solar energy resources, including data on isolation, wind, ocean thermal gradients, and potentials for photosynthetic conversion. The program shall emphasize identification of promising areas for commercial exploitation and development. The specific goals shall include—

(1) the development of better methods for predicting the availability of all solar energy resources, over long time periods and by geographic location;

(2) the development of advanced meteorological, oceanographic, and other instruments, methodology, and procedures necessary to measure the quality and quantity of all solar resources on periodic bases;

(3) the development of proposed agreements and programs with other countries to facilitate the exchange of information and data relating to solar energy resource assessment; and

(4) the development of activities, arrangements, and procedures for the collection, evaluation, and dissemination of information and data relating to solar energy resource assessment.

(b) The Chairman, acting through the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, and other appropriate agencies, shall—

(1) develop and carry out a general plan for inventorying all forms of solar energy resources associated with Federal lands and (consistent with property rights) non-Federal lands;

(2) conduct regional surveys based upon such general plan, using innovative meteorological, oceanographic and space-related techniques, in sufficient numbers to lead to a national inventory of solar energy resources in the United States;

(3) publish and make available maps, reports, and other documents developed from such surveys to encourage and facilitate the commercial development of solar energy resources; and

(4) make such recommendations for legislation as may appear to be necessary to establish a Federal leasing policy for solar resources (including public lands and waterways to be devoted to the collection of direct or indirect solar radiation or to the utilization of photosynthetic processes) consistent with known inventories of various resource types, with the state of technologies for solar energy development, and with evaluation of the environmental impacts of such development.

RESEARCH AND DEVELOPMENT

SEC. 7. (a) The Chairman shall initiate a research and development program for the purpose of resolving the major technical problems inhibiting commercial utilization of solar energy in the United States.

(b) In connection with or as a part of such program, the Project shall insure the conduct of—

(1) basic research in all aspects of solar energy in order that basic limitations are better understood and ultimate potentials realized, and in order that significant practical application can be made to national energy requirements;

(2) systems, economic, social, and environmental studies to provide a basis for research and development planning and phasing;

(3 technology assessments relevant to the utilization of solar energy; and

(4) coordinated development of the means for utilizing the solar energy resource base,

including any by-products of such base, with specific attention being directed to—

(A) the improvement of technical capability to predict environmental impacts resulting from the development of solar energy resources, and the assuring of compliance with applicable standards and performance criteria;

(B) the identification of social, legal, and economic problems associated with solar energy development (locally, regionally, and nationally) for the purpose of developing policy and providing a framework of policy alternatives for the commercial utilization of solar energy resources; and

(C) the development of agreements and programs with other countries to facilitate the exchange of information and to support cooperative research and development programs relating to solar energy.

(c) The specific solar energy technologies to be addressed or dealt with in the program shall include—

(1) solar heating and cooling of housing and of commercial and public buildings;

(2) direct solar heat as a source for industrial processes, including the utilization of low level heat for process and other industrial purposes;

(3) thermal energy conversion, and other methods, for the generation of electricity and the production of chemical fuels;

(4) the conversion of cellulose and other organic materials (including wastes) to useful energy or fuels;

(5) photovoltaic and other direct conversion processes;

(6) sea thermal power conversion;

(7) windpower conversion; and

(8) energy storage.

DEMONSTRATION

SEC. 8. (a) The Chairman may initiate a program to design and construct, in each of the specific solar energy technologies referred to in section 7(c), facilities or powerplants of sufficient size to demonstrate the technical and economic feasibility of utilizing the various forms of solar energy. The specific goals of such program shall include—

(1) the development of economical solar heating and cooling systems and components which meet performance and environmental standards;

(2) the design and construction of solar thermal electric powerplants;

(3) the design and construction of electric powerplants utilizing direct conversion processes;

(4) the design and construction of electric powerplants utilizing windpower;

(5) the evaluation of designs (and construction, if feasible) of plants generating electricity utilizing ocean thermal gradients;

(6) the design and construction of plants utilizing organic materials (including wastes) to produce electricity or synthetic fuels;

(7) the utilization of all thermal and other byproducts from any of the plants referred to in the preceding paragraphs;

(8) the design and development of hybrid systems involving the concomitant use of solar and other energy sources;

(9) the continuous operation of such plants for a period of time; and

(10) the provision of experimental test beds for component testing and evaluation.

(b)(1) In carrying out his responsibilities under this section, the Chairman may provide for the establishment of one or more demonstration projects utilizing each form of solar energy, which shall include, as appropriate, the specific research, development, pilot plant construction and operation, demonstration plant construction and operation, and other facilities and activities which may be necessary for the generation of electric energy, the heating and cooling of buildings, the production of synthetic fuels, and the utilization of byproducts.

(2) Plants and other real property utilized or involved in any demonstration project under this section may be purchased, leased, constructed, or otherwise established or obtained by the Chairman through the appropriate Federal agencies. Such agencies may obtain such plants and other real property under appropriate contracts or arrangements with other public or private persons or agencies.

(3)(A) During the conduct of any demonstration project under this section the agency designated by the Chairman to conduct such project shall take such steps as may be necessary to dispose of all of the electric energy and other byproducts of such project, in such manner and on such terms and conditions as such agency may determine to be feasible and in support of the objectives of this Act.

(B) To the maximum extent possible the disposition of byproducts under paragraph (1) shall be accomplished through the sale of such byproducts for commercial utilization, on such terms and conditions and in accordance with such plans as such agency may prescribe or develop.

(c) The Chairman, acting through the appropriate Federal agencies, is authorized to investigate and enter into agreements with non-Federal entities for the cooperative development of facilities to demonstrate the production of energy from solar resources.

(d) At the conclusion of the program under this section or as soon thereafter as is practicable, the responsible Federal agencies shall, by sale, lease, or otherwise, dispose of all Federal property interests which they have acquired pursuant to this section on such terms and conditions as such agencies determine to be reasonable, or in accordance with the terms of the cooperative agreements involved.

(e) In selecting solar energy technologies for demonstration under this section, preference shall be given to those with the best opportunity for commercial success and environmental acceptability.

SCIENTIFIC AND TECHNICAL EDUCATION

SEC. 9. (a) It is the policy of the Congress to encourage the development and maintenance of programs through which there may be provided the necessary trained personnel to perform required solar energy research, development, and demonstration activities under sections 6, 7, and 8.

(b) The National Science Foundation is authorized to support programs of education in the sciences and engineering to carry out the policy set forth in subsection (a). Such support may include fellowships, traineeships, technical training programs, technologist training programs, and summer institute programs.

(c) The National Science Foundation is authorized and directed to coordinate its actions, to the maximum extent practicable, with the Project or any permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States, in determining the optimal selection of programs of education to carry out the policy set forth in subsection (a).

(d) The National Science Foundation is authorized to encourage, to the maximum extent practicable and consistent with the other objectives of this Act, international participation and cooperation in the development and maintenance of programs of education to carry out the policy set forth in subsection (a).

SOLAR ENERGY RESEARCH INSTITUTE

SEC. 10. (a) There is established a Solar Energy Research Institute, which shall perform such research, development, and related functions as the Chairman of the Project may determine to be necessary or appropriate in connection with the Project's activities under this Act or to be otherwise in furtherance with the purpose and objectives of this Act.

(b) The Institute may be located (as designated by the Chairman of the Project) at any new or existing Federal laboratory (including a non-Federal laboratory performing functions under a contract entered into with the Project or with any of the agencies represented in the Project as well as a laboratory whose personnel are Federal employees).

SOLAR ENERGY TECHNOLOGY UTILIZATION

SEC. 11. (a)(1) In carrying out his functions under this Act the Chairman of the Project, utilizing the capabilities of the National Science Foundation, the National Aeronautics and Space Administration, the Department of Commerce, the Atomic Energy Commission, and other appropriate Federal agencies to the maximum extent possible, shall establish and operate a Solar Energy Information Data Bank (hereinafter in this subsection referred to as the "bank") for the purpose of collecting, reviewing, processing, and disseminating information and data in all of the solar energy technologies referred to in section 7(c) in a timely and accurate manner in support of the objectives of this Act.

(2) Information and data compiled in the bank shall include—

(A) technical information (reports, journal articles, dissertations, monographs, project descriptions, etc.) on solar energy research, development, and applications;

(B) similar technical information on the design, construction, and maintenance of equipment utilizing solar energy;

(C) physical and chemical properties of materials required for solar energy activities and equipment; and

(D) engineering performance of equipment and devices utilizing solar energy.

(3) In accordance with regulations prescribed under section 13, the Chairman shall provide retrieval and dissemination services with respect to the information described under paragraph (2) for—

(A) Federal, State, and local government organizations that are active in the area of energy resources (and their contractors);

(B) universities and colleges in their related research and consulting activities; and

(C) the private sector upon request in appropriate cases.

(4) In carrying out his functions under this subsection, the Chairman shall utilize, when feasible, the existing data base of scientific and technical information in Federal agencies, adding to such data base any information described in paragraph (2) which does not already reside in such base. He shall coordinate or merge this data bank with other Federal energy information data banks as necessary to assure efficient and effective operation.

(b) The Chairman of the Project shall establish a solar energy incentives task force comprised of such individuals and organizations as he may consider appropriate to carry out the following functions: (1) report to the President and the Congress within one hundred and twenty days following the date of the enactment of this Act, and at least annually thereafter, recommendations for a viable program of specified, time limited, incentives or modifications to existing or proposed incentive programs to accelerate the commercial application and consumer utilization of solar energy technology; (2) carry on a program of research and investigation into the barriers to innovation in the field of solar energy, the barriers to the acceleration of the commercial application of solar energy technology, and the programs needed to remove such barriers; and (3) carry on a

program of research and investigation into the social, legal, and economic barriers to the full public acceptance and utilization of solar energy technology.

(c) The Chairman of the Project shall enter into such arrangements and take such other steps as may be necessary or appropriate to provide for the effective coordination of solar energy technology utilization with all other technology utilization programs within the Federal Government.

REPORTING REQUIREMENTS

SEC. 12. Each Federal officer and agency having functions under this Act shall include in his or its annual report to the President and the Congress a full and complete description of his or its activities (current and projected) under this Act, along with his or its recommendations for legislative, administrative, or other action to improve the programs under this Act or to achieve the objectives of this Act more promptly and effectively. In addition, the Chairman of the Project shall submit annually to the President and the Congress a special report summarizing in appropriate detail all of the activities (current and projected) of the various Federal officers and agencies having functions under this Act, with the objective of presenting a comprehensive overall view of such programs.

REGULATIONS

SEC. 13. The Chairman of the Project, in consultation with the heads of the Federal agencies having functions under this Act and with other appropriate officers and agencies, shall prescribe such regulations as may be necessary or appropriate to carry out this Act promptly and efficiently. Each such officer or agency, in consultation with the Chairman, may prescribe such regulations as may be necessary or appropriate to carry out his or its particular functions under this Act promptly and efficiently.

TRANSFER OF FUNCTIONS

SEC. 14. Within sixty days after the effective date of the law creating a permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States (or within sixty days after the date of the enactment of this Act if the effective date of such law occurs prior to the date of the enactment of this Act), all of the authorities of the Project and all of the research and development functions (and other functions except those related to scientific and technical education) vested in Federal agencies under this Act along with related records, documents, personnel, obligations, and other items to the extent necessary or appropriate, shall, in accordance with regulations prescribed by the Office of Management and Budget, be transferred to and vested in such organization or agency.

INFORMATION TO CONGRESS

SEC. 15. Notwithstanding any other provision of law, the Chairman of the Project (or the head of any agency which assumes the functions of the Project pursuant to section 14) shall keep the appropriate committees of the House of Representatives and the Senate fully and currently informed with respect to all activities under this Act.

COMPREHENSIVE PROGRAM DEFINITION

SEC. 16. (a) The Chairman of the Project is authorized and directed to prepare a comprehensive program definition of an integrated effort and commitment for effectively developing solar energy resources. Such Chairman, in preparing such program definition, shall utilize and consult with the Federal Energy Administration, the National Science Foundation, the Department of Housing and Urban Development, the Federal Power Commission, the National Aeronautics and Space Administration, the Atomic Energy Commission, and other appropriate Federal agencies, State and local government agencies, and private organizations.

(b) The Chairman of the Project shall transmit such comprehensive program definition to the President and to each House of the Congress. Interim reports shall be transmitted not later than December 31, 1974, and not later than January 31, 1975. The comprehensive program definition shall be transmitted as soon as possible thereafter, but in any case not later than June 30, 1975.

AUTHORIZATION OF APPROPRIATIONS

SEC. 17. (a) There is authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1975, not to exceed $2,000,000 to be made available for use in the preparation of the comprehensive program definition under section 16.

(b) There are authorized to be appropriated to carry out this Act, for fiscal years beginning after June 30, 1975, such sums as the Congress may hereafter authorized by law.

THE ORGANIZING AGAINST NUCLEAR POWER HAS JUST BEGUN

Mr. GRAVEL. Mr. President, there is no evidence yet that anyone believes the nuclear safety claims in the AEC's $3 million Rasmussen report, which was released August 20.

In fact, a leading AEC safety expert, Carl Hocevar, has just quit his job because he believes the AEC is misleading the public about nuclear safety.

The insurance industry shows no sign of believing the Rasmussen report either.

And the public has not swallowed the $3 million public relations job at all.

The Task Force against Nuclear Pollution, which is coordinating a nationwide petition drive to get rid of nuclear power, reports that signatures have passed the 100,000 mark, and are arriving faster than ever. The task force is located at 153 E Street SE., Washington, D.C. 20003.

The Federal Energy Administration, which held energy hearings in Chicago on September 9–12, could not find a single environmental or public interest group to testify in favor of nuclear power. There was nothing but opposition from such groups.

"THOSE WHO HAVE GOT MONEY AND THOSE WHO HAVE GOT PEOPLE"

When FEA chief John Sawhill said he believes opposition to nuclear power is waning, he heard about the petition drive from Jane Magers, chairwoman of Iowa Citizens United for Responsible Energy. She pointed out that in Iowa, where her group has already collected 2,000 signatures, 10 of the State's 50 senators endorsed a nuclear power moratorium the first time the citizen group lobbied for it.

"The organizing against nuclear power has just begun," she told Sawhill.

I admire people like Jane Magers and the many others who are using the petition drive to organize political clout on this issue. They seem to understand the wisdom of two very different individuals, Saul Alinsky and Admiral Hyman Rickover.

Alinsky said:

Power just goes to two poles—to those who've got money and those who have people.

Rickover has said:

By its nature, bureaucracy is unable to stop whatever it is doing except by drastic action applied from the outside.

FEDERAL ENERGY ADMINISTRATION JOINS THE NUCLEAR BUREAUCRACY

I would like to see a half-million petitions signed as quickly as possible, because it will take an "outside force" to demolish the nuclear establishment in Washington.

The FEA has joined the AEC in sending nuclear advocates to Capitol Hill. FEA's Director of Research is Dr. Alvin Weinberg, formerly Director of the AEC's Oak Ridge National Laboratory.

Although FEA chief Sawhill admitted in Chicago that nuclear power is still contributing little more energy than firewood, he said that atomic energy holds "the greatest promise" of *all* energy sources for the next 5 to 10 years.

THE HIGH COST OF NUCLEAR UNRELIABILITY

Some people fret because certain kinds of solar energy systems cannot produce power except when the Sun is shining or the wind is blowing. However, all that is required to make solar systems reliable, constant sources of power is some simple energy storage equipment.

The reliability problem with nuclear plants is far more serious. Their average performance has been only 54 percent of capacity.

Because of the low deliverability rate of nuclear plants, total cost overruns on nukes may exceed $121 billion by 1990, according to testimony in Chicago by David Comey. Comey, who is director of environmental research for Business and Professional People for the Public Interest in Chicago, noted that data from 1973 and 1974 indicates capacity factors for nuclear plants diminish linearly with age after 3 to 4 years' operation, with plants older than 7 years averaging a 38-percent capacity factor.

FEA, AEC, and EPA officials all conceded to Comey that nuclear powerplants have performed far below their expected 80-percent capacity factor. Comey's testimony is available from BPI, 109 North Dearborn Street, Chicago, Ill. 60602.

Ten days after the Chicago hearing, nuclear unreliability hit the front pages when the AEC ordered almost half the Nation's nukes to shut down for inspection within 60 days, due to pipes in their main waterlines which have been cracking.

DETAILS OF THE CHICAGO HEARING

Mr. President, there is a detailed account of the Chicago energy hearing in the September 12, 1974, issue of Energy Users' Report, a weekly trade journal published by the Bureau of National Affairs in Washington, D.C. I ask unanimous consent that the article entitled "Atomic Energy: Sawhill Sees Promise Greatest of Any Source for Next 5 to 10 Years," be printed here in the RECORD.

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

[From the Energy Users Report, Bureau of Nat'l. Affairs, Washington, D.C., Sept. 12, 1974]

ATOMIC ENERGY: SAWHILL SEES PROMISE GREATEST OF ANY SOURCE FOR NEXT 5 TO 10 YEARS

CHICAGO.—(By an EUR staff correspondent)—Atomic energy holds the "greatest promise" of all energy sources for the next five to 10 years and most evidence indicates that it is among the safest existing sources, Federal Energy Administrator John C. Sawhill said at the opening of the September 9–12 Project Independence hearings on the future of atomic energy.

However, an attorney for groups challenging the safety of nuclear power plants told the hearing that Project Independence will become "the greatest single disaster we have ever had" if the U.S. relies principally or even substantially on nuclear power for the 1980s and beyond. And the chairman of the industry's Atomic Industrial Forum said that FEA should establish national goals for the future installation of nuclear power plants, in order to identify bottlenecks in licensing, uranium availability, enrichment, reprocessing capacity, financing, and manpower needs.

Nuclear's environmental problems are perhaps more manageable than those of coal- and oil-fired power plants, which cause difficult air-pollution problems, Sawhill added. Although construction costs are high for nuclear-power plants, their power generating costs "offer consumers relief from utility bills," he maintained. However, Sawhill recommended that the reliability of nuclear plants be improved and noted that equipment failures have been a major problem at new plants. He recommended consideration of an especially trained police force to prevent theft and misuse of nuclear materials.

Nuclear power advocates still must demonstrate that the U.S. is both technologically and institutionally capable of long-term wastes disposal, the federal energy chief added. He said that he found it "disappointing" that nuclear power provides only about 1 percent of total U.S. energy production, little more than firewood. Sawhill said that it was little more than a generation ago that the first full-scale nuclear-power plant began operating. He noted that the nuclear industry is "booming" today, with 50 plants licensed and nearly 200 either under construction or planned.

Nuclear power could provide 60 percent of U.S. electric power by the end of the century, according to several estimates. Sawhill maintained that solar, geothermal, steam, windmills, solid waste and other "new energy sources" cannot be regarded as alternatives to nuclear power development because they either are limited geographically or undeveloped technologically.

While conceding that nuclear power plant safety is a serious public concern, Sawhill told reporters following the first morning session that because of AEC efforts he believes there now is less public opposition to nuclear power than two to three years ago. Asked by EUR to what extent FEA will consider public opinion in developing a nuclear energy policy, Sawhill replied that "The important thing is not how much we are influenced by public opinion but the extent which we keep the public informed." He denied that FEA already has a nuclear energy position.

ATOMIC SAFETY DISPUTED

Anthony Roisman of the Washington law firm of Berlin, Roisman, and Kessler, recommended the investigation of the merits of atomic energy "by people who have not developed a personal commitment to it." An objective examination of nuclear power will persuade FEA that it is the least desirable option and that principal emphasis should be given geothermal, solar, solid waste, methane gas from sewage, and other energy sources, as well as conservation. Roisman noted that no facility has been designed, much less sited, for the long-term storage of nuclear power waste in a manner acceptable to the AEC.

Jane Magers, chairwoman of the Iowa Citizens United for Responsible Energy, challenged Sawhill's claim that there is less public opposition to nuclear power now than there was two or three years ago. She noted that over 100,000 persons have signed petitions for a moratorium on nuclear powerplant construction and that her group has collected 2,000 signatures in Iowa alone. The petition drive is being coordinated by the Task Force Against Nuclear Pollution of Washington, D.C. "The organizing against nuclear power has just begun," Magers told Sawhill. She criticized Sawhill's dependence upon public opinion surveys, which she said rely "on the general ignorance about nuclear power."

She explained to EUR that Iowa, a "conservative" Republican state, is in the forefront of the movement against nuclear power plants. She noted that 10 of Iowa's 50 state senators endorsed a nuclear moratorium the first time the citizen group lobbied for it. Iowa's Energy Policy Council is working with citizen groups and utilities to consider the moratorium.

A call for a a moratorium on construction of light-water reactors, (LWRs), the type currently used in the U.S., came from James MacKenzie, who represented the Sierra Club, the Audubon Society, and the Union of Concerned Scientists of Cambridge, Mass. "There are too many outstanding and unresolved problems with the present generation of LWRs to warrant their continued deployment," MacKenzie said. New reactors should not be built until problems are solved involving safety, fuel transportation and reprocessing, and waste disposal, he added.

MacKenzie also urged that the growth in electricity use be curtailed through revision of utility-rate structures to require that all classes of consumers bear the brunt of the cost of supplying new power plants and new fuel supplies. Until solar and wind power can be developed further, he recommended coal carry the burden for intermediate power generation. He questioned the methods and some of the conclusions of the $2 million reactor safety study prepared for AEC by Massachusetts Institute of Technology Professor Norman Rasmussen, adding that the Sierra Club is doing a thorough analysis of the study.

The important "flaw" that McKenzie sees in the report is its assumption that the emergency-core cooling system, designed to prevent the core from melting down after accidents, is designed adequately to perform its intended function.

The safety of nuclear power plants also was questioned by Denis Hayes, Illinois energy coordinator. Hayes said he was "troubled" by the long-life of radio-active wastes produced by the plants, "the growing dispersal of uranium and plutonium," and the design of nuclear power plants. The safety record of the nuclear industry "is not unblemished," he said. He added that it would be unwise to halt all nuclear research but urged that a greater percentage of federal energy research budget be spent on coal-conversion and development of alternative energy sources.

Roisman said that there is a real possibility that within the next 12 months the U.S. will run out of disposal areas for spent fuel rods from nuclear reactors. He maintained that this could result in the involuntary shutdown of all operating reactors and said that the situation resulted from operational failure of the Midwest Fuel Recovery Plant, shutdown of the Nuclear Fuel Services reprocessing plant in New York, and the year or more delay before another proposed reprocessing plant can begin operation.

Roisman quoted former FEA Consumer Affairs Director Lee Richardson to the effect that "FEA's misdirected approach to nuclear power is absolutely frightening because FEA has not established firmly any ground rules of safety that should be conditioned of a commitment to this high-risk fuel."

Richardson added that although according to many scientific authorities, the risks are now high, FEA offers only "an unbalanced plan to push development of uranium resources, to accelerate licensing procedures, and also to spend money on research."

INVESTMENTS PROBLEMS FORESEEN

David Comey, director of environmental research for Business and Professional People for the Public Interest, a Chicago-based group, strongly argued that the investment-banking community will discontinue financing nuclear power plants because of their cost overruns and poor deliverability. He said that Chicago, which depends upon nuclear power more than most large cities, may find itself short of electric power in the future due to nuclear's low deliverability record.

Alvin Weinberg, director of FEA's Research Office, Francis Mayo, Environmental Protection Agency regional administrator, and even Edson Case, Atomic Energy Commission deputy director of licensing, all conceded to Comey that nuclear power plants have performed far below their expected 80 percent capacity factor. Comey said that based on industry projections of 725,000 megawatts of installed nuclear capacity by 1990 there could be $121 billion in cost overruns for nuclear power plants.

Comey added that 1973 and 1974 data indicate that capacity factors for nuclear power plants diminish linearally with age after three to four years' operation, with plants older than seven years averaging a 38 percent capacity factor.

If this trend continues, total cost overruns by 1990 will exceed $195 billion, he maintained. He said that since only the Federal Government is likely to be available to provide the capital requirements for the nuclear industry, such firms as General Electric, Westinghouse, Combustion Engineering, Babcock and Wilcox, Consolidated Edison, Consumers Power, and others "will join Lockheed, Boeing, and Grumman on the roles of corporations failed out of costly technological misadventures by the taxpayers." Comey also maintained that utility personnel are unqualified to manage existing nuclear power plants.

FEA Administrator John Sawhill's "enthusiasm for nuclear power should be reconsidered," Comey urged, adding that alternatives to nuclear power should include energy conservation requiring major changes in lifestyle and clean coal other alternative energy sources. Comey added that FEA and Congress need to invert the electric rate structure so that industrial users pay more instead of less and are motivated to conserve more energy and provide tax incentives for builders to design energy conservation into new construction.

Weinberg told Comey that, "There's not very much that we can argue with" about his statement on plant deliverability, adding that the "technology admittedly is a rather new one for large reactors." Ne noted, however, that some reactors have performed at capacity factors higher than the 54 percent average.

Case countered Comey's arguments, saying that an AEC cost-benefit analysis of nuclear power plants indicates that they are "more economic for most situations even at a 50 percent capacity factor." Case denied that AEC officials have opposed the clustering of nuclear power plants on single sites after Comey had said that officials in the AEC

directorate of regulatory operations told him clustering would be "too complicated." Mayo urged that Comey's recommendations be taken "very seriously."

ACCELERATION URGED

William Gould, chairman of the Atomic Industrial Forum, said that goals designed to identify and remove barriers to nuclear plant installation should include a mixture of fossil and nuclear generating units. AEC's most recent projections of 102,000 megawatts of nuclear capacity by 1980 appear unacceptable when compared with a 1971 projection of 50,000 more megawatts, Gould said.

There is not much hope of attaining 200,000 megawatts by 1980, which was suggested as a goal last fall by then Deputy Treasury Secretary William E. Simon. An AIF committee reported that it should be possible to attain 700,000 megawatts by 1990, which would be more consistent with the objectives of Project Independence, Gould noted.

Gould observed that the most serious problem confronting the nuclear industry is utility inability to finance the capital investment required for new power facilities. He added that the problem is aggravated by utility commitment to nuclear power, which involves greater capital costs. A partial solution to the problem would be "a reasonable rate of return for utilities," Gould suggested.

Licensing of nuclear power plants is still a serious problem, Gould said, adding that the pace of AEC processing of construction permits and licensing permits "must be stepped up." While there should be no supply problem in the current decade, the situation in the early 1980s is much less clear. Some industry representatives believe that uranium supplies may be inadequate in the early 1980s. Gould quickly dismissed objections to nuclear power, maintaining that, "We don't consider safety a problem, notwithstanding the continuing efforts of our critics to convince an uninformed public otherwise."

Thomas Ayers, chairman and president of Commonwealth Edison Company, Chicago, recommended that the best way to meet electric-power requirements is to concentrate on nuclear power for baseload service, with coal as the principal supplementary fuel.

Petroleum should be reserved for transportation and petrochemicals, he argued, noting that his utility's seven reactors can supply over 5,000 megawatts of electric power, about a third of the system's total output. Commonwealth Edison operated nearly 25 percent of U.S. total nuclear generating capacity at the beginning of 1974, Ayers explained. Ayers maintained that his utilities nuclear units have proved safe, reliable, environmentally sound, and economical. Consequently, the company is planning to complete four more nuclear stations over the next eight years.

Ayers criticized the Senate bill to set up an Energy Research and Development Agency, maintaining that it would lengthen and complicate the nuclear power-plant licensing process. He also said it would be a serious mistake to import technology for breeder reactors from Europe, as some parties have proposed. He argued that the chances of having a breeder reactor in the U.S. within the next 10 years are "very good." Charles Heidel, vice-president of Detroit Edison Company, stressed the difficulty for the U.S. in becoming independent in the materials used in producing energy, many of which are primarily imported and are domestically irreplaceable. For example, he noted that chromium and nickel, almost entirely imported, are used in stainless steels and other alloys needed in nuclear and fossil-fuel power plants and in all other essential high-temperature applications, such as coal-gasification plants and gas turbines.

COMMERCIAL USE OF PLUTONIUM—AN UNFORGETTABLE PRESENTATION

Mr. GRAVEL. Mr. President, another extremely cogent and supremely important paper has just been released by the Natural Resources Defense Council at 1710 N St. NW., Washington, D.C. 20036.

The 29-page document, entitled, "The Plutonium Decision: A Report on the Risks of Plutonium Recycle," is written by Drs. Arthur R. Tamplin and Thomas B. Cochran, physicists, and J. Gustave Speth, attorney.

Their easily understandable and relatively brief presentation is one of the most elegant pieces of writing I have seen for a long while. It certainly reflects credit to the NRDC board members: Stephen P. Duggan, chairman; Dr. Dean E. Abrahamson, Mrs. Louis Auchincloss; Boris I. Bittker; John T. Booth; Frederick A. Collins, Jr.; Dr. Rene J. Dubos; James B. Frankel; Robert W. Gilmore; Dr. Joshua Lederberg; James Marshall; Ruby G. Martin; Anthony Mazzocchi; Michael McIntosh; John B. Oakes; Dr. Gifford B. Pinchot; John R. Robinson; Laurance Rockefeller; J. Willard Roosevelt; David Sive; Dr. George M. Woodwell; and Edwin M. Zimmerman.

INTRODUCTION

The paper begins with an introduction as follows:

The Atomic Energy Commission, if unchecked, is about to sow the seeds of a national crisis. The Commission now proposes to authorize the nuclear power industry to proceed to use plutonium as fuel in commercial nuclear reactors around the country. The result of a decision approving this commercial use of plutonium will be the creation of a large civilian plutonium industry and a dramatic escalation in the risks posed by nuclear power.

This decision to launch what the AEC calls the "plutonium economy" is the AEC's recently released draft environmental impact statement for plutonium recycle—the recycling of plutonium as fuel in the present generation of light water reactors. The final version of the impact statement, which is expected to confirm the decision to authorize plutonium recycle, is due in six to nine months.

Plutonium is not native to Earth: the entire present-day inventory is man-made, produced in nuclear reactors. Plutonium-239, the principal isotope of this element, has a half-life of 24,000 years, hence its radioactivity is undiminished within human time scales.

It is perhaps the most toxic substance known. One millionth of a gram (there are 28 grams in an ounce) has been shown capable of producing cancer in animals.

Plutonium is also the material from which nuclear weapons are made. An amount the size of a softball is enough for a nuclear explosion capable of mass destruction. Scientists now widely recognize that the design and manufacture of a crude nuclear explosive is no longer a difficult task technically, the only real obstacle being the availability of the plutonium itself * * *

It is the burden of this report that the commercialization of plutonium will place an intolerable burden on our society and its institutions * * *

The AEC's impact statement assessment of plutonium recycle reinforces, and does not allay, these concerns. It concedes that the problems of plutonium toxicity and nuclear theft are far from solved and suggests that they may not be for some years. Yet it concludes, inexplicably, that we should proceed * * *

TABLE OF CONTENTS

Including the introduction, the report has seven parts as follows:

I. Introduction
II. Dimensions of a Commercial Plutonium Industry
III. The Toxicity of Plutonium
IV. Nuclear Theft and Safeguards
A. The Problem Defined
B. Safeguards and the Impact Statement
C. Adequate Safeguards: Are They Possible?
V. The Threat to Civil Liberties
VI. The Super-Human Requirements
VII. Options: Alternatives to Plutonium Recycle

It also contains, of course, footnotes and a word about the authors.

A COMPARISON WITH POISONS OF BIOLOGICAL WARFARE

Part III, "The Toxicity of Plutonium," begins as follows:

The most pernicious product of the nuclear industry is plutonium. Microgram quantities in skin wounds cause cancer, and in the body plutonium is a bone seeker where, once deposited, it can cause bone cancer. But plutonium is most dangerous when inhaled. Donald Geesaman explains this hazard:

"Under a number of probable conditions plutonium forms aerosols of micron-sized particulates. When lost into uncontrolled air these particulates can remain suspended for a significant time, and if inhaled they are preferentially deposited in the deep lung tissue, where their long residence time and high alpha activity can result in a locally intense tissue exposure. The lung cancer risk associated with these radiologically unique aerosols is unknown to orders of magnitude. Present plutonium standards are certainly irrelevant and probably not conservative. Even so, the fact that under present standards, the permissible air concentrations are about one part per million billion is a commentary on plutonium's potential as a pollutant. Its insolubility and long half-life make the continuing resuspension of particulate contamination another unresolved concern of serious proportions."

To determine whether the AEC's radiation protection standards for plutonium are inadequate, as Geesaman suggests, Arthur Tamplin and Thomas Cochran undertook a major review of the biological evidence for the Natural Resources Defense Council. Their conclusions, found in their report "Radiation Standards for Hot Particles," are that plutonium particulates or "hot particles" are uniquely virulent carcinogens and that the current AEC radiation protection standards governing the amount of plutonium to which members of the public can be exposed are roughly 100,000 times too lax. The lung cancer risk associated with hot particles of plutonium as estimated by Tamplin and Cochran is comparable to the lethl dose of botulin toxin, a biological warfare agent. Certainly one would hope that this nation would give careful consideration, and pursue all alternatives, before implementing an energy policy based on such toxic materials.

As a result of the Tamplin-Cochran report, NRDC formally petitioned the AEC and the Environmental Protection Agency to reduce the present maximum permissible exposure

levels by 100,000. Neither AEC nor EPA have responded finally to the NRDC petition, but the petition is now being considered by the National Commission on Radiation Protection, the National Academy of Sciences, the Biophysical Society and several of the AEC national laboratories. . . .

ABSOLUTE REQUIREMENT FOR A MIRACLE

Part VI, "The Super-Human Requirements," should make it clear to everyone that advocates of nuclear power and its "plutonium economy" have simply lost touch with reality:

The commercialization of plutonium will bring with it a major escalation of the risks and problems already associated with nuclear power. Plutonium will further strain the already weakened regulatory fabric of the nuclear industry.

Dr. Hannes Alfven, Nobel Laureate in Physics, has described the regulatory imperatives applicable to the nuclear industry:

"Fission energy is safe only if a number of critical devices work as they should, if a number of people in key positions follow all their instructions, if there is no sabotage, no hijacking of the transports, if no reactor fuel processing plant or reprocessing plant or repository anywhere in the world is situated in a region of riots or guerrilla activity, and no revolution of war—even a 'conventional one'—takes place in these regions. The enormous quantities of extremely dangerous material must not get into the hands of ignorant people or desperados. No acts of God can be permitted."

In his article in Science, July 7, 1972, Dr. Alvin Weinberg similarly stresses the need, ". . . of creating a continuing tradition of meticulous attention to detail." It is important to recognize that such a tradition would have to be "created." There are no historical precedents to suggest that this is possible on the scale demanded by the nuclear industry. Dr. Weinberg has also observed that:

"What is required is a cadre that, from now on, can be counted upon to understand nuclear technology, to control it, to prevent accidents, prevent diversion. Moreover, in this ultimate world, nuclear reactors will be in Uganda as well as the U.S.A., in Ethiopia as well as England. And one must ensure the same high degree of expertise in the underdeveloped country as in the developed country."

We quote Dr. Weinberg because he is one, if not the only, proponent of nuclear power who have given serious thought to its requirements. But the public and its decisionmakers must seriously question whether it will be possible to attract, train and motivate the personnel required for these functions. These must be highly qualified persons who will maintain a tradition of "meticulous attention to detail" even when the glamorous aspects of a new technology become the commonplace operations of an established industry.

What are the qualifications of these people? How does the AEC and the nuclear industry plan to attract and continuously motivate them?

We suggest that it is beyond human capability to develop a cadre of sufficient size with expertise of "very" high order that can be counted upon to understand nuclear technology, to control it, to prevent accidents and diversion over many generations, or even over the present generation.

There is considerable evidence at the present time to suggest that the fledgling nuclear industry is already unmanageable.

Following that statement, the report enumerates some of the recent events which show that the nuclear industry is clearly incapable of meeting the requirement for a miracle.

FULL TEXT OF THE PAPER

Mr. President, I ask unanimous consent that the full paper entitled "The Plutonium Decision: A Report on the Risks of Plutonium Recycle," be printed in the RECORD.

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

THE PLUTONIUM DECISION: A REPORT ON THE RISKS OF PLUTONIUM RECYCLE

(By J. Gustave Speth, Arthur R. Tamplin, Thomas B. Cochran)

Natural Resources Defense Council, 1710 N Street, N.W., Washington, D.C. 20036, September, 1974.

"I fear that when the history of this century is written, that the greatest debacle of our nation will be seen not to be our tragic involvement in Southeast Asia but our creation of vast armadas of plutonium, whose safe containment will represent a major precondition for human survival, not for a few decades or hundreds of years, but for thousands of years more than human civilization has so far existed."—James D. Watson, Nobel Laureate, Medicine.

I. INTRODUCTION

The Atomic Energy Commission, if unchecked, is about to sow the seeds of a national crisis. The Commission now proposes to authorize the nuclear power industry to proceed to use plutonium as fuel in commercial nuclear reactors around the country. The result of a decision approving this commercial use of plutonium will be the creation of a large civilian plutonium industry and a dramatic escalation in the risks posed by nuclear power.

This decision to launch what the AEC calls the "plutonium economy"[1] is the conclusion of the AEC's recently released draft environmental impact statement for plutonium recycle—the recycling of plutonium as fuel in the present generation of light water reactors.[2] The final version of the impact statement, which is expected to confirm the decision to authorize plutonium recycle, is due in six to nine months.

Plutonium is not native to Earth: the entire present-day inventory is man-made, produced in nuclear reactors. Plutonium-239, the principal isotope of this element, has a half-life of 24,000 years, hence its radioactivity is undiminished within human time scales. It is perhaps the most toxic substance known. One millionth of a gram (there are 28 grams in an ounce) has been shown capable of producing cancer in animals. Plutonium is also the material from which nuclear weapons are made. An amount the size of a softball is enough for a nuclear explosive capable of mass destruction. Scientists now widely recognize that the design and manufacture of a crude nuclear explosive is no longer a difficult task technically, the only real obstacle being the availability of the plutonium itself.

Thus, former AEC physicist Donald Geesaman observes that "plutonium is a fuel that is toxic beyond human experience." Its use, he states, "will inextricably involve our society in the large-scale commercial production of a substance that is a suitable nuclear explosive."[3] The successful theft of this material, as Mason Willrich and Theodore Taylor note, "could enable a small group to threaten the lives of many people, the social order within a nation, and the security of the international community of nations."[4]

It is the burden of this report that the commercialization of plutonium will place an intolerable strain on our society and its institutions. Our unrelenting nuclear technology has presented us with a possible new fuel which we are asked to accept because of its potential commercial value. But our technology has again outstripped our institutions, which are not prepared or suited to deal with plutonium. And those who have asked what changes in our institutions will be necessary to accommodate plutonium have come away from that enquiry profoundly concerned.[5]

The AEC's impact statement assessment of plutonium recycle reinforces, and does not allay, these concerns. It concedes that the problems of plutonium toxicity and nuclear theft are far from solved and indicates that they may not be for some years. Yet it concludes, inexplicably, that we should proceed. Whether stemming from blind faith in the beneficience of the technology it has fostered or from a callous promotion of the bureaucratic and industrial interests of the nuclear power complex, the AEC decision cannot be justified in light of what we know and, just as important, what we do not know.

II. DIMENSIONS OF A COMMERCIAL PLUTONIUM INDUSTRY

The fuel now used in present-day reactors, the light water reactors or LWR's, is uranium which has been enriched so that the uranium-235 content is increased from the 0.7 percent present in natural uranium to about 3 or 4 percent. Uranium-235 is a fissionable isotope of uranium, the remainder of the fuel being non-fissile uranium-238. Unlike plutonium, this uranium fuel is not extremely toxic, and it is not sufficiently rich in uranium-235 to be fashioned into nuclear weapons. Only with extremely sophisticated technology not available to the public, notably gaseous diffusion plants, can uranium be enriched to weapons grade.

While present-day reactors are operating, however, they are also producing as a by-product moderate amounts of plutonium, principally plutonium-239. A typical large reactor produces about 200–250 kilograms of plutonium each year. LWR's capable of producing 1000 megawatts (1 million kilowatts) of power are being built today. The plutonium is produced when the uranium-238 in the LWR fuel captures neutrons. Since this plutonium is easily fissioned, it can be used as reactor fuel. "Plutonium recycle" is the nuclear industry-AEC proposal to recover this plutonium produced in LWR's, process it and recycle it as fuel back into LWR's.

Several critical steps are involved in recycling this plutonium. First, the used or "spent" fuel from the reactor must be shipped to a fuel reprocessing plant. The spent fuel contains plutonium, uranium and extremely toxic fission products or "high-level wastes" (strontium-90, cesium-137, etc.). The function of the reprocessing plant is to separate these three constituents and prepare them for their next destinations. For example, reprocessing plants are supposed to solidify the high-level wastes and ship them to a permanent AEC repository for perpetual management. As yet, however, the AEC has no such repository. Nor does the agency know whether the technology and social institutions for isolating high-level wastes for geologic periods can be made available.

The principal purpose of a reprocessing plant, however, is to recover plutonium, to convert it to oxide form, and to ship it to the next fuel cycle stages—the fuel fabricating and assembly plants. At a fuel fabricating plant the plutonium oxide will be mixed with uranium oxide into what is called "mixed oxide" fuel. This mixed oxide fuel will be fabricated into fuel pellets, the pellets will be placed in fuel rods, and these rods will be collected into fuel assemblies. These assemblies will then be sent to the reactors for use, thus completing the fuel cycle.

The only privately owned fuel reprocessing plant which has operated in the United

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States is the Nuclear Fuel Services (NFS) plant at West Valley, New York. Until recently the AEC purchased the plutonium output of this facility for weapons and research purposes. Recently, however, the AEC stopped purchasing recovered plutonium, and in June, 1972, the NFS plant closed for renovation and enlargement. Since mid-1972, then, all spent fuel from LWR's has been simply stored and not reprocessed, a favorable development in terms of nuclear theft since the penetrating radiation of the high-level wastes virtually insures that plutonium will not be stolen as long as it is still mixed with these wastes in the spent fuel rods.

Two additional fuel reprocessing plants are now being constructed, a General Electric plant at Morris, Illinois, and an Allied-Gulf plant at Barnwell, South Carolina. GE recently announced however, that its Morris plant might never operate and that most of its investment would be lost due to faulty design and construction.[6] Operating license proceedings are scheduled to begin shortly for the Barnwell plant.

There are at present no major commercial plutonium fuel fabricating plants operating or under construction. There are currently several small commercial facilities that process plutonium for research and development purposes. The first major commercial plant is planned by Westinghouse for Anderson, South Carolina. Nor has there yet been any non-experimental use of plutonium as fuel in light-water reactors, although the AEC attempted such a recycle until stopped by a lawsuit.[7]

In sum, plutonium recycle has not yet begun, and there is no major industrial commitment of resources to it at this point. The reprocessing plants that have been built do not represent a substantial investment in national terms, and reprocessing plants may be needed in any case to prepare spent fuel for long-term storage.

On the other hand, if the plans of the AEC and the nuclear industry are permitted, a major plutonium industry will develop quickly. Some 140 tons of plutonium could be recovered from commercial reactors by 1985 and some 1700 tons by the year 2000.[8] This figure for the year 2000 includes the plutonium that will be produced in the fast breeder reactor, which the AEC plans to introduce in the mid-1980's. This is a new type of reactor designed to produce more plutonium than it consumes. A plutonium industry by the turn of the century could involve hundreds of LWR's fueled with plutonium, perhaps a score of fuel reprocessing and fabricating plants, and thousands of interstate and international shipments containing hundreds of tons of plutonium.

III. THE TOXICITY OF PLUTONIUM

The most pernicious product of the nuclear industry is plutonium. Microgram quantities in skin wounds cause cancer, and in the body plutonium is a bone seeker, where once deposited it can cause bone cancer. But plutonium is most dangerous when inhaled. Donald Geesaman explains this hazard:

"Under a number of probable conditions plutonium forms aerosols of micron-sized particulates. When lost into uncontrolled air these particulates can remain suspended for a significant time, and if inhaled they are preferentially deposited in the deep lung tissue, where their long residence time and high alpha activity can result in a locally intense tissue exposure. The lung cancer risk associated with these radiologically unique aerosols is unknown to orders of magnitude. Present plutonium standards are certainly irrelevant and probably not conservative. Even so, the fact that under present standards, the permissible air concentrations are about one part per million billion is a commentary on plutonium's potential as a pollutant. Its insolubility and long half-life make the continuing resuspension of particulate contamination another unresolved concern of serious proportions." [9]

To determine whether the AEC's radiation protection standards for plutonium are inadequate, as Geesaman suggests, Arthur Tamplin and Thomas Cochran undertook a major review of the biological evidence for the Natural Resources Defense Council. Their conclusions, found in their report "Radiation Standards for Hot Particles," are that plutonium particulates or "hot particles" are uniquely virulent carcinogens and that the current AEC radiation protection standards governing the amount of plutonium to which members of the public can be exposed are roughly 100,000 times too lax.[10] The lung cancer risk associated with hot particles of plutonium as estimated by Tamplin and Cochran is comparable to the lethal dose of botluin toxin, a biological warfare agent. Certainly one would hope that this nation would give careful consideration, and pursue all alternatives, before implementing an energy policy based on such toxic materials.

As a result of the Tamplin-Cochran report, NRDC formally petitioned the AEC and the Environmental Protection Agency to reduce the present maximum permissible exposure levels by 100,000. Neither AEC nor EPA have responded finally to the NRDC petition, but the petition is now being considered by the National Commission on Radiation Protection, the National Academy of Sciences, the Biophysical Society and several of the AEC national laboratories. Moreover, EPA will shortly commence a series of hearings and other initiatives on plutonium-related issues, including the hot particle controversy.

Although the adequacy of the AEC's plutonium standards is thus a matter of considerable doubt and great controversy, the AEC's draft impact statement for plutonium recycle simply assumes that the present standards are adequate. The entire risk analysis of the statement, as well as the ultimate decision to proceed with plutonium recycle, are based upon a premature and unexplained rejection of the hot particle hypothesis. Yet, the AEC is forced to concede that this hypothesis "is being given careful consideration in a separate proceeding." [11]

We submit that the AEC has no basis whatever to conclude that plutonium recycle will not cause undue risk to the public health and safety until it has either satisfactorily resolved the hot particle issue or calculated the impacts of plutonium recycle using the assumption that hot particles are uniquely carcinogenic. The draft environmental impact statement for plutonium recycle does neither.

It should be remembered that there is clear experimental evidence that plutonium is one of the most carcinogenic substances known regardless of one's views about the hot particle risk: one millionth of a gram has caused cancer in experimental animals. Thus, the more basic question is whether we want our energy system based on a material of unprecedented toxicity.

Some plutonium contamination of the environment has already occurred, due principally to the atomic weapons program. Aside from the worldwide plutonium contamination associated with the fallout from atmospheric weapons tests, there is significant ground contamination at the Nevada Test Site and the Bikini and Eniwetok Atolls. The AEC's plutonium weapons plant at Rocky Flats, 10 miles west of Denver, Colorado, was the site of one of the most costly industrial fires in history. The leakage of plutonium from contaminated oil at this site led to an uncontrolled source of plutonium which was some orders of magnitude larger than the integrated effluent loss during the 17 years of plant operation. As a result of this source, tens to hundreds of grams of plutonium went off site, 10 miles upwind from Denver. The loss was internally unnoticed, the ultimate deposition is now speculative, as is its human significance.[12]

One can derive little comfort in the current operation of the small commercial plutonium fuel fabrication facilities. The Nuclear Materials and Equipment Corporation (NUMEC) of Apollo, Pennsylvania was recently fined $13,720 for a sixteen count violation of AEC regulations ranging from failure to follow radiation monitoring procedures to failure to comply with certain safeguards requirements.[13] Production workers from the Nuclear Fuel Services facility in Erwin, Tennessee met with AEC inspectors on August 13, 1974 to complain about the absence of even the rudiments of accepted health physics practices at that plant.

Occurrences such as these can reasonably be expected to multiply greatly if plutonium is made a major article of commerce..

IV. NUCLEAR THEFT AND SAFEGUARDS

A. The problem defined

On May 18 of this year the world was made dramatically aware of the relationship between nuclear power and nuclear weapons when India exploded a nuclear device made from plutonium taken from a "peaceful" reactor built with Canadian assistance. The threat posed by the availability of plutonium from power reactors is set out by Willrich and Taylor in their book *Nuclear Theft: Risks and Safeguards:*

"As fuel for power reactors, nuclear weapon material will range in commercial value from $3,000 to $15,000 per kilogram—roughly comparable to the value of black market heroin. The same material might be hundreds of times more valuable to some group wanting a powerful means of destruction. Furthermore, the costs to society per kilogram of nuclear material used for destructive purposes would be immense. The dispersal of very small amounts of finely divided plutonium could necessitate evacuation and decontamination operations covering several square kilometers for long periods of time and costing tens or hundreds of millions of dollars. The damage could run to many millions of dollars per gram of plutonium used. A nuclear explosion with a yield of one kiloton could destroy a major industrial installation or several large office buildings costing hundreds of millions to billions of dollars. The hundreds or thousands of people whose health might be severely damaged by dispersal of plutonium, or the tens of thousands of people who might be killed by a low-yield nuclear explosion in a densely populated area represent incalculable but immense costs to society." [14]

In our troubled world, terrorist activity and other forms of anti-social violence is an almost daily occurrence. A recent AEC study identified more than 400 incidents of international terrorism carried out by small groups during the past six years.[15] In an age of bombs and bomb threats, of aircraft hijacking, of the ransom of diplomats and the murder of Olympic athletes, the risks of nuclear theft, blackmail and terrorism are not minimized even by some of the most ardent supporters of nuclear energy. Thus former Atomic Energy Commissioner Clarence Larson recently described the evolution of a plutonium black market:

"Once special nuclear material is successfully stolen in small and possibly economically acceptable quantities, a supply-stimulated market for such illicit material is bound to develop. And such a market can surely be expected to grow once the source of supply has been identified. As the market grows, the number and size of thefts can be expected to grow with it, and I fear such

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growth would be extremely rapid once it begins. . . . Such theft would quickly lead to serious economic burdens to the industry, and a threat to the national security."[16]

The critical point here is that these tremendous risks will become real with the advent of plutonium recycle. Unless plutonium is reprocessed and recycled, the possibility that it will be stolen is small, for if the plutonium has not been "detoxified" by separating it from the high-level wastes in the spent fuel, it is very effectively protected from theft, at least for hundreds of years. Willrich and Taylor explain these important relationships:

"In the light-water reactor (LWR) fuel cycle without plutonium recycle, plutonium which is produced in a power reactor, if reprocessed, might be stolen at the output end of a reprocessing plant, during transit from the reprocessing plant to any separate storage facility used, and from a long-term plutonium storage facility. *Until irradiated fuel is reprocessed, the theft possibilities in the LWR fuel cycle are minimal.*

"In the LWR fuel cycle with plutonium recycle, in addition to possibilities without recycle, plutonium might be stolen during transit from any separate long-term storage facility, and from a fuel fabrication plant. Complete LWR fuel assemblies, each containing a significant quantity of plutonium might also be stolen during transit from a fuel fabrication plant to a power reactor, and at a power plant prior to loading into the reactor, although the weight of each assembly makes this difficult." (Emphasis added.)[17]

In sum, plutonium recycle will bring with it all the risks associated with nuclear theft that numerous authors have described.[18] Reasonable prudence dictates, therefore, that we have adequate answers to the problem of nuclear theft well in hand before we begin plutonium recycle.

B. *Safeguards and the impact statement*

In the language of the nuclear industry, the various programs and techniques to prevent nuclear theft and recover stolen nuclear material are called "safeguards." There is now widespread agreement, at least among those outside the nuclear industry, that present safeguards are woefully inadequate. The AEC's own Rosenbaum Report concluded:

"In recent years the factors which make safeguards a real, imminent and vital issue have changed rapidly for the worse. Terrorists groups have increased their professional skills, intelligence networks, finances and level of armaments throughout the world. . . . Not only do illicit nuclear weapons present a greater potential public hazard than the radiological dangers associated with power plant accidents, but . . . the relevant regulations are much less stringent."[19]

It is not that the AEC has not implemented the necessary safeguards programs; rather it has not even developed an adequate program on paper.

On the subject of safeguards, the AEC's draft impact statement for plutonium recycle is a marvel of clouded reasoning and breezy optimism. The statement concedes that the objective of keeping the risk of nuclear theft small "will not be fully met for the recycle of Pu by current safeguards measures."[20] Steps which might be taken to correct current inadequacies are summarized in the statement as follows:

"1. Minimization or elimination of the transportation of plutonium from reprocessing plants to mixed oxide fuel fabrication facilities which is the operation most vulnerable to an attempted act of theft or sabotage. To the extent that such shipments are minimized or eliminated, the safeguarding of plutonium would be enhanced. This objective can be accomplished by locating mixed oxide fuel fabrication plants in close proximity to or adjacent to reprocessing plants in Integrated Fuel Cycle Facilities. . . .

"2. Further protection of transportation functions by use of massive shipping containers, special escort or convoying measures, vehicle hardening against attack, improved communications and response capabilities.

"3. Additional hardening of facilities through new barrier requirements, new surveillance instrumentation, new delaying capabilities (e.g., incapacitating gases).

"4. Upgrading of operating and guard functions through the use of personnel security clearance procedures, a Federally operated nuclear security system, more advanced systems for monitoring and searching of personnel, and closer liaison with law enforcement authorities.

"5. Improving the timeliness and sensitivity of the system of internal control and accountability of plutonium.

"6. Use of 'spiked' plutonium which would be less susceptible to theft and would be more difficult to manufacture into a nuclear explosive because of the required elaborate handling procedures."[21]

Despite the facts (1) that these proposals are preliminary and their content not well-defined, (2) that they are still being studied, some for the first time, (3) that several would require Congressional action, (4) that several would necessitate substantial changes in the structure of the U.S. utility industry, and (5) that a sophisticated safeguards program would pose a major threat to civil liberties and personal privacy, the draft impact statement nevertheless recommends that we proceed now with plutonium recycle because "The Commission has a high degree of confidence that through implementation of some combination of the above concepts the safeguards general objective set forth earlier can be met for Pu recycle."[22] The Commission's faith, unfortunately, is hardly reassuring.

The issues of a federal plutonium police force and personnel security and surveillance measures will be discussed in the following section,[23] for they are the entering wedge of what promises to be more pervasive and continuing undermining of our civil rights. Two other potential safeguards should be mentioned here, however, in order to highlight the degree to which the issues remain unresolved. First, the draft statement refers to the possible use of "spiked" plutonium, *i.e.* plutonium combined with radioactive material emitting high levels of penetrating radiation. The type of radiation emitted by plutonium—an alpha particle—while extremely carcinogenic in soft tissue, is not very penetrating and can be shielded against without heavy concrete or lead structures. The spiking of plutonium with more penetrating radiation would substantially increase the hazards of handling it and thus decrease the theft incentive. This step would appear to be an essential part of any safeguards program, yet it could substantially increase the costs of plutonium recycle, making it much less attractive to the industry.

Second, the AEC's lead safeguards suggestion—the Integrated Fuel Cycle Facility concept—actually represents a major watering down of a far more significant concept, that of nuclear power parks where reactors as well as fuel reprocessing and fabricating plants are all located at one site.[24] In our judgment, a safeguards system which does not require nuclear parks is not addressing the problem of theft during transportation in a serious and responsible way. Moreover, the nuclear industry's current plans, already well advanced, do not call for the implementation of even the Integrated Fuel Cycle Facilities concept.

C. Are adequate safeguards possible?

While it may be possible to devise an adequate safeguard system in theory, there is little reason to believe that such a system would be acceptable in practice.[25] This is true for several reasons.

First, the problem is immense. The illegal diversion of weapons material is only one type of anti-social behavior a safeguards program must protect against. Terrorist acts against the reactors, shipments of radioactive wastes, fuel reprocessing facilities and waste repositories can result in catastrophic releases of radioactivity. Such threats against nuclear facilities have already occurred.[26] Moreover, a safeguards system would have to exist on a vast, worldwide basis. Some 1000 nuclear reactors are projected for the United States in the year 2000, with hundreds of shipments of radioactive materials daily. Hundreds of tons of plutonium will be in the commercial sector of our economy by that date.[27] Abroad, American firms are constructing nuclear reactors in countries that have little political stability and in countries, such as Japan, who have not signed the non-proliferation treaty. Safeguarding nuclear bomb material would ultimately require a restructuring of the socio-political institutions on a worldwide scale. The United Nations unfortunately gives us little reason to believe that this is a practical reality.

Second, safeguards measures are strongly opposed by the nuclear industry. Some indication of the degree to which the industry is sensitive to the diversion hazards, and the degree with which the industry is likely to be an effective partner in the enforcement and implementation of safeguards programs can be gleaned from published accounts of the industry's response to the modest strengthening of the AEC safeguards rules which were first published in the February 1, 1973, Federal Register.

Some of the comments received on these proposed regulations were:

". . . it is clear that the severity of the proposed [physical security] procedures greatly exceeds any reasonable relationship to the public need intended to be served. We are unaware, and we believe the industry as a whole is unaware, of occurrences of industrial sabotage which would tend to justify the imposition of requirements as strict as those proposed. The Commission has not demonstrated the need . . . or offered any justification or explanation. . . . Certainly the public interest will not be served by adoption of burdensome requirements disproportionate to the end sought." —from comment of Kerr-McGee;

and,

". . . a move backward to the types of security practices in the Manhattan District era." —from comment of Westinghouse;

and,

"One principal objection is to the emphasis placed on the use of armed personnel . . . and the seeming reliance on such personnel to protect against threats to the common defense and security. . . . To the extent that the proposed regulations . . . require an armed confrontation between a licensee's security force and potential divertors, the proposed regulations should be amended. The surest and most proper method of protection . . . is prompt detection and reporting. . . ." —from comment of United Nuclear.

Third, experience with present safeguards is hardly reassuring. The NUMEC, over several years of operation, was unable to account for six percent (100 kilograms) of the weapons grade material that it handled, and as noted previously was recently fined by the AEC, in part because of safeguards violations. At a recent safeguards symposium the director of the AEC's Office of Safeguards and Materials Management observed that "we

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have a long way to go to get into that happy land where one can measure scrap effluents, products, inputs and discards to a one percent accuracy." [28]

This statement takes on particular significance when it is realized that only one half of one percent of the plutonium utilized by the commercial sector in the year 2000 is enough to make hundreds of atomic bombs. The editors of *Bulletin of the Atomic Scientists* have noted that the frequent "misrouting" of nuclear shipments highlights a key safeguards problem—hijacking. They cite instances where theft of weapons grade materials would have been relatively easy: a shipment bound for Missouri ended up in Boston; another shipment between two California cities was eventually located in Tijuana, Mexico.[29] Finally, a spot check by General Accounting Office investigators at three AEC licensed contractors showed that in some cases access to easily portable quantities of special nuclear material could be gained in less than a minute using the simplest of tools. At two of the three plants checked, GAO found weak physical barriers, ineffective guard patrols, ineffective alarm systems, lack of automatic-detection devices, and the absence of an "action plan" should material be stolen or diverted. In contrast, the AEC's inspectors were giving the same facilities good marks on virtually every security category.[30]

Fourth, and perhaps most basically, there is little reason to believe that safeguards will work when little else does. For example, the AEC supports the creation of a federal police force which might provide an immediate federal presence whenever the use of force may be needed to protect these incredibly dangerous materials from falling into the hands of would-be saboteurs and blackmailers. But is there anyone who believes that police are effective at a level commensurate with the potential nuclear hazard? The New York City police department was proven incapable of maintaining security over confiscated heroin. Are similar losses of plutonium acceptable? The general point here is that our safeguards system must be essentially infallible; it must maintain what Alvin Weinberg, former Director of the Oak Ridge National Laboratory, has called "unaccustomed vigilance" and "a continuing tradition of meticulous attention to detail." [31] Yet our human institutions are far from infallible. Our experience indicates that rather than sustaining a high degree of esprit, vigilance and meticulous attention to detail, our governmental bureaucracies instead become careless, rigid, defensive and, less frequently, corrupt. A basic question, then, is whether we want to entrust so demanding and unrelenting a technology as plutonium recycle to institutions which are negligent of their own responsibilities and insensitive to the rights of others and to technical fixes which are untried and unproven.

V. The threat to civil liberties

One principal reason for our believing that an adequate safeguards system would not be acceptable in practice is the tremendous social cost of such a system in terms of human freedom and privacy. Safeguards necessarily involve a large expansion of police powers. Some one million persons have been trained in the handling, moving and operation of nuclear weapons. The projected growth of the nuclear industry will give rise to a parallel and an ultimately much larger group of persons, in this case civilians, who will be subjected to security clearance and other security procedures now commonplace in the military weapons program. Indeed, the AEC makes the following disturbing statement in its draft impact assessment of plutonium recycle:

"Security problems are much simplified when it can be established with high probability that the persons who are responsible for the handling of plutonium or implementing of related safeguards programs are trustworthy. Various court rulings in recent years have been favorable to the protection of individual privacy and of individual right-to-work. These rulings have made it difficult to make a personal background check of an individual in commercial activities to assure with high probability that he is trustworthy and, hence, potentially acceptable as a steward for the protection of plutonium. The AEC has requested legislation which would allow background checks of individuals with access to plutonium and related material accountability records. We believe that enabling legislation such as this is necessary to the further improvement of personnel selection practices." [32]

The keeping of police dossiers will not be limited to nuclear industry personnel. The New York Times reported August 11 that Texas state police maintain files on nuclear power plant opponents.[33] The police stated that they had information that some nuclear opponents might attempt to sabotage transmission lines, though they declined to disclose their information or its source. How much more government investigation into the private lives of individuals can be tolerated by a free socety? Security and surveillance procedures at best infringe upon the privacy of families and their friends. At worst, they are the instruments of repression and reprisal.

A second AEC safeguard proposal is the creation of a federal police force for the protection of plutonium plants and shipments. The draft impact statement for plutonium recycle justifies such a federal force in the following terms:

"A federal security system would be less apt to have the variations in staff and capability that would be encountered in use of private security guards. In addition, it should be noted that the consequences of a successful theft or diversion of plutonium would undoubtedly have nationwide impacts and could best be handled by Federal authorities; certainly, with Federal participation, there is the potential for a larger force, more effective weapons, and better communications." [34]

But what standards should govern and restrain the operations of such a force? The AEC has already issued shoot-to-kill orders once to personnel directing the production, shipment and storage of atomic weapons, at the height of the Yom Kippur War.[35] Once a significant theft of plutonium or other weapons material has occurred, how will it be recovered? To prevent traffic in heroin, police have asked for no-knock search laws. This infringes upon one of our most cherished freedoms. To live with plutonium we may have to abandon this freedom along with others. In the presence of nuclear blackmail threats, the institution of martial law seems inevitable. It has been said that the widespread availability of weapons material and terrorists' targets in the nuclear fuel cycle will radically alter the power balance between large and small social units.[36] It should be added that the threatened society will undoubtedly attempt to redress that balance through sophisticated and drastic police action.

In sum, to accommodate plutonium we shall have to move towards a more intimidated society with greatly reduced freedoms. In this respect the following passage from the Report of the distinguished international group of scientists attending the 23rd Pugwash Conference on Science and World Affairs is instructive:

"The problem of theft of nuclear material by internal groups or individuals intent on sabotage, terrorism or blackmail was agreed to be a very serious one, although there was some sentiment expressed that the possibility of such activity was much smaller in socialist states."

We believe that sentiment to be true. It is also apparent that that is the direction in which we must move to accommodate the nuclear industry. After having spent billions of dollars for our nuclear deterrent, our civilian nuclear industry might well accomplish that which our defense system is trying to prevent.

Dr. Alvin Weinberg, former Director of the Oak Ridge National Laboratory, is one of the few persons closely associated with the nuclear power complex who has looked carefully at the political and regulatory institutions that will be necessary to support a plutonium-based nuclear power economy. Dr. Weinberg's views on this subject merit close attention.

Weinberg's basic premise is stated in his article "Social Institutions and Nuclear Energy" which appeared in the July 7, 1972, issue of *Science:*

"We nuclear people have made a Faustian bargain with society. On the one hand, we offer—in the catalytic nuclear burner—an inexhaustible source of energy. . . .

"But the price that we demand of society for this magical energy source is both a vigilance and a longevity of our social institutions that we are quite unaccustomed to . . . In a sense, we have established a military priesthood which guards against inadvertent use of nuclear weapons, which maintains what a priori seems to be a precarious balance between readiness to go to war and vigilance against human errors that would precipitate war. Moreover, this is not something that will go away, at least not soon. The discovery of the bomb has imposed an additional demand on our social institutions. It has called forth this military priesthood upon which in a way we all depend for our survival.

"It seems to me (and in this I repeat some views expressed very well by Atomic Energy Commissioner Wilfrid Johnson) that peaceful nuclear energy probably will make demands of the same sort on our society, and possibly of even longer duration." [37]

Here Dr. Weinberg observes that nuclear power will place unprecedented strains on our institutions. He correctly states that the nuclear power industry will pose problems for society that eclipse those posed by nuclear weapons.

In an unpublished paper circulated prior to a conference at the Woodrow Wilson International Center for Scholars in Washington, D.C., on June 18, 1973, Dr. Weinberg elaborated his views on the type of institutions required to cope with the plutonium economy:

"One suggestion (proposed by Sidney Siegal) that is relevant to the situation in the United States would be to establish a national corporation patterned after COMSAT to take charge of the *generation* of nuclear electricity. Such an organization would have technical resources that must exceed those available to even a large utility: and a high order of technical expertise in operating reactors and their sub-systems is essential to ensuring the continued integrity of these devices. [Here Dr. Weinberg suggests nationalization of the industry.]

"Each country now has its own AEC that sets standards or, in some cases, actually monitors or operates reactors. Perhaps this will be sufficient forever. Yet no government has lasted continuously for 1000 years; only the Catholic Church has survived more or less continuously for 2000 years or so. Our commitment to nuclear energy is assumed to last in perpetuity—can we think of a national entity that possesses the resiliency to remain alive for even a single half-life of plutonium–239? A *permanent* cadre of experts that will retain its continuity over im-

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mensely long times hardly seems feasible if the cadre is a national body.

"It may be that an International Authority, operating as an agent of the United Nations, could become the focus for this cadre of expertise. The experts themselves would remain under national auspices, but they would be part of a worldwide community of experts who are held together, are monitored, and are given long-term stability by the International Authority. The Catholic Church is the best example of what I have in mind: a *central authority* that *proclaims* and to a degree *enforces* doctrine, maintains its own long-term social stability, and has connections to every country's own Catholic Church." (Italic added.)

These are far-reaching concepts presented by Dr. Weinberg. The basic question they pose is: Will the plutonium economy raise socio-political problems of such magnitude that their resolution will be unacceptable to society? In attempting to do the impossible—live with plutonium—we may create the intolerable.

VI. THE SUPER-HUMAN REQUIREMENTS

The commercialization of plutonium will bring with it a major escalation of the risks and problems already associated with nuclear power. Plutonium will further strain the already weakened regulatory fabric of the nuclear industry.

Dr. Hannes Alfven, Nobel Laureate in Physics, has described the regulatory imperatives applicable to the nuclear industry:

"Fission energy is safe only if a number of critical devices work as they should, if a number of people in key positions follow all their instructions, if there is no sabotage, no hijacking of the transports, if no reactor fuel processing plant or reprocessing plant or repository anywhere in the world is situated in a region of riots or guerilla activity, and no revolution or war—even a 'conventional one'—takes place in these regions. The enormous quantities of extremely dangerous material must not get into the hands of ignorant people or desperados. No acts of God can be permitted." [28]

In his article in *Science*, Dr. Weinberg similarly stresses the need, ". . . of creating a continuing tradition of meticulous attention to detail." It is important to recognize that such a tradition would have to be "created." There are no historical precedents to suggest that this is possible on the scale demanded by the nuclear industry. Dr. Weinberg has also observed that:

"What is required is a cadre that, from now on, can be counted upon to understand nuclear technology, to control it, to prevent accidents, prevent diversion. Moreover, in this ultimate world, nuclear reactors will be in Uganda as well as the U.S.A., in Ethiopia as well as England. And one must ensure the same high degree of expertise in the underdeveloped country as in the developed country." [29]

We quote Dr. Weinberg because he is one, if not the only, proponent of nuclear power who has given serious thought to its requirements. But the public and its decisionmakers must seriously question whether it will be possible to attract, train and motivate the personnel required for these functions. These must be highly qualified persons who will maintain a tradition of "meticulous attention to detail" even when the glamorous aspects of a new technology become the commonplace operations of an established industry. What are the qualifications of these people? How does the AEC and the nuclear industry plan to attract and continuously motivate them? We suggest that it is beyond human capability to develop a cadre of sufficient size with expertise of "very" high order that can be counted upon to understand nuclear technology, to control it, to prevent accidents and diversion over many generations, or even over the present generation.

There is considerable evidence at the present time to suggest that the fledgling nuclear industry is already unmanageable. For example, in testimony presented to the Congressional Joint Committee on Atomic Energy, Ralph Nader and the Union of Concerned Scientists on January 29, 1974, made public a heretofore secret report by an AEC Task Force dated October, 1973. That report stated the following:

"Review of the operating history associated with 30 operating nuclear reactors indicated that during the period 1–1–72 to 5–30–73 approximately 850 abnormal occurrences were reported to the AEC. Many of the occurrences were significant and of a generic nature requiring followup investigations at other plants. Forty percent of the occurrences were traceable to some extent to design and/or fabrication related deficiencies. The remaining incidents were caused by operator error, improper maintenance, inadequate erection control, administrative deficiencies, random failure and combinations thereof."

Regarding these incidents, on page 16, the Task Force stated:

"The large number of reactor incidents, coupled with the fact that many of them had real safety significance, were generic in nature, and were not identified during the normal design, fabrication, erection, and preoperational testing phases, raises a serious question regarding the current review and inspection practices both on the part of the nuclear industry and the AEC."

In addition to these 850 abnormal occurrences, consider the tritium that recently appeared in the drinking water of Broomfield, Colorado. Consider the 115,000 gallons of high level radioactive wastes that leaked from the tank at Hanford over a period of 51 days while no one monitored the tank. Consider that the radioactive releases from the famed Shippingport reactor were higher than recorded. Consider that the executives of the Consumers Power Corporation failed to notify the AEC that their radioactive gas holdup system was not functioning. Consider that two reactors were half completed before the AEC was informed that they were being constructed over an earthquake fault. Consider that the GAO found the security at plutonium storage areas totally inadequate after the AEC inspectors had certified the facilities.

Considering all this, there is good reason to suggest, because of the meticulous attention to detail that will be required at every stage of plutonium recycle, that a decision to proceed with plutonium recycle will precipitate an already unmanageable situation into a national crisis.

VII. OPTIONS: ALTERNATIVES TO PLUTONIUM RECYCLE

Given that the risks of plutonium recycle are unacceptably high, particularly in light of the present uncertainties, a key question is what are our options—what are the alternatives to the AEC's proposal to proceed now with plutonium recycle? We believe that there are essentially three options, each of which is preferable to the AEC's announced plan.

First, we could phase out nuclear power reactors. There is mounting apprehension within the scientific community concerning the human and societal hazards of fission reactors which would only be compounded by plutonium recycle. As evidence of this apprehension among scientists, a statement of concern over the environment and world peace (The Menton Statement) which was signed by 2,200 scientists, included a call for an end to the proliferation of nuclear reactors. It was presented to U.N. Secretary U. Thant, and published in the *U.N. Courier*, July, 1971. Similarly, scientists from all nations at the 23rd Pugwash Conference on Science and World Affairs in September, 1973, concluded:

"1. Owing to potentially grave and as yet unresolved problems related to waste management, diversion of fissionable material, and major radioactivity releases arising from accidents, natural disasters, sabotage, or acts of war, the wisdom of a commitment to nuclear fission as a principal energy source for mankind must be seriously questioned at the present time.

"2. Accordingly, research and development on alternative energy sources—particularly solar, geothermal and fusion energy, and cleaner technologies for fossil fuels—should be greatly accelerated.

"3. Broadly based studies aimed at the assessment of the relation between genuine and sustainable energy needs, as opposed to projected demands, are required."

This third recommendation implies the implementation of energy conservation measures. It is important to recognize that energy conservation can be our major energy source between now and the year 2000. Conservation means using our present energy more efficiently; it need not mean a change in life styles. Coupled with the use of solar and geothermal energy, energy conservation could eliminate the need for new nuclear power stations.

Second, we could continue with the present generation of lightwater reactors but strictly prohibit plutonium recycle for the foreseeable future. Such a decision would be premised upon a judgment that plutonium is too dangerous because of its toxicity and explosive potential to be allowed to become an article of commerce. Of course, we would still have plutonium to cope with, because it is produced in present-day reactors. But without plutonium recycle there is little incentive to reprocess the plutonium out of the spent fuel, so the plutonium could remain in the spent fuel where it is effectively protected from theft and, hopefully, confined and contained.

The benefits of plutonium recycle are small. Plutonium recycle would reduce the annual uranium requirements by about 10 to 15 percent and reduce the light water reactor fuel cycle cost by about the same amount. But the nuclear fuel cycle cost represents less than 20 percent of the total cost of power from nuclear plants, and nuclear plants by 1985 will represent less than 40 percent of the electric, or about 15 percent of the total, domestic energy supplied. In other words, plutonium recycle involves an economic savings of less than one-half of one percent.

Plutonium differs from the high-level wastes in the spent fuel in one critical respect: whereas the radioactivity of high-level wastes will continue for thousands of years, that of plutonium will continue for hundreds of thousands. Thus, while the problem of effectively storing both these materials and preventing their entering the environment are unprecedented in human history, plutonium must be contained for eons longer. For this reason, an argument can be made that, ultimately, the safest thing that can be done with plutonium is to burn or fission it in reactors, thus making it into high-level wastes rather than plutonium. But that is an activity that is best left for decades or even centuries hence—for a society more capable and less violent than today's.

Third—and we believe that this is an option that must command general support—a decision regarding plutonium recycle, and of course plutonium recycle itself, could be deferred several years until present uncertainties regarding safeguards and plutonium toxicity are satisfactorily resolved and a basis has been laid for a more intelligent judgment regarding the risks and benefits of the commercialization of plutonium.

Footnotes at end of article.

Too many questions, both technical and social, are unanswered today, and until these questions are answered it would be a grave error, we believe, to rush into the AEC's plutonium economy.

The basic question which must be answered is whether the public is willing to accept the risks of plutonium in exchange for the promised benefits. The national debate which must occur on this basic question has hardly begun.

FOOTNOTES

[1] "The Plutonium Economy of the Future," Speech by AEC Chairman Glen T. Seaborg, AEC Release No. S–33–70, dated October 5, 1970.

[2] AEC, *Draft Generic Environmental Statement On The Use Of Mixed Oxide Fuel*, WASH–1327, July, 1974 [hereinafter cited as WASH–1327].

[3] Donald P. Geesaman, "Plutonium and the Energy Decision," in *The Energy Crisis*, (ed. R. S. Lewis and B. I. Spinrad, 1972), pages 58–59.

[4] Mason Willrich and Theodore B. Taylor, *Nuclear Theft: Risks and Safeguards* (1974), page 1.

[5] See the discussion at pages 17–23, *infra*.

[6] "GE Fuel Recovery Plant Inoperable," *Weekly Energy Report*, Vol. II, July 15, 1974, page 1.

[7] *West Michigan Environmental Action Council* v. *AEC* (W. D. Mich. Dkt. No. G–58–73).

[8] AEC, *Nuclear Power Growth: 1974–2000*, WASH–1139 (1974), page 34 Class D projection).

[9] Geesaman, *op. cit.*, pages 58–59.

[10] Arthur Tamplin and Thomas Cochran, *Radiation Standards for Hot Particles*, February 14, 1974. Copies of this report are available from NRDC for $3.00 per copy.

[11] WASH–1327, Chapt. IV, Section J. page 7.

[12] Geesaman, *op cit.*, page 59.

[13] AEC News Releases, Vol. V, August 14, page 4.

[14] Willrich and Taylor, *op. cit.*, pages 107–108.

[15] Paper by W. C. Bartels and S. C. T. McDowell of the AEC's Division of Safeguards and Security, reprinted in *Nuclear News*, Vol. 17, (Aug., 1974), page 46.

[16] "Nuclear Materials Safeguards: A Joint Industry-Government Mission," Speech by AEC Commissioner Clarence E. Larson, published in *Proceedings of AEC Symposium on Safeguards Research and Development*, October 27–29, 1969. *See also* Deborah Shapley, "Plutonium: Reactor Proliferation Threatens a Nuclear Black Market," *Science*, 9 April 1971, page 143.

[17] Willrich and Taylor, *op. cit.*, page 168.

[18] *See, e.g.*, Bernard T. Feld, "The Menace of a Fission Power Economy," *Bulletin of the Atomic Scientists*, April, 1974, pages 32–34; Lawrence Scheinman, "Safeguarding Nuclear Materials," *Bulletin of the Atomic Scientists*, April, 1974, pages 34–36; David T. Rose, "Nuclear Electric Power," *Science*, 19 April 1974, pages 351–359. *See also* Robert L. Heilbroner, *An Inquiry Into The Human Prospect* (1974), pages 40–43.

[19] *See, e.g.*, "A Special Safeguards Study," a report to the AEC on the Adequacy of Current Safeguards (the "Rosenbaum Report"), reprinted at 120 Cong. Rec. S6623 (April 30, 1974); U.S. General Accounting Office, *Improvements Needed in the Program for the Protection of Special Nuclear Material*, (GPO: November 7, 1973), reviewed by Robert Gillette in *Science*, December 14, 1973, pages 1112–1114.

[20] WASH–1327, page S–6.

[21] WASH–1327, page S–7.

[22] WASH–1327, page S–7.

[23] *See* pages 18–24, *infra*.

[24] *See* Dean E. Abrahamson, "Energy: Nuclear Theft and Nuclear Parks," *Environment*, July/August, 1974, page 5.

[25] Taylor and Willrich believe that "a system of safeguards can be developed that will keep the risks of theft of nuclear weapon materials from the nuclear power industry at very low levels." *Op. cit.*, page 171. Yet they also emphasize that "regardless of its effectiveness, a nuclear safeguards system applicable to the nuclear power industry in this country cannot provide complete assurance that unannounced fission explosions will not occur in the United States in the future." They point out that "no future safeguards system that will be practical can offer 100% assurance against theft." *Op. cit.*, page 123. They never say what level of nuclear theft, or what size plutonium black market or how many unauthorized nuclear explosions is in fact acceptable.

[26] *See* L. Douglas DeNike, "Radioactive Malevolence," *Bulletin of the Atomic Scientists*, February, 1974, page 16.

[27] *See* text accompanying note 8, *supra*.

[28] Quoted in Geesaman, *op. cit.*, page 59.

[29] *The Energy Crisis*, *op. cit.*, page 59.

[30] GAO, *Improvements Needed in the Program for the Protection of Special Nuclear Materials*, *op. cit.*

[31] Alvin Weinberg, "Social Institutions and Nuclear Energy," *Science*, 7 July 1972, pages 33–34.

[32] WASH–1327, Chapter V, page 42.

[33] *New York Times*, "News of the Week in Review," August 11, 1974, ("Texas Police Have A List For Dissenters").

[34] WASH–1327, Chapter V, page 42.

[35] *The Washington Post*, October 12, 1973, page A–3.

[36] DeNike, *op. cit.*

[37] Weinberg, *op. cit.*, pages 33–34.

[38] Hannes Alfven, "Energy and Environment," *Bulletin of the Atomic Scientists*, May, 1972.

[39] Weinberg, *op. cit.*

THE AUTHORS

Arthur R. Tamplin has been a biophysicist at the Lawrence Radiation Laboratory in Livermore, California since 1963. During the period June 1967 to January, 1969 he was a member of the AEC's Division of Biology and Medicine Committee on Space Nuclear Systems Radiological Safety. The primary interest of this committee was the hazard of plutonium. Dr. Tamplin holds a Ph.D. degree in Biophysics from the University of California at Berkeley. He has published and lectured extensively on the problems of nuclear power. His books include *Poisoned Power: The Case Against Nuclear Power Plants* (with Gofman). For the past year he has been working on the staff of NRDC while on a one-year leave of absence from the Laboratory.

J. Gustave Speth has been an attorney on the staff of NRDC since 1970, specializing on nuclear power problems. He was the attorney for the Scientists' Institute for Public Information in *Scientists' Institute* v. *AEC*, 481 F.2d (D.C. Cir. 1973), which required the AEC to prepare an environmental impact statement for its fast breeder reactor development program. He is a former Rhodes Scholar and law clerk to Supreme Court Justice Hugo L. Black and is the author of "The Federal Role in Technology Assessment" in *Federal Environmental Law* (Environmental Law Institute: 1974).

Thomas B. Cochran is a nuclear physicist on the staff of NRDC. Before joining NRDC, Dr. Cochran was a Senior Research Associate at Resources for the Future. He is the author of *The Liquid Metal Fast Breeder Reactor: An Environmental and Economic Critique* (1974), which was published by Resources for the Future. He is a member of the Federal Power Commission's Task Force on Energy Conversion Research and Development, part of the National Power Survey. Dr. Cochran holds a Ph.D. degree in physics from Vanderbilt University and is a former AEC Health Physics Fellow.

AEC IGNORES HAZARD-WARNINGS FROM ITS OWN CONTRACTORS, SAYS LEADING SAFETY EXPERT

Mr. GRAVEL. Mr. President, the AEC's $3 million Rasmussen report extolling the safety of nuclear powerplants does not seem to convince the Commission's own experts.

Carl J. Hocevar, one of the AEC's leading safety experts, quit his job on September 22 "in order to be free," he said:

To tell the American people the truth about the potentially dangerous conditions in the Nation's nuclear powerplants.

Mr. Hocevar believes the country should stop the building of nuclear powerplants in view of the grave unresolved questions about their safety.

Mr. President, I ask unanimous consent that a news release containing additional statements from Mr. Hocevar be printed here in the RECORD. The release, dated September 22, is from the Union of Concerned Scientists, 1208 Massachusetts Ave., Cambridge, Mass. 02138.

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

NEWS RELEASE

CAMBRIDGE, MASS., September 22.—One of the Atomic Energy Commission's leading safety experts quit his job today, he said, "in order to be free to tell the American people the truth about the potentially dangerous conditions in the nation's nuclear power plants."

Carl J. Hocevar, author of one of the AEC's basic nuclear power plant safety analysis methods, said in his letter of resignation to AEC Chairman Dixy Lee Ray that, "in spite of the soothing reassurances that the AEC gives to an uninformed, misled public, unresolved questions about nuclear power plant safety are so grave that the U.S. should consider a complete halt in nuclear power plant construction while we see if these serious questions can, somehow, be resolved."

Hocevar said that he will go to work immediately with reactor safety critics Ralph Nader and the Union of Concerned Scientists in Cambridge, Mass., to inform the public that "the AEC is using shaky and unproven computer predictions as a basis for answering such vital questions as the effectiveness of reactor safety systems in preventing catastrophic accidents. This is wholly unnacceptable," he said. "Adequate experimental programs to determine the workability of reactor safety systems are urgently needed."

Hocevar also said that the long-term problem of radioactive waste disposal was "deeply disturbing" because radioactive waste disposal involves not only difficult, unsolved technical problems, but serious moral problems as well.

"The present generation gets the electricty from nuclear plants, and we leave the radioactive wastes for our children and future generations to take care of," he said. "Plutonium, an extremely hazardous material that retains its radioactive potency for hundreds of thousands of years, is hardly a legacy that future generations should be given."

Although he developed the AEC's method for analyzing the heatup of a nuclear reactor core during loss-of-coolant accidents, Hocevar is a strong critic of the AEC's application of these methods.

"In 1971, the AEC adopted the methods we had developed," he said, "but completely ignored our reports concerning the serious limitations of those methods. They were the best that could be developed, based on the limited analytical and experimental research

the AEC and nuclear industry had carried out, but they were preliminary and definitely not an adequately proven way of determining nuclear reactor safety. Little has changed in the past few years, and the safety of nuclear reactors is still uncertain and unverified."

Carl Hocevar is one of several AEC safety researchers who have resigned in the last year from the AEC's Idaho safety research center, run by Aerojet Nuclear. He is the first to join forces with the critics of the country's nuclear program.

"The AEC is ignoring advice from many of its experts on reactor safety problems, a situation that has given rise to numerous resignations," he said. "Several of my colleagues have gone to work trying to help the utility companies understand the reactor safety problems that the AEC would prefer to ignore. But I believe that the general public, and not just the companies investing in nuclear generating equipment, must be told the truth about the potential hazards."

AEC ORDERS ALMOST HALF THE COUNTRY'S NUCLEAR PLANTS TO SHUT DOWN

Mr. GRAVEL. Mr. President, just 10 days after Federal Energy Administrator John C. Sawhill recommended that the reliability of nuclear powerplants be improved, the AEC issued an order which will shut down almost half of the Nation's nuclear plants within 60 days.

On Friday, September 20, after the AEC had issued an urgent warning for nuclear utilities to check for cracked pipes, a crack was found in the main water system of the Millstone Point No. 1 plant in New London, Conn. It was the fourth main line crack discovered in 1 week at the Nation's boiling water reactors.

The next day, the AEC ordered all the BWR nuclear plants shut down for inspection within 60 days.

Those plants which have cracks will not be easy to repair, since the leaking water is radioactive, according to a story in the Boston Globe.

Mr. President, I ask unanimous consent that two articles about this latest nuclear fiasco be printed here in the RECORD. The first is "Three Area A-Plants Ordered To Shut Down" from page 1 of the Philadelphia Bulletin, September 22. The second is "Nuclear Plants Springing Leaks; Experts Puzzled on Repair Technique," from the Boston Sunday Globe, September 22.

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

[From the Sunday Bulletin, Sept. 22, 1974]

THREE AREA A-PLANTS ORDERED TO SHUT DOWN

Three Greater Philadelphia nuclear power plants are among 21 in the nation ordered shut down by the Atomic Energy Commission to determine whether cracks are developing in the pipes of their cooling systems.

Among them are plants No. 2 and 3 operated by the Philadelphia Electric Co. along the banks of the Susquehanna River at Peach Bottom, York County, 63 miles southwest of Philadelphia.

The third plant in this area affected by the order is operated by the Jersey Central Power & Light Co. at Oyster Creek, Ocean County, N.J., 10 miles south of Toms River and 35 miles north of Atlantic City.

PLANTS IN 15 STATES

The order was relayed by telephone to power companies in 15 states last Thursday after cracks were discovered in the pipes of three boiling water reactors within the last 10 days.

There are 50 atomic reactors in the nation producing commercial power.

A spokesman for Philadelphia Electric said Peach Bottom plant No. 2 was already shut down for routine maintenance when the AEC order was received. An inspection showed that there were no cracks in any of the pipes, the spokesman added.

UNDER INSPECTION

He said plant No. 3 currently is under inspection. This plant—the newest in the complex—has not yet begun commercial production of power, but is expected to do so by the end of this year.

Each of these plants has a capacity of 1,065,000 kilowatts.

Unaffected by the order is Peach Bottom plant No. 1, a pilot facility that has been operating for some time and which has a capacity of only 40,000 kilowatts.

The AEC said that 20 of the 21 reactors ordered shut down were manufactured by the General Electric Co. The other reactor was manufactured by the Allis-Chalmers Corp.

The shutdown was ordered, according to the AEC, because the failures found in the quarter-inch stainless steel walls of the pipes in the three plants raised the possibility of such problems in all of the reactors.

EXPERT QUITS

In another development, a leading AEC safety expert announced he was quitting his job with the commission "in order to be free to tell the American people about the potentially dangerous conditions in the nation's nuclear power plants."

Carl J. Hocevar, the author of one of the AEC's basic nuclear power plant safety analysis methods, said in his letter of resignation to chairman Dixie Lee Ray that "in spite of the soothing reassurances that the AEC gives to the uninformed, misled public, unresolved questions about nuclear power safety are so grave that the United States should consider a complete halt to nuclear power plant construction while we see if these serious questions can somehow, be resolved."

Hocevar is one of several safety research experts who have resigned recently from the commission's Idaho Safety Research Center.

FIRST INDICATION

The first indication of a potentially widespread problem in the reactor cooling systems came on Sept. 13 when an alarm sounded in the Dresden No. 2 reactor of the Commonwealth Edison power plant near Morris, Ill. The alarm indicated a leak of radioactive water used to cool the nuclear core of the reactor; in this case, 5 gallons a minute, according to the AEC.

Commonwealth Edison then examined similar piping in its Quad Cities No. 2 unit near Cordova, Ill., which at the time was shut down for routine maintenance. The inspectors found cracks which had not yet penetrated the pipe wall.

CRACK FOUND

Then last Tuesday, a crack which appeared to have been leaking was found in a cooling pipe of the Millstone No. 1 unit of the Northeast Nuclear Energy Co. in Connecticut.

An AEC spokesman said that if a serious leak suddenly developed in an operating reactor the radioactive cooling water would be caught in special catch basins and the reactor would be automatically shut down.

According to the AEC, the 21 reactors that must be inspected produce about 14,000 of the 34,000 megawatts of electricity developed by atomic reactors in the United States. A megawatt is a million watts and refers to the amount of power that a facility can produce at any one time.

The commission estimated each inspection would require a week. A spokesman for General Electric said one day would be sufficient.

The other nuclear plants affected by the shutdown order are located in Michigan, Tennessee, Alabama, Nebraska, Illinois, California, Wisconsin, Connecticut, Minnesota, New York, Massachusetts, Vermont and Georgia.

[From the Boston Sunday Globe, Sept. 22, 1974]

NUCLEAR PLANTS SPRINGING LEAKS; EXPERTS PUZZLED ON REPAIR TECHNIQUE

(By Casey Bukro)

CHICAGO.—How do you fix a nuclear reactor leak of a kind that has never happened before and for which repair plans don't exist?

That is the puzzle facing Atomic Energy Commission and Commonwealth Edison Co. officials who must draft plans for fixing a crack in the main water pipe of the Dresden Nuclear Reactor No. 2 near Morris, Ill.

"It has not been done, to my knowledge, in a reactor of this size," said James Keppler, AEC regional director.

The perplexing break was one of two at the Dresden reactor, and both had been leaking radioactive water. The leaks were not dangerous, and one of them has been fixed.

An identical crack was found later in the Quad Cities Nuclear Reactor No. 2 near Cordova, Ill.

A metallurgical investigation by Argonne National Laboratories into the cause of the cracks was inconclusive. Both reactors have been shut down.

The list of cracked or faulty reactors grew on Friday, when two more were added.

A reactor of the Zion, Ill. station, owned by Commonwealth Edison Co., was put out of service when a water pump failed.

A few hours earlier, the Atomic Energy Commission reported that Millstone Point 1, reactor in New London, Conn., operated by the Northeast Nuclear Energy Co., had been shut down when a crack was found in its main water system. This was the fourth crack in a reactor main water line reported in one week.

The Millstone break was found after the AEC had issued an urgent warning to utilities to check for water line cracks. Both the Dresden and Millstone cracks were in places where the water lines cannot be shut off with valves to permit normal repairs.

A meeting of AEC and Edison officials was called to study in detail an Edison plan for fixing the unusual break in the Dresden reactor. They will try to make repairs with highly radioactive fuel still in the reactor core and with radioactive water in the pipelines.

"We want to understand in detail what the repair will consist of, how it will be made, and what actions should be taken in the event of a malfunction in making the repair," said Keppler. "It will be a review of what can go wrong."

Edison is proposing freezing the water in the cracked four-inch pipe, then cutting out the cracked section and inserting a plug. Then the water line would be unfrozen.

The defective section of pipe would be cut out, while the plug keeps all the radioactive water inside the nuclear reactor from flushing out.

The fact that there is no valve between the crack and the reactor makes this particular break unique.

Once the defective piece of pipe is replaced, the plug can be moved beyond a valve point. The water line would be frozen again,

the line cut open to remove the plug, and then repaired while the valve holds back the radioactive water.

NUCLEAR POLLUTION: DEATH FROM LOW-DOSE RADIATION

Mr. GRAVEL. Mr. President, there are two parts to the low-dose radiation controversy. The first is, how harmful is the legally "permissible" dose of manmade nuclear radiation? The second is, how big a dose is the public really going to receive from the nuclear power industry?

Nuclear utilities claim repeatedly that no one is going to get more than a trivial dose of radiation from their atomic powerplants. Of course, no one is measured for the dose. The dose is only calculated on paper by applying some shaky assumptions about weather and food chains to some even shakier figures on how much radiation is or will be released from each plant.

To calculate human exposure to environmental radiation, you need accurate data on how much radioactivity is in a person's air, water, and food. You need good and honest environmental monitoring.

MONITORING SCANDAL AT THE SHIPPINGPORT A-PLANT

The monitoring scandal around the Shippingport nuclear plant in Pennsylvania should be a warning to anyone who starts to believe the promises about trivial doses and supremely careful guarding of public health by nuclear promoters.

In April 1973, Gov. Milton Shapp of Pennsylvania, appointed a special commission, including five scientists, to investigate the radioactive releases from the Shippingport plant.

All five members concluded a year later that the radiation monitoring program was not satisfactory. One member, Dr. Karl Z. Morgan, said:

The Shippingport monitoring program was worse than none at all, in my opinion. In a nuclear plant, there are many ways that radioactivity can escape into the environment without always being detected by the monitoring instruments at the plant itself, even with a good monitoring system.

So unless you have a thorough-going monitoring program beyond the plant site, you're not going to measure all the radioactivity that gets out. But Shippingport's environmental monitoring program was almost non-existent.

Then, when they did get some detailed environmental data from NUS showing high levels, they sat on it. It's just unthinkable to me that something damning like that would be in the records without some explanation or action by their health physics personnel.

Mr. President, I ask unanimous consent that two articles on the Shippingport monitoring situation be printed in the RECORD at the end of these remarks. Both are from the Beaver County, Pa., Times, June 7, 1974. The first is entitled "State Panel Questions Radiation Safety," and the second is "Backgrounding the Controversy."

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

(See exhibit 1.)

EPA CALLS NUCLEAR FUEL REPROCESSING "A SIGNIFICANT ENVIRONMENTAL THREAT"

Mr. GRAVEL. Mr. President, it will not require catastrophic nuclear accidents to poison the planet irreversibly with manmade radioactivity. Routine releases and minor leaks and losses throughout the nuclear fuel cycle can achieve the same horrible result.

On September 11, 1973, the Environmental Protection Agency issued the following warning about nuclear fuel reprocessing plants:

Four significant areas in which fuel reprocessing presents a significant environmental threat were identified by the EPA investigation.

First, there will be worldwide exposure due to the gradual environmental buildup of Krypton-85 from the U.S. nuclear fuel reprocessing industry. The worldwide impact of this radionuclide is considerably larger than the regional or national impact from this industry.

Second, large doses to individuals may occur as a consequence of a failure to apply currently available controls and reasonable fuel-cooling times, as a result of discharges of Iodine-131 and other short-lived radionuclides.

Third, unless currently available controls are rigorously applied, the environmental buildup from long-lived Iodine-129, Plutonium-239, and several other alpha-emitting transuranic isotopes could become substantial.

And finally, there is no control currently available for Tritium, the largest potential producer of health effects after Krypton-85.

EPA CALLS "ZERO" THE ONLY SAFE DOSE OF RADIATION

About the impact of the nuclear industry in general, the EPA said:

Assessments of the potential impact represented by industries such as the nuclear power industry require projection of the migration of each radionuclide through the environment over long periods of time, and a determination of the potential dose to populations delivered and the associated health effects expected to occur throughout this migration.

These assessments must include all individual exposures, however small, so that all of the impact on society is assessed, and must be cognizant of the exposure of future generations implied by the essentially irreversible environmental commitments that result from the discharge of long-lived radioactive materials into the general environment.

The most prudent basis for relating radiation dose to its impact on public health continues to be that health effects due to exposure to ionizing radiation occur at all levels of exposure down to zero, and that the number of these effects induced is directly proportional to the dose of radiation received (a linear, non-threshold cause-effect relationship). Although it is recognized that data are not available to either prove or disprove this assumption, the Agency believes that it provides the only sound basis for developing standards to protect public health.

Within this framework, the only totally risk-free level of radiation exposure is zero; a standard set at any other level must be justified on the basis that the activity producing the radiation exposure provides sufficient offsetting benefits . . .

Analysis of the environmental impact of the uranium fuel cycle indicates that a number of long-lived radionuclides are discharged as a result of planned operations within the cycle, with consequent buildup of environmental levels and commitments for population dose that may persist for tens, hundreds, or thousands of years.

Both statements are from the EPA document entitled "Environmental Radiation Protection Requirements for Normal Operations of Activities in the Uranium Fuel Cycle, Notice of Proposed Rulemaking," September 11, 1974.

In October 1973, the EPA published a three-volume study called "Environmental Analysis of the Uranium Fuel Cycle," EPA number 502/9–73–003.

AUTHORITY TRANSFERRED FROM EPA TO AEC

By December 1973, the Nixon administration shifted the authority to set radiation emission levels out of the EPA and back into the AEC. The AEC's policy is that radioactive emissions should be kept "as low as practicable" for the industry.

In January 1972, the AEC began a rulemaking hearing to set "practicable" guidelines, but not limits, for radioactive emissions. As of September 27, 1974, the Commission had still not issued a final decision on the guidelines.

Meanwhile, the legally "permissible" exposure for the general public remains where it was set in 1957, at 170 millirads per year. No one claims any more that is a safe dose, but it remains in force nevertheless.

A FEW MILESTONES IN THE RADIATION CONTROVERSY

In late 1969 and early 1970, Drs. John W. Gofman and Arthur R. Tamplin at the AEC's Lawrence Livermore Laboratory, reported findings which rocked the nuclear power industry to its foundations. They had analyzed the available data on the cancer rate in irradiated humans, and discovered that nuclear radiation is about 25 times more harmful as a cancer-producer than previously thought.

An excellent paper with their scientific findings appears in the CONGRESSIONAL RECORD, volume 18, part 1, pages 1167–1178.

Gofman and Tamplin predicted a 10-percent increase in cancer mortality, meaning 32,000 extra cancer deaths every year, if the American public were chronically exposed to the so-called "safe" dose of radiation. They said there is no safe dose of radiation, and that the permissible dose should be set at zero, with exceptions made only if nuclear polluters could convince the public that the benefits justified the cancer agonies which would result later.

The nuclear power industry, which was designing all its equipment under the old "permissible" dose, saw that millions and perhaps billions of dollars were at stake in the reduction of radioactive emissions.

TEN PERCENT MORE MUTATIONS FROM THE PERMISSIBLE DOSE

In 1970, another blow hit the nuclear industry. The Nobel Prize-winning geneticist, Dr. Joshua Lederberg, testified as follows to Congress:

Four billion years of biological evolution are represented in the DNA of every cell of every living organism. In every sperm and egg, one 300-billionth of a germ stores an encyclopedia of genetic information—the blueprints which guide the development of the fertilized egg into a fish, a racoon, or a human being . . .

Radiation exposure is an inevitable side-effect of our atomic energy programs, as well

as of medical X-rays and of our natural environment. The AEC's standards of permissible exposure would increase the natural rate of mutation about 10 percent.

The DNA molecules in the single cell from which each of us begins life, contain all the information to construct and operate an adult human with 150 billion cells. The genes in DNA are mankind's most condensed and most precious information. It is appalling to realize that the nuclear power industry is still expanding under a permissible radiation dose which would so badly damage this treasure.

REPORT FROM THE NATIONAL ACADEMY OF SCIENCES

In late 1970, the National Academy of Sciences, whose medical director was formerly biomedical director for the AEC, appointed a committee to reexamine the biological effects of ionizing radiation, and so it was called the BEIR Committee. The BEIR Committee included vociferous defenders of the AEC, but none of the outspoken critics.

In November 1972, the BEIR Committee issued its report. It concluded as follows:

There is reason to expect that over the next few decades, the dose commitments for all man-made sources of radiation except medical, should not exceed more than a few millirems average annual dose to the entire U.S. population.

The present guides of 170 millirems per year grew out of an effort to balance societal needs against genetic risks. It appears that those needs can be met with far lower average exposures . . .

To this extent, the current Guide is unnecessarily high.

THOUSANDS OF DEATHS PER YEAR FROM THE "SAFE" DOSE

With regard to genetic injury, the BEIR Committee said that chronic exposure of our population to the permissible 170 millirads would eventually lead to a 5-percent increase in ill health for the American population as a whole, including between 1,100 and 27,000 cases per year of serious congenital abnormalities, constitutional diseases which are partly genetic, and dominant or X-linked diseases and defects.

With regard to cancer induction, the committee dose "could cause from roughly 3,000 to 15,000 cancer deaths annually, depending on the assumptions used in the calculations. The committee considers the most likely estimate to be approximately 6,000 cancer deaths annually, an increase of about 2 percent in the spontaneous cancer death rate."

Since this admission in 1972 finally stopped nuclear advocates from claiming the permissible dose is safe, the committee's opinion was widely considered a "vindication" of the Gofman-Tamplin position. Of course, scientific findings can not be vindicated by agreement; they can be vindicated only by their own truth. The BEIR Committee was unable to refute the Gofman-Tamplin findings.

DATA CHANGED BY ANONYMOUS EXPERT

However, the committee reduced the Gofman-Tamplin mortality estimate fivefold by resorting to an anonymous piece of work in appendix V. This appendix concerns the dose data provided by a British study of spondylitic patients who had received radiation treatment to their spines.

The radiation dose to the stomachs of these patients had to be estimated from the dose to their spines. An excessive rate of stomach cancer could then be related to the radiation dose.

Gofman and Tamplin used the dose estimate calculated by the British doctors, Dolphin and Eve. The BEIR Committee would have had a hard time lowering the Gofman-Tamplin mortality figure of 32,000 extra cancer deaths per year if the committee had used the same dose data. So the committee changed the data.

On page 185, the committee admits that the Dolphin-Eve dose data is "crucial." The committee then says it has concluded the Dolphin-Eve data "is seriously in error." Without inviting any rebuttal, agreement, or comment by Drs. Dolphin and Eve, or Gofman and Tamplin, the committee offers the anonymously performed work in appendix V as support for changing the data.

This unprofessional maneuver accounts for the difference between the BEIR and Gofman-Tamplin figures. Of course, the AEC's recently released Rasmussen report uses the BEIR figures in estimating cancer fatalities from a nuclear power accident.

EPA'S VIEW: LARGE INJURY FROM "PERMISSIBLE" DOSE

In September 1973, the Environmental Protection Agency went on record without equivocation on the matter of the still permissible radiation dose:

The impact on health of effluents from an expanding nuclear power industry, if it were to operate at the levels permitted by the current Federal Guide, would be large.

Source: "Statement of Considerations: Environmental Radiation Standards for the Uranium Fuel Cycle," Office of Radiation Programs, EPA, September 12, 1973, draft page 7.

NRDC VIEW: PERMISSIBLE PLUTONIUM LEVELS 100,000 TIMES TOO HIGH

In February 1974, the Natural Resources Defense Council published an examination of the permissible level of plutonium pollution. NRDC concluded that the permissible exposure levels for plutonium need reduction by 100,000-fold. The NRDC work, which was performed by Drs. Arthur Tamplin and Thomas Cochran, is now under study by the National Academy of Sciences, the National Commission on Radiation Protection, and several AEC laboratories.

IS LIFE OUR INALIENABLE RIGHT?

To summarize the situation today with regard to nuclear pollution, I would have to say that our inalienable right to life is receiving only lipservice from the nuclear power industry.

Monitoring practices are neither good nor necessarily honest. Permissible radiation levels are still a license to kill. And the rats are still in charge of guarding the cheese.

Often deprivation of life through pollution is performed with all the due process of law required under our Constitution's fifth amendment. In the case of the "permissible" radiation dose, such as a threat to life even has the official sanction of the Code of Federal Regulations.

The same is true for "permissible" levels of certain chemical poisons in the environment.

In 1971, the Stanford Research Institute, working with the National Cancer Institute, estimated that as many as 80 percent of all cancer cases are caused by chemicals which humans encounter in their daily lives. This was reported in Chemical and Engineering News, January 10, 1972, but not widely in the press.

Also in 1971, the American Medical Association estimated that:

Disease induced by the environment now costs us $38 billion a year. That bill will go up if we don't nurse our environment back to health.

That statement was further elaborated in the AMA's pamphlet:

If America dies, where will we bury it?

Perhaps we need a new constitutional amendment which explicitly states that humans have an inalienable right to an unpoisoned environment. It seems such a reasonable thing to expect from a society which calls itself civilized.

EXHIBIT 1

[From the Beaver County (Pa.) Times, June 7, 1974]

STATE PANEL QUESTIONS RADIATION SAFETY

No state government has ever before created an independent commission to investigate the safety of a nuclear power plant.

Gov. Milton J. Shapp took that unprecedented step in April 1973, when citizens of the Beaver Valley became alarmed about the connection between radiation releases from the Shippingport Atomic Power Station and rising fetal deaths and cancer incidence as charged by Dr. Ernest J. Sternglass.

The Governor directed his Secretary for Health Services, Dr. Leonard Bachman, to select the commission's members.

Dr. Bachman described his criteria as follows:

"Not only was it necessary for the Governor to have available to him the wisest opinion he could find, but it was important that the people who gave him this advice arrived at their conclusions in the most acceptable manner. Because of this, he asked me to find the best authorities that I could find in the fields under question."

Dr. Bachman's quest yielded, in alphabetical order:

Dr. Morris DeGroot, professor of mathematical statistics and chairman of the Statistics Department at Carnegie-Mellon University, Pittsburgh. Dr. DeGrott has done statistical studies of the public health effects of nuclear power plants.

Dr. Paul Kotin, M.D., vice-president for health services, dean of the School of Medicine, and professor of pathology, all at Temple University, Philadelphia. Dr. Kotin previously served as director of the National Institute of Environmental Health Sciences and specializes in environmental causes of cancer.

Dr. Karl Z. Morgan, Neely, professor of health physics at the School of Nuclear Engineering, Georgia Institute of Technology, Atlanta. Dr. Morgan was one of the first radiation health physicists (The AEC defines health physics as "The science concerned with recognition, evaluation, and hazards from radiation") and first president of the International Radiation Protection Association. From 1944 to 1973 he was director of the Health Physics Division at the AEC's Oak Ridge National Laboratories, home of several nuclear reactors.

Dr. Edward P. Radford, professor of environmental medicine, School of Hygiene and Public Health, Johns Hopkins University, Baltimore. Dr. Radford specializes in the public health effects of environmental radiation and served recently on the National Academy of Sciences Committee on the Biological Effects of Ionizing Radiation.

Dr. Harry Smith, dean of the School of Management, Rensselaer Polytechnic Institute, Troy, N.Y. A noted statistician, Dr. Smith specializes in biological statistics.

Dr. Bachman and two other state officials, Dr. J. Finton Speller and Maurice K. Goddard, also served on the Shapp Commission, but in an administrative capacity.

Originally promised by October, 1973, the Shapp Commission's report has not yet been released. The problem is that the Pennsylvania State Health Department keeps creating final drafts of the report which reflect the view that there were no serious problems connected with Shippingport itself, and some of the commissioners cannot sign these drafts.

Four of the five scientific members of the commission were amenable to interviews, the exception being Dr. Paul Kotin. The available information indicates that Dr. Kotin's views generally parallel those of Dr. Harry Smith. These statements indicate some disagreement between the commissioners.

Was Shippingport's radiation monitoring program satisfactory?

All: "No."

What were the shortcomings that most concerned you? Dr. DeGrott: "First, because of the inadequacy of the monitoring program, it was impossible to determine how much radiation exposure the people in the surrounding area had been receiving from Shippingport.

"Second . . . radioactivity levels measured in 1971 by NUS were ignored by the Duquesne Light Company, the AEC and the relevant health agencies until Dr. Sternglass blew the whistle. There was dereliction of duty, I think."

Dr. Morgan: "The Shippingport monitoring program was worse than none at all in my opinion. In a nuclear plant there are many ways that radioactivity can escape into the environment without always being detected by the monitoring instruments at the plant itself, even with a good monitoring system.

"So unless you have a thorough-going monitoring program in the environment beyond the plant site, you're not going to measure all the radioactivity that gets out. But Shippingport's environmental monitoring program was almost nonexistent.

"Then, when they did get some detailed environmental data from NUS showing high levels, they sat on it. It's just unthinkable to me that something damming like that would be in the records without some explanation or action by their health physics personnel.

"And in that connection, the inadequacy that was perhaps most glaring to me in their whole program was the lack of a certified health physicist. Certification is the best way we have at present of determining that a health physicist has the qualifications to do his job, and none of Shippingport's health physicists has ever been certified.

"Furthermore, the one they have now cannot be certified because he doesn't have the prerequisite experience. He is not even a member of the Health Physics Society. I would add that the use of uncertified health physicists is general in the commercial nuclear power industry at present."

Dr. Radford: "The issue is: How do you reassure the public living around a nuclear power plant that the radioactivity is not getting into their soup or whatever? Shippingport's off-site environmental monitoring program was insufficient to provide this reassurance. We don't know whether the radioactive releases reported for the plant were correct or not.

"I don't think you can fault Shippingport too much for its failure in this regard because they started in the nuclear power game at a time when nobody was very much concerned about monitoring low-level radioactivity.

"I think that by and large the AEC personnel responsible for Shippingport are among the best-trained people you could expect to have."

Dr. Smith: "Although I think that Shippingport's in-plant monitoring system was satisfactory, there is still a definite need for a more extensive environmental monitoring program as a backup."

Did the data in the original NUS report point to Shippingport as the source of the high radiation levels? Dr. DeGroot: "If we accept those data, then the circumstantial evidence points to Shippingport, largely because of the location of the radioactivity and the lack of plausible alternative sources."

Dr. Morgan: "The original NUS data very strongly suggested to me that the radioactivity came from the plant. If you take the data as fact, you'd be very hard-pressed to find any other source that could explain it."

Dr. Radford: "Well, there was some indication in the original NUS data that there was a release from some source. As to whether that source was Shippingport, I'd have to look up the data again."

Dr. Smith: "I can't find any direct connection between the radiation levels measured by NUS and the Shippingport plant. All that mish-mash is so unscientific that one would never be able to draw any valid scientific inferences from it."

After NUS reanalyzed its data, the high radiation levels disappeared. Did this reanalysis prove to you that the radioactivity was never there?

Dr DeGroot: "No, it did not. It did convince me that the reanalysis was highly unreliable. "However, I am equally convinced that the original NUS data showing high levels cannot be considered reliable either. There are just so many inconsistencies in their work that I can not accept any of it.

"This comment does not mean that all their high readings were wrong. In fact, I find it highly unlikely that NUS could have made systematic errors, all in one direction, in several different analytical techniques."

Dr. Morgan: "The explanations advanced by NUS did not at all convince me. For example, if they had found something wrong in only one of their systems, it would not be too surprising. We all make mistakes. But to have systematic errors in several different analytical techniques, all tending to produce only high readings—the chances of that are quite low.

"There appears to be a strong suggestion of dishonesty, and that estimate is borne out by written comments from Dr. John Harley of the AEC, whose integrity I respect. Dr. Harley found that NUS seems to have doctored some of their data to fit their arguments. If a person will do that with one set of scientific data, it is very possible he will do it with another.

"So, as far as I can see, there is not proof that the radioactivity levels around Shippingport were not quite high in the past. For a long period now the radioactivity levels in milk in that general area have been high according to the public health agency surveys, which are completely separate from the NUS survey. This has never been explained."

Dr. Radford: "Well, they had three separate laboratories reanalyze some of the original 1971 milk and soil samples, and each lab got similar low readings. If these samples were valid, then it is pretty clear there was not much radioactivity there to begin with. Now of course you could say they dug up soil from somewhere and analyzed it—I can not argue that."

Dr. Smith: "I think that the degree of scientific merit on one side really was better. I would accept the explanations advanced by NUS."

Was there any evidence in the mortality statistics that Shippingport had caused health damage, or did the statistics tend to refute this?

Dr. DeGroot: "We can not really decide the issue because of the poor quality of the available health statistics and because the population is not large enough for a really meaningful statistical analysis. But there is certainly nothing in the available data to lower the probability that there may have been health damage. "It is true that the Pennsylvania State Health Department went back and discovered errors of a certain type in its published infant mortality rate for Aliquippa in 1971, and that the ensuing corrections sharply lowered the rate.

"However, I feel it is likely there were also errors of another type which could have raised the rate back up again. Unfortunately, the resources were not available to investigate this possibility. So, to my mind, the corrections are incomplete. The only type of error investigated was one that would reduce the number of deaths and lower the rate.

"In any case, I think there remain some anomalies that have not been fully explained. For example, I did on analysis of infant mortality in Aliquippa, and the rate definitely seems to have shifted upward recently. To my mind this upward shift is not fully explained by demographic or socioeconomic factors. I do not know if any of it is due to Shippingport, but I think it warrants further investigation."

Dr. Morgan: "I do not personally feel that the mortality statistics refute the possibility of some adverse effects on the population's health. Taking the original published data, it appears to me that there was an effect. However, after the Health Department got through making corrections and applying all the epidemiological and statistical techniques to the mortality rates for the population near the reactor, they seem to have come up with the belief that there were no significant health effects.

"I cannot help but be a little skeptical. To me, if you are going to make all these corrections for the population that might have been exposed to radiation, you have to give equal consideration to the unexposed control population. It was very obvious to me that if they had, it would have made a difference in at least one instance."

Dr. Radford: "The statistical evidence favors the hypothesis that the plant did not cause any health damage. For example, the mortality rates do not decline with distance in all directions away from the plant. The mortality rates for Beaver County as a whole are quite low, and on that basis one would be hard-pressed to say that Aliquippa was affected, since the rest of the count should also be high.

"Then, when the mortality rates for Aliquippa are corrected for errors, you see that Aliquippa is no worse off than any other town with comparable population characteristics."

Mr. Smith: "In my opinion the mortality statistics indicate there was no effect from the reactor. The adjusted mortality rates are not abnormally high. One comes to the conclusion that the Shippingport area may not be the greatest place to live, since the mortality rates are higher there than in many other communities, but such high rates are normal, expected occurrences in places with the kind of demographic and socioeconomic characteristics you find around Shippingport.

"Also, I have to find a scientific link be-

tween radiation exposure and infant mortality, and this requires a great deal of what I call logical extrapolation or inferences step by step through a process which proceeds from the birth of a child to its ultimate death, and I can not find sufficient evidence for that link in this case."

In view of the monitoring inadequacies, would it have been possible for radioactive releases large enough to cause significant adverse health effects to have escaped undetected from Shippingport?

DEGROOT. "To my mind, this is a definite possibility."

Dr. MORGAN. "If you have a corral with one or two of the rails down somewhere, then the fact that the gate is locked does not mean the horses can not get out.

"Based on the recent testimony of one of Shippingport's own reactor operators, if he was telling the truth—and I am confident he was—then there certainly were undetected and unreported releases to the environment from Shippingport.

"The question of whether these releases could have been large enough to have an adverse health effect is hard to answer, both because we do not know enough with certainty about the effects of low-level radiation on man and because we have no hard data on how large these release might have been.

"But my feelings are that we can not exclude the possibility that some members of the population may have received radiation doses roughly equivalent to those, for example, which have been found to produce significant increases in the risk of leukemia and a few other forms of malignancy in humans, particularly infants exposed in the womb."

Dr. Radford: "I do not think that enough radioactivity could have escaped from Shippingport to have any significant effect on the population's health. I am certainly in no position to say whether Shippingport's reactor operator did or did not know what he was talking about, but even if there were undetected releases, the amount of radioactivity in such releases should have been minimal. In the particular case of Shippingport, because of the small size of the plant and the nature of its design, the in-plant monitoring system was probably sufficient to provide protection.

"Shippingport is such a tea kettle of a plant. To try to make a big case out of that one is like saying your home heating unit is poisoning a city with carbon monoxide."

Dr. Smith: "I agree with Dr. Radford on this question. I feel there is strong evidence that nothing came out of the reactor, and I think I have bent over backwards to be fair in that judgment."

Is it possible that radioactive releases large enough to cause significant adverse health effects have escaped undetected from other nuclear power plants?

Dr. DeGroot: "I have studied some of the mortality data for the areas around various reactors besides Shippingport, and I think there may have been detectable health damage, perhaps because the radiation exposure has been greater than we thought.

"I do not always agree with Dr. Sternglass's statistical methods, but I recognize that his conclusions may well be correct. The existing evidence is crude, however. At best, it just points to the need for future studies—or not-too-distant-future studies, I should say—which might resolve the issue."

Dr. Morgan: "I think this is possible with many of the presently operating reactors. I do not agree with the way Dr. Sternglass handles statistics, but in my opinion effects such as he claims to have found cannot be ruled out."

Dr. Radford: "For Shippingport, because of its small size and design, the inadequacies in monitoring probably did not mean too much. But I would not want to say that at all about many of the other nuclear plants now operating or about to start up. I consider the radiation monitoring techniques in use at present to be completely inadequate, especially for the large reactors of the boiling-water variety.

"I am unconvinced they know what is coming out, and I base that statement on rather long experience in looking at the available data. I feel there is a definite possibility that there have been undetected releases large enough to have significant adverse health effects, although this is at present a theoretical possibility since we have no data on how large such releases may have been.

"Aside from undetected releases, I think that officially reported radioactive gas releases from the group of three boiling-water reactors at Dresden, Illinois, have been large conceivably to have public health significance."

If radiation monitoring continues pretty much as it is, how would you feel about living near a nuclear power plant?

Dr. DeGroot: "I have answered all your other loaded questions, so I think I will pass on this one."

Dr. Morgan: "I think the principal risk associated with a nuclear plant is not from routine operation, but from the remote possibility of a major or submajor accidental release of radioactivity.

"The health risk from atmospheric pollution by a fossil-fueled power plant is to me much more real and certain, so I would much rather live near one of the current pressurized-water or boiling-water reactors (if the monitoring is adequate) than near a fossil-fueled plant. I would not however, want to live near a nuclear fuel reprocessing plant or one of the upcoming fast-breeder reactors."

Dr. Radford: "I would not want to live near a nuclear fuel reprocessing plant, that is for sure, or a fast-breeder reactor. And I must admit I would not be terribly keen to live next to one of the big boiling-water reactors either, with the present monitoring systems."

Dr. Smith: "Personally I would not object to living next door to one."

Do you think the widespread use of nuclear power by private utilities is inevitable and-or desirable?

Dr. DeGroot: "I think it is neither inevitable nor necessarily desirable at this point. I do not think we should give up on nuclear power.

"What is not desirable, is our present course of plunging headlong into the construction of hundreds of plants of varying designs with so many safety questions unresolved.

"A drastic, but not entirely unreasonable first step would be to shut down all present reactor operations and declare a halt to all construction and licensing of new reactors for a period of, say, five years, while we try to assess the hazards and develop a program that is responsive to the needs and desires of the public."

Dr. Morgan: "Yes, it is both inevitable and desirable that nuclear power be greatly increased in the near future. It is the most immediately available energy source at a reasonable cost, and I think we can have reasonably low radiation levels with even less adverse effects on the population than from fossil-fueled plants, particularly if the public and the press keep up the fight for environmental quality.

"I would like to see us maintain the isolation of nuclear plants, and I hope the AEC's current support of the fast breeder reactor will be depreciated in favor of safer breeder reactor systems."

Dr. Radford: "I have considerable reservations about the present rush to nuclear power, particularly in regard to the unresolved problem of radioactive waste disposal and the risk of major accidents, involving releases of very large quantities of radioactivity, in the fast-breeder reactor development program.

"I estimate we have about a fifty-fifty chance of getting through the breeder development without some major environmental health catastrophe, and I do hope my estimate will be proved wrong."

Dr. Smith: "Nuclear energy seems to me the obvious tactical solution to the energy problem. At present we do not have the know how, at least from an implementation-cost-effectiveness point of view, to use any of the other potential energy sources. In my opinion, we can take care of 99.999 per cent of the nuclear safety problems. I think the AEC, by the way, really does a very good job."

So. This is what happens when an independent commission of national experts takes a look at nuclear safety. Certainly it is possible that the viewpoint of Dr. Smith (and presumably of Dr. Kotin) is correct, and matters are well in hand, but the overall picture of nuclear safety that emerges from the commissioners surely bears little resemblance to the one painted by the nuclear industry and the AEC.

However, it is important to note that, despite the strong criticisms of some of its members, the Shapp Commission is clearly not antinuclear. The commissioners believe that radiation monitoring can be made satisfactory, and they have submitted a host of recommendations to that end. (One unanimous recommendation is that responsibility for monitoring be placed in the hands of an agency independent of both the AEC and the nuclear industry.) As for nuclear safety issues in general, all the commissioners feel, albeit with varying degrees of optimism, that it is possible that nuclear power can be used safely.

BACKGROUNDING THE CONTROVERSY

(By Joel Griffiths)

The story behind the Shippingport Atomic Power Station controversy began in 1971.

Duquesne Light Co. had hired what it described in newspaper ads as "an outstanding team of 30 scientists and technicians" who were swarming all over Beaver Valley making thousands of detailed measurements of the radioactivity levels in the air, soil, drinking water, milk and wildlife.

The reason for this survey was that Duquesne had commenced construction of a large new nuclear plant—Beaver Valley 1—on the Shippingport site and under new government regulations it was necessary to determine the precise radioactivity levels in the general area before the plant was completed, so that it would be possible to tell exactly how much the new plant added after it went into operation.

The results of Shippingport's own monitoring program would not suffice for this purpose, because Shippingport's personnel had done relatively little monitoring beyond the plant's own grounds.

That monitoring program had been responsible for showcasing one of Shippingport's most remarkable virtues—the minuscule size of its officially reported releases or radioactivity to the environment.

The plant had earned the unofficial title of being the safest nuclear power reactor in the world.

The data for that conclusion could be found in documents in the U.S. Atomic Energy Commission's files. However, other documents relating to the Shippingport story reveal an amazing saga, including a striking case study of the "rigid safety and licensing standards" of the nuclear industry in action.

According to the officially reported results of Shippingport's own monitoring program, the plant's releases have generally been the lowest of any commercial nuclear reactor in the country.

In fact, in 1971, according to these reports, Shippingport became the first commercial plant in the world to release no radioactivity whatsoever out its stack for an entire year.

However, that was also the year the independent monitoring began off site.

The scientists, who were from a private firm called the Nuclear Utilities Services (NUS) Corporation of Rockville, Md., remained on the job from January, 1971, to March, 1972. The results of their measurements were compiled in a series of reports and sent to the Duquesne Light Co.

Duquesne Light Co. is responsible for the electrical generating portion of the Shippingport plant. The AEC through the Naval Reactors Division under Admiral H. G. Rickover is responsible for the nuclear reactor.

Nothing was heard of the reports until December, 1972, when they turned up in a package of promotional material sent by Duquesne to Dr. Ernest J. Sternglass.

Dr. Sternglass is professor of radiation physics at the University of Pittsburgh. He is a long-time critic of the Atomic Energy Commission and has voiced that criticism across the country.

Perhaps no one at Duquesne had ever bothered to read those reports, or perhaps some had and the reports were sent to Sternglass by mistake. But in any case it is hard to see how Duquesne could have thought they were going to reassure Sternglass, because the NUS reports showed that during the spring and summer of 1971 there had been high radioactivity levels all over the Beaver Valley, in many instances 20 or more times higher than normal. Duquesne's team of outstanding scientists had indeed done a thorough job. They found the radioactivity in the air, milk, soil, drinking water, and just about everywhere else they looked. The levels were not high enough to cause an immediate public health catastrophe, but they were high enough to be concerned about.

It did not take Sternglass long to conclude that there was only one source of radioactivity in Beaver Valley that could explain this: The Shippingport Atomic Power Station, showpiece of the nuclear industry. The further irony was that all this radioactivity had been detected in 1971, the same year that Shippingport had claimed "zero releases" out its stack.

Sternglass next began reviewing the official mortality statistics for the Shippingport area, and he found what he described as sharp rises in infant mortality and cancer in a number of the surrounding communities. He particularly emphasized the situation in Aliquippa, a small town of 26,000 located nine miles directly downwind of the plant. During the period of the high radioactivity levels measured by NUS, infant mortality in Aliquippa had increased sharply to its highest peak in 25, Dr. Sternglass claimed.

When Sternglass and a group of environmentalists released this information in January, 1973, it created a public scandal of major proportions. Both Shippingport's pristine image and the citizenry's faith in their appointed guardians dissolved in a swirl of alarming headlines and special broadcasts. Even the mayor of Pittsburgh, Pete Flaherty, announced he was joining the antinuclear forces. As for the appointed health guardians—the AEC Duquesne, and the radiation safety branches of the U.S. Environmental Protection Agency and the Pennsylvania State Health Department—they seemed stunned. Apparently, they had been unaware of the contents of the NUS reports. Their first words were:

"It wasn't Shippingport."

This time they were going to have to prove it.

Initially, it was publicly suggested by the AEC and others that the radioactivity could have been due to heavy fallout from Chinese atmospheric nuclear bomb tests which had somehow managed to concentrate around Shippingport.

However, the AEC's Earth Sciences Branch conducted an in-depth investigation of the situation and concluded:

"It is highly unlikely that the radioactivity was of Chinese origin. Most likely it was either of local origin or the result of inadequate sampling procedures."

This was a crucial finding. "Local origin" was a euphemism for Shippingport, since there was nothing else in the vicinity that could have produced that amount of radioactivity. Thus, if the radioactivity had in fact been there, Shippingport was as good as convicted.

The only other possibility—aside from "sinister forces"—was that maybe the radioactivity had not been there.

This was where "inadequate sampling procedures" came in. The idea was that NUS might have bungled procedures it had used to measure the radioactivity in the samples of soil, milk, and other items from Beaver Valley and somehow produced hundreds of erroneously high readings. This, however, was synonymous with: NUS is incompetent.

There was really only one way this question could be answered in a concrete and conclusive manner. Some of the radioactivity in the samples that NUS had collected in 1971 was long-lasting. If NUS could turn up some of the original samples that had shown the high levels, they could be reanalyzed to see if the radioactivity had really been there.

Accordingly, in February, 1973, NUS conducted a search at its Rockville headquarters to see if any of the original high samples were still around. Unfortunately it was the company's stated policy not to retain samples for more than a year after analysis, and they could not locate any.

By this time a sharp divergence of opinion had grown between NUS on the one hand, and the AEC and health agencies on the other. Faced with a choice between attributing the radioactivity to Shippingport or NUS's incompetence, the AEC and others picked incompetence and began leveling various technical charges against the NUS reports. This placed NUS in a delicate position. If their reputation was to be salvaged without crucifying their employer, the Duquesne Light Co. and the AEC, NUS had somehow to prove that the radioactivity had been there but it had not come from Shippingport. So, despite all the evidence, NUS picked fallout.

In March, 1973, NUS completed a draft report on the Shippingport situation, defending the accuracy of its original high readings but attempting to prove that they were not particularly unusual and were probably due largely to Chinese bomb tests.

This draft report was sent to Dr. John Harley, director of the AEC's Health and Safety Laboratory. Dr. Harley had been playing a leading role in the AEC's investigation of the Shippingport affair, and he was well aware that the high radiation levels could not be explained by fallout.

Dr. Harley was not happy with NUS's draft report.

In comments for the AEC's files, dated March 8, 1973, Harley fumed: "This draft proves to my satisfaction that the work of this organization is incompetent. . . . It is obvious that their staff is not familiar with the field and is not competent to evaluate their data or those of others."

Harley went on to list several examples of NUS's incompetence in their attempt to prove the fallout theory and in other aspects of their report, remarking that "Investigation would certainly turn up gross calculation errors or even that some doctoring of the numbers had occurred."

He signed off: "I believe the situation is very serious."

Serious indeed. Could Dr. Harley have been referring to that team of "outstanding scientists" who, according to Duquesne's ads, were engaged in the vital work of making people aware that their large new nuclear plant was to be "absolutely safe to the public health"?

Yes, he was.

More serious was that NUS had already performed extensive safety studies for some 34 other nuclear power plants, many of which had already started operating.

If they were bunglers. . . .

Dr. Harley's accusations of incompetence were more incongruous in view of the apparent excellent credentials of the NUS staff, including the two members who prepared the draft report.

One, the vice-president in charge of all NUS nuclear safety work, Dr. Morton Goldman, had spent 10 years as a nuclear safety expert with the U.S. Public Health Service (now the Environmental Protection Agency) and was a consultant to state and federal health agencies.

The other, Joseph DiNunno, the scientist directly responsible for the Beaver Valley survey, had received all his training and experience in the AEC's own reactor safety branch.

Why, NUS almost was the AEC and EPA. Incompetence? Doctoring of figures?

Nevertheless, a couple of months after Dr. Harley's outburst, the AEC issued a definitive report stating that the high radiation levels had been due to NUS's bungling. The report was hand carried to the Pittsburgh newspapers before NUS even got a chance to look at it.

Shortly thereafter, on June 7, 1973, according to AEC documents, the president of NUS, Charles Jones, called the AEC. Jones maintained stoutly that the radio-activity really had been there and that there was nothing wrong with NUS's methodology.

The AEC representative to whom he spoke, Dr. Martin B. Biles, director of the Division of Operational Safety, disagreed. Jones then complained that the unfavorable publicity was damaging his company and something must be done. Dr. Biles suggested a meeting.

On June 20, 1973, a meeting was held between Dr. Goldman and DiNunno of NUS, Dr. Harley and Dr. Phil Krey of the AEC and a Duquesne Light Co. attorney. According to Dr. Harley's subsequent memo to the AEC's files, it was a fruitful meeting.

Goldman and DiNunno began by admitting that someone in NUS had indeed doctored up figures to support the company's position, although there were unfortunately no laboratory records to verify the fact. This aside, however, they had a wonderful new development to report. In the time since President Jones had talked to the AEC, NUS had found some of the original high samples from Beaver Valley.

Now it would be possible to see if that radioactivity had really been there.

This was indeed fortuitous, especially since these samples were by then nearly two years old and the company did not usually retain its samples for more than a year. Evidently they eluded the original search for samples in February.

According to Dr. Goldman, all the company's employes had been instructed to ransack the premises, and the samples had been turned up by two lab technicians in a storage basement where such samples were not usually kept.

Despite the AEC's earlier misgivings about NUS's credibility, the legitimacy of these newfound samples was accepted without question. Arrangements were immediately made to have them reanalyzed by the AEC, the EPA, an independent private lab, and NUS. It was also decided that NUS's performance in the reanalysis would serve as a test of whether the company had recovered its competence.

So what happened?

The samples were reanalyzed and no more radioactivity! Some of the samples turned out to be as much as 20 times lower than before, but NUS had got it right this time. Their analytical methods were corrected at last. They were saved. Everybody was saved.

The press was notified.

There were a few loose ends.

NUS had to explain why so many of its measurements had been 20 or more times too high in 1971. The company reviewed its laboratory records again and made a new discovery: all through 1971 there had been systematic errors in several of its analytical methods, all tending to produce only erroneously high readings.

That was it. The case was closed.

NUS's safety work for 34 other reactors, and even the low readings it somehow managed to obtain at various times and places in Beaver Valley, was allowed to stand unchallenged. Dr. Goldman and DiNunno fired several employes, including the lab chief, who never stopped defending his measurements, and NUS has since continued in its work of making nuclear power plants "absolutely safe to public health."

In the meantime, the high mortality rates made public by Sternglass were also going down. The Pennsylvania State Health Department conducted a detailed re-examination of its officially published statistics on infant mortality in Aliquippa for the year 1971, when NUS's radioactivity mirage had been present, and a number of errors were found. The corrections cut the rate in half.

Subsequently the department applied sophisticated statistical-epidemiological techniques to all the mortality rates for the Shippingport area and announced that the adjusted rates showed no hint of any adverse effect from the reactor.

Thus, by the end of 1973, the high radioactivity levels were gone, the high mortality rates were gone, and so, as usual, was Dr. Sternglass's public credibility.

The public's faith in the absolute safety of Shippingport and the infallibility of its radiological guardians, on the other hand, was largely restored.

There is nothing new about this basic scenario, which has been replayed in many states of the union.

In the Shippingport case, however, there was a wild card in the deck. Gov. Milton J. Shapp appointed a commission to study the controversy.

Some of the implications of that Commission's study are in an accompanying article. The report has yet to be released, but the controversy, which has been abated somewhat by the AEC's continued emphasis that there is no danger from Shippingport's atomic reactor, will hardly be terminated by the results of the Governor's Commission.

The question that remains is can the recommendations from the Commission's report, when it is released, be sufficient to guarantee that Shippingport's atomic power plant will not be a safety hazard in the future?

Beyond that is another question—who will see that those recommendations are implemented?

IT OUGHT NOT TO HAVE HAPPENED IN THE WAY THAT IT DID

Mr. GRAVEL. Mr. President, two notably well-written leaflets explaining the controversy over nuclear power have come to my attention.

The first takes its title from a classic statement by AEC Chairwoman Dixy Lee Ray, when she was asked how a massive leak of high-level radioactivity could have occurred over a 6-week period before the AEC took action.

"It Ought Not To Have Happened in the Way That It Did" is the title of the 6-page booklet written by Dr. George Weil. Dr. Weil, who maintains an office at 1101 17th Street, NW., Washington, D.C. 20036, is a physicist who used to be the AEC's Assistant Director of Reactor Development.

Mr. President, I ask unanimous consent that Dr. Weil's essay be printed in the RECORD at the end of these remarks.

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

(See exhibit 1.)

Mr. GRAVEL. Mr. President, the second essay is No. 7 in the ECO–TIPS series which is published as a public service by Concern, Inc., at 2233 Wisconsin Avenue, NW., Washington, D.C. 20007. Concern, Inc., is a nonprofit, tax-exempt organization found in 1970 by Washington women. Its board members are as follows:

Margaret S. Mickey, president, Aileen B. Train, vice president, Linda R. Graham, vice president, Beverly Carter, secretary, Edith C. Poor, treasurer, Nancy Ignatius, chairman, Ann B. Asher, Florence A. Gibson, Ann S. Hallman, Stratton N. McKillop, Betty Ann Ottinger, Jeanne C. Rhinelander, Barbara W. Roark, Joan Shorey, and Mary P. Slayton.

Mr. President, I ask unanimous consent that ECO–TIPS No. 7, "Energy Alternatives: Nuclear Energy," be printed at the end of these remarks as exhibit 2.

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

(See exhibit 2.)

WALKING BLIND INTO A CAVE FULL OF TIGERS

Mr. GRAVEL. Opposition to nuclear power grows stronger and stronger in middle America. It is recognized as a moral issue, not a technical one.

Speaking at a citizen's rally in Atlantic City on September 20, John W. Gofman, M.D., Ph. D., said:

> Ph.D.'s and nuclear technicians don't have any special expertise or training for making moral decisions. When the future of mankind is at stake, as it is with a nuclear power economy, make sure your own voices are loud enough and strong enough to be heard, and heard well.

Dr. Gofman, who was formerly Assistant Director of the AEC's Lawrence Livermore Laboratory, is the president of the Task Force against Nuclear Pollution, Inc.

Another eminent scientist who is also speaking out against nuclear power is Dr. Barry Commoner, author of the Closing Circle. He says:

> The people who are pushing nuclear power, who say we're going to be able to rely on it, are leading us blind into a cave full of tigers, and I think it is totally irresponsible. . . .
>
> The only logical way in which to develop our energy system in the United States is to make it nearly entirely dependent upon solar energy.

EXHIBIT 1

IT OUGHT NOT TO HAVE HAPPENED IN THE WAY THAT IT DID

(By George L. Weil)

As this is being written, the major topic of concern among industrialized nations is the energy shortage. Although the situation has affected the welfare of hundreds of millions of the world's population, and placed heavy economic burdens on them, it has had one productive impact—the matter of energy is now on the front burner in the range of public affairs. Attention is now being focused on both short and long term solutions to energy demands. Beyond the now obvious imperatives of energy conservation, the advantages and disadvantages of all readily identifiable energy resources are being examined by innumerable governmental and private studies.

With very few exceptions, nuclear fission energy stands high on the list. It is represented as the principal ingredient in the energy mix which will satisfy both short and long term requirements. Nuclear fission energy is hailed as the resource which will provide energy for thousands or even millions of years, depending upon which paper you read.

True, as of the beginning of 1974, some 74 commercial nuclear power plants (over 200 Mwe) have been built in 11 countries in the free world, and many more are either under construction or planned. I have used the term "built" intentionally, in order to avoid the connotation that existing plants are in fact either generating electrical energy, or operating at their designed capacities. For example, the U.S. Atomic Energy Commission (USAEC), as well as other sources of misinformation, uses the terms "operable" ("licensed to operate") and "operating" synonymously. The fact is: US plants are generating only about 60% of their total licensed generating capacities. Comparable statistics apply to other countries. However, in no country does maximum "designed" electrical energy capacity of "operable" nuclear plants exceed a small percentage (about 5% in the US) of total electrical generating capacity—and, at least in the US, actual energy generated is less than about 3% of the total installed capability. Thus nuclear energy does not at best make any substantial contribution to current energy needs. By the same token, the unreliability of nuclear plants does not significantly aggravate the shortage situation, except in a few regions where concentration of plants is high.

If one examines the longer term, and the planned proliferation of current types of plants, their low efficiency in utilizing uranium resources (about 1%) will restrict them to a very limited economic life—perhaps only a few more decades—before the relatively cheap, high-grade uranium deposits upon which they depend for fuel become exhausted. This is hardly the potential limitless energy resource claimed by nuclear fission proponents. However, before resolving this apparent discrepancy, one may find it interesting to digress from the "practical" aspects and briefly explore the "fundamentals".

From the purely scientific point of view, the nuclear characteristics of uranium are fascinating. Naturally occurring uranium consists of two major kinds: 99.3% uranium 238 (U–238) and 0.7% uranium 235 (U–235). Our ability to extract useful energy from uranium rests not only upon the convertibility of mass into energy (Einstein's $E=mc^2$) by fissioning U–235, but also upon a very fortunate, even unlikely combination of nuclear constants and interactions between nuclear particles. These characteristics provide, first, the basis for the divergent chain reaction, which allows us to rapidly compound the infinitesimal energy from a few naturally occurring fissions per second in uranium to the tremendous numbers required to produce useful amounts of energy, billions upon billions of fissions per second; and second, to convert U–238 into another nuclear fuel, plutonium 239 (Pu–239), which does not occur in nature. (It may be of passing interest to note that, if left alone, every 24,000 years one-half of the plutonium nuclei

disintegrate and are transformed back into U–235 nuclei—where it all started!)

It was the challenge of technology to put the unique potentialities of nature to practical use. Unfortunately, the first application was the production of plutonium for devastating weapons. But the switch to peaceful uses did not require the development of difficult new technologies. However, the current technologies are based on utilization of low abundance U–235 as nuclear fuel. If nuclear energy were confined to that, it would indeed be a short-lived resource—just a nuclear flash in the energy pan!

However, once again nature presents a remarkable opportunity. The nuclear properties of Pu–239 as the fissionable fuel combined with those of high abundance U–238 are such as to provide the means whereby, in principle, significantly more Pu–239 can be produced from U–238 than that consumed in the course of producing energy. Some of this Pu–239 can be returned to replace that consumed; the excess can be diverted to provide fuel for a new plant. For obvious reasons, this process is referred to as "breeding". Therefore, the potential exists for expanding our resources of nuclear fuel on a compounding basis, substantially increasing the efficiency of utilizing our uranium resources and thus making economically available low-grade uranium deposits.

Efficient breeder plants, then, represent the only likelihood of realizing the full potential of nuclear fission energy. This substantial resource thus resolves the discrepancy noted earlier, and in principle can provide energy until either the cost of uranium extraction or the devastation of the land becomes of primary importance. This is the promise of nuclear fission energy. Now we face the problem of developing a radically new technology directed to the goal of achieving economic, efficient commercial breeders.

A number of nations, including France, the UK, the US and the USSR, are pursuing this objective.

The promise of fission energy is tantalizing. But nature exacts from mankind a high price for the privilege of exploiting this energy resource. The public must decide whether or not the price is too high.

Production of electricity by a nuclear power plant is inescapably coupled with the production of hazardous radioactive materials, primarily the products of fission plus plutonium itself, the deadliest substance known to man. The radiations from these materials can kill instantly, can produce various forms of cancer that may not appear for decades, and can cause genetic damage that may not appear for generations. The severity of these effects depends upon many factors, but there is general agreement that any radiation is harmful to mankind.

Comparisons of safety records with other industrial operations are very misleading, not only because, by contrast, the nuclear industry is very young, but more importantly, because the effects from radiation exposures, whether instantaneous or cumulative, do not necessarily show up immediately as countable corpses or visible injuries. A commercial plant of 1000 megawatts will contain the radioactivity equivalent to the fall-out of 1000 Hiroshima type bombs. Breeder concepts will be even more hazardous because, in addition, large amounts of plutonium will be used as the nuclear fuel. In this context, nuclear fission energy is not the "cleanest and safest", but rather the "dirtiest and most hazardous" form of energy know to man.

The name of the game is "Keep Radioactivity Out of the Environment Forever". Accidental release to the environment of only a small fraction of the radioactive materials contained in a nuclear plant represents a monumental threat to land use, and to the lives of exposed populations, as well as to the lives of generations to come. A USAEC study performed eight years ago, but with conclusions released only recently of a hypothetical major accident at a then "modern" US 800 Mwe nuclear plant involving the release from the containment to the atmosphere of an arbitrarily assumed 15 per cent of fission products could cause 45,000 fatalities, 74,000 injuries, contamination of 50,000 square miles, and $17 billion damage.[1] There was no estimate of the genetic damage which would be inherited by future generations.

The safety of an energy economy based on nuclear fission is categorically determined by the successful containment for thousands upon thousands of years of even a small fraction of these cumulative amounts of radioactive "dirt" under all foreseeable, and indeed, even unforeseeable malfunctions, accidents and sabotage which may occur in the nuclear fuel cycle. Plutonium is of particular concern not only because of its high toxicity, but also because it is bomb material. Only small quantities, ten kilograms or less, need be stolen or diverted to provide a clandestine nuclear weapon. One can readily foresee the potential for an international black market in this material as well as a new medium for terrorist threats and actions.

Even if we optimistically assume a safe *modus operandi* in our lifetime, it is morally incumbent upon this generation, if it opts for nuclear fission energy, to take into consideration the derivative responsibilities with which future generations will be burdened. Moreover, in terms of demands on human nature and social institutions, history provides little confidence that mankind is sufficiently responsible to accept what Dr. Alvin Weinberg has aptly named the "Faustian bargain".[2]

Although it has been imperative from the very beginning that safety must be paramount in the design, construction and operation of nuclear and ancillary plants for commercial use, these activities cannot be divorced from the fact that the designers, equipment fabricators, construction workers, plant operators and managers are fallible. This human fallibility is the inherently weak link between "drawing-board" and actual safety. This human fallibility can be the means, either through poor design, miscalculations, bad judgments, negligence, carelessness, or errors, that can violate the postulated inviolate integrity of even the best plants now being designed. In this respect, human fallibility is indistinguishable from sabotage.

It is one of several noteworthy contradictions by nuclear advocates for the commercial use of nuclear energy when, on the one hand, they claim safety and reliability, and on the other hand they are frequently compelled by unanticipated threats to safety to compromise reliability. This is as it should be. Safety should, of course, override all other considerations. But by no stretch of the imagination is safety thus assured.

Although there are undoubtedly differences in the inherent safety characteristics of the diverse nucelar power plant concepts developed for commercial use in the several nations, they each suffer from one trend, namely the economic incentive to obtain more and more energy from the same amounts of fuel inventory and plant investment. Moreover, as one considers the hazards of a nuclear fission economy, although a catastrophic accident at the generating plant may represent the single most hazardous event, over the long run one must consider the cumulative hazards resulting from the entire fuel cycle—from uranium build-up of radioactivity in the biosphere mining to radioactive waste disposal. Environmental pollution by radioactive materials is irreversible, and becomes harmless only with the passage of time—hundreds of thousands of years after the last nuclear plant is shut down. Moreover, environmental pollution, particularly in the atmosphere, recognizes no international boundaries.

A more readily understandable contingency, deriving directly from the potentially catastrophic nature of nuclear plant accidents, is the likelihood of forced shutdown of all nuclear generating plants if an accident, even a small or a very close one, should occur. If this should happen at a time when nuclear energy provides, say 50 per cent or more of total electrical generating capacity (as predicted for the US in the next decades), the resulting black-outs would, in comparison, make the present "energy crisis" appear about as important as a rained-out children's picnic!

If not nuclear fission energy, what are the immediate alternatives? Because there may be a decade or longer between the time a nuclear plant is ordered and designed generating capacity is achieved, it is not unrealistic then to expect that within this period technologies for meeting environmental standards can be developed which will allow utilization of our major resources of fossil fuels.

Coal resources in the world are generally considered sufficient to meet anticipated energy requirements for several hundred years. If we assume that the associated environmental problems are solved, the use of coal then would provide a period of grace in which to develop other long-term energy technologies safer than nuclear fission. At present both fusion and solar offer this possibility.

Although the energy from fusion is also nuclear, the potential hazards are many orders of magnitude smaller than those for fission. Solar, whether utilized directly or indirectly, for example, through effects in the atmosphere and the oceans, is the environmentalist's dream. However, if efforts to develop widespread use from one or both of these sources should fail, and no new acceptable energy resource is discovered, our descendants will have no choice but to take their chances with nuclear fission breeder energy.

There are many reasons that are advanced to account for general public apathy to the serious issues raised by our rapid expansion into a nuclear fission economy. Probably the most obvious is that the public has not experienced a severe accident. Thus there is confidence in the widely publicized reassurances of safety which emanate from the nuclear advocates. Under such circumstances, the public is much more concerned with clearly recognizable problems such as inflation, shortages and unemployment. However, in my opinion, one obstacle to public awareness of the serious issues is the fact that we cannot give our children, or even their parents, little nuclear power plants to put together, to take apart and to play with in the basement or the backyard! There is hardly a man in industrialized nations who hasn't played as a child and grownup with engines, automobiles, model airplanes, and most forms of chemical energy. Such a background provides familiarity (without necessarily understanding the basic scientific concepts) not only with the technologies, but also with the hazards.

In summary, a large-scale nuclear fission energy economy, whether based on current or projected breeder plants, is unacceptably incompatible with mankind. There are too many serious unsolved problems, three in particular, safety of plants, storage or radioactive wastes, and safeguards against theft of nuclear materials. The nuclear advocates rely on visionary "fixes" based on a degree of unadulterated optimism which makes those engaged in developing fusion and solar energy appear to be downright pessimists.

The nuclear energy nations, so far as we

Footnotes at end of article.

can know, have thus far escaped any catastrophic, or even observable, harm to the public from nuclear power plants. But the experience to date with commercial applications represents merely an infinitesimal fraction of a second compared to the nuclear advocates' dream of thousands upon thousands of years. In the United States, for example, our accumulated experience with 25 large (400–1000 Mwe) plants barely covers the anticipated operating life, 30–40 years, of a single plant! Moreover, today's plants provide no experience with the potentially more hazardous breeders upon which a long-term fission energy economy must be based.

Must we experience a disastrous accident to arouse widespread public concern and debate? Minimal probability values of catastrophic accidents are frequently quoted. How meaningful are they? Perhaps the answer lies in a recent response by Dr. Dixy Lee Ray, Chairman of the U.S. Atomic Energy Commission, to a query on a nationwide television interview.[3] When asked how a massive leak of 115,000 gallons of high-level radioactive waste could have escaped over a period of 1½ months from a well-monitored, carefully supervised, strictly managed AEC storage facility before management took action, Dr. Ray's response was, in words that may go down in history as the epitaph of the nuclear fission era: "It ought not to have happened in the way that it did."

FOOTNOTES

[1] "Nuclear Power: The Angel of Death," *Corporate Examiner*, October 1973, p. 38.

The estimate of $17 billion for a single nuclear accident may be compared to the record-setting $3-5 billion in property damages caused by 48 major disasters in the United States in 1972.

Nuclear plants now being licensed have capacities of 1000 Mwe and above. Recently the USAEC imposed a limit of 1300 Mwe.

[2] "Social Institutions and Nuclear Energy," Alvin M. Weinberg, *Science*, 7 July 1972.

[3] "Face the Nation," Columbia Broadcasting System, 30 September 1973.

EXHIBIT 2

ECO-TIPS # 7: ENERGY ALTERNATIVES

PART II: NUCLEAR ENERGY

"Because final acceptability of fission energy cannot be taken for granted, a warning should be issued that large scale application of fission technology may not be a realistic solution to the world's energy problem." Dr. Hannes Alfven, Nobel Laureate in Physics.

Nuclear energy

Electricity from nuclear energy is produced by a fission process. Fission is the splitting of the nucleus of an atom into two or more parts. The fissioning of enriched uranium creates the heat necessary to produce steam to drive the turbines which generate electricity.

Nuclear energy was at one time considered the hope of the future, promising an inexhaustible supply of safe, clean and economical energy. In recent years, however, serious questions have been raised about the dangers inherent in a growing reliance on nuclear sources of power. There are now approximately 44 "operable" nuclear power plants in this country. The Atomic Energy Commission (AEC) estimates that there will be 1,000 nuclear plants in the United States by the year 2000.

We believe that a full public discussion should take place before we become irrevocably committed to a course of action that could threaten the health and safety of all future generations.

Are you aware that:

No adequate long range techniques for the storage and disposal of nuclear wastes have yet been perfected. Some of these wastes will be radioactive for hundreds of thousands of years, and will need to be guarded virtually forever. Cancer and genetic damage can result from exposure to radioactivity.

There is no adequate protection against theft of nuclear materials by those intent on blackmail or sabotage. A crude bomb could be made from highly enriched uranium or plutonium. (Plutonium is a byproduct of the fission process.)

Any nation with a nuclear power plant has a nuclear weapons capability, if it is willing to make a major investment in fuel reprocessing facilities.

It is estimated that nuclear materials, both fuel and wastes, will be transported throughout the U.S. at the rate of 500 shipments per week by the year 2000. This would amount to 26,000 shipments per year liable to accident or theft.

Because of human error and mechanical and engineering defects, many nuclear power plants today are unreliable and have been closed down for indefinite periods of time.

If a major accident should occur, and emergency cooling systems prove inadequate, the reactor core of the power plant would "melt down" in a very short time, releasing large quantities of radioactivity to the environment. No successful testing of the emergency cooling system has yet been done.

Evacuation routes in case of a nuclear power plant accident are just beginning to be publicly discussed.

No adequate insurance exists to reimburse you, your family, and your community in case of serious nuclear accident.

If we become heavily committed to nuclear energy, and a serious accident should occur anywhere in the world, it seems likely that other nuclear plants would shut down for safety reasons. This could cripple the entire country and, perhaps, the world.

Many people think of nuclear energy only in terms of the nuclear power plant but before nuclear fuel can arrive at the power plant, it must be taken step by step through several preliminary processes. The nuclear fuel cycle starts with the mining and milling of uranium. From there the uranium oxide is sent to a conversion plant where it is converted to uranium hexafluoride. This product is then sent to an enrichment plant where the amount of fissionable uranium is increased. From there, the enriched uranium goes to a fuel fabrication plant where nuclear fuel rods are made. These rods are then transported to the nuclear reactor where the fission of atoms creates the heat to generate electricity.

After the fuel has been used for a year or so, it must be removed and sent to a reprocessing plant, where usable uranium and plutonium are separated out and the remaining wastes, which are highly radioactive, must be stored and guarded until they can somehow be disposed of safely.

MINING AND MILLING OF URANIUM

Natural uranium ore has been mined and milled in the U.S. since the early 1940's. The purpose of the milling operation is to separate uranium from extraneous rock by mechanical crushing of the ore. The dangers involved in these operations are:

Exposure of workers to high doses of radiation to the bone and lung;

Production of wastes (99% of the ore), called mill tailings, from which radioactivity will emanate indefinitely.

The AEC has limited its regulatory authority over mill tailings only to the time the mill is actually in operation. Many tailings piles remain abandoned and unsupervised. As of 1970, there were more than 80 million metric tons of tailings on 2,100 acres of western land from both operating and abandoned mills.

Uranium mill tailings have been used in the construction of houses and buildings in the areas near the mill and have unnecessarily exposed the general public to a further radiation hazard. Steps are now being taken to correct this problem but it has taken nearly 20 years to recognize its scope.

THE CONVERSION OF URANIUM

Powdered uranium oxide is combined with fluorine and converted to uranium hexafluoride. Although the risks involved in this process are small, improvement is needed in the control of radioactive wastes, both liquid and airborne.

THE ENRICHMENT OF URANIUM

The three enrichment plants which now exist in the U.S. (all owned by the AEC) use a gaseous diffusion method to increase the proportion of U-235 (necessary for a fission reaction) in the uranium. This process presents some environmental and economic problems:

The buildings require great amounts of land. The three existing plants take up a total of 1,500 acres;

They are very expensive. Each plant costs about $2 billion in construction alone;

The process uses enormous amounts of energy, enough to supply the electrical needs of a city of several thousand people. This energy comes from strip-mined coal.

The AEC has announced that it is giving up its enrichment monopoly and is going to license private corporations to build their own gaseous diffusion plants. It is believed that the costs of enriched fuel will go up when this occurs.

FUEL FABRICATION

Enriched uranium pellets are packed into fuel rods for use in the reactor core. Due to leaks, spills and breakage, some of the enriched uranium is released to the waste streams of the plant and small quantities escape.

NUCLEAR REACTORS

Most nuclear reactors in the U.S. today are light water reactors. The term "light water" refers to the coolant used to moderate temperatures within the reactor. The loss of this coolant could cause a meltdown accident with attendant widespread radioactive contamination. Other problems of nuclear reactors include:

Some small amounts of radiation routinely emitted from the reactor;

Thermal pollution in adjacent waterways;

Shutdown for unforeseen malfunctions or routine maintenance accounting for 33% of the plant's operational time. This compares with 10% downtime for fossil fuel plants;

"Abnormal events," 861 of which occurred in 1973, and 371 of which had the potential of being hazardous, according to the AEC;

High radiation exposure to workers in the plant.

A nuclear reactor has a life expectancy of about 30 years. After that time it must be decommissioned and "entombed" because of remaining high radioactivity. The entombed plants must be guarded constantly and at high costs. If the AEC projections on the growth of nuclear energy are correct, we will soon have hundreds and eventually thousands of ghostly radioactive structures dotting our landscape.

As of January, 1974, two companies in the U.S. had sold 46 nuclear reactors to foreign countries, not all of which have stable governments or operate under safeguards. The great care which must be taken in the operation, maintenance and safeguarding of these plants makes the policy of foreign sales alarming. Enough plutonium is generated by the fissioning of uranium at a single large reactor to make dozens of atomc bombs a year.

BREEDER REACTOR

Projected for the future are fast-breeder reactors cooled by liquid sodium. A Breeder is a nuclear reactor that produces more fuel than it consumes. The Breeder reactor will present all the same problems as the conventional reactor, plus a few of its own:

The Breeder will produce far more plutonium than conventional reactors. Plutonium is one of the most toxic substances known to man. Small amounts inhaled into the lungs or absorbed into the blood stream cause almost certain cancer; larger amounts cause death. Plutonium has a half-life of over 24,000 years (which means that after 24,000 years only half its radioactivity will have dissipated). No one knows how or if all the plutonium generated by the Breeder can be used, stored and transported safely.

The liquid sodium used as coolant is extremely volatile and ignites on contact with air or water.

The costs of the Breeder reactor will be considerably higher than conventional reactors. Nevertheless the AEC projects that 400 of the 1,000 reactors operating by the year 2000 will be Breeder reactors.

FUEL REPROCESSING

During the process of separating uranium and plutonium from fission waste products, some radioactive materials are emitted into the environment. These include krypton-85, tritium, iodine-129, and tiny particles of plutonium. The reprocessing plants are the largest single potential source of radiation contamination in the fuel cycle.

Serious radiation contamination is created from uncontrolled gaseous and liquid emissions.

Waste fission products are generated that are so highly radioactive that they must be separated from the environment for thousands of years.

Krypton-85 routinely emitted dissipates in the atmosphere, becomes distributed throughout the northern hemisphere and slowly accumulates in higher and higher concentrations. Thus, it is possible that we could eventually be slowly poisoned not only by our own emissions but by British, Russian or Japanese krypton-85.

Technology for concentrating and bottling krypton-85 has been successfully tested in pilot plants, but is not currently in use. Iodine-129 could be removed by scrubbers. Plutonium could be controlled by filters. There is no method commercially available to remove the tritium.

NUCLEAR WASTES

Waste products accumulate from nearly all stages of the nuclear fuel cycle. Waste tailings from the milling operation (discussed above) emit harmful radiation.

Low level wastes from other stages in the fuel cycle include liquid and solid wastes from processing, and such things as gloves, tools, boxes and piping, which are contaminated with radioactivity. These are not harmless wastes, and must be handled properly by licensed commercial firms.

They are buried in shallow trenches at one of six locations. The public must be kept away.

About 6 million cubic feet of such wastes will have accumulated by 1985.

High level wastes are those generated at reprocessing plants where plutonium and uranium are separated from fission waste products. They emerge in liquid form and are initially stored in huge underground tanks. Such wastes are extremely hazardous.

They are both very hot and very highly radioactive and *must not* be allowed to enter the environment for many thousands of years until their intense radioactivity has dissipated.

Liquid wastes could leak into underground water supplies. Leaks have already occurred with wastes from the weapons program. Well over 100,000 gallons of these wastes have escaped and seeped into the ground.

Methods are being devised to solidify wastes soon after reprocessing. These may be easier to handle and store, but they will remain highly radioactive and will need proper shielding and perpetual surveillance.

Eventually, the AEC hopes to dispose of all these proliferating nuclear wastes in a permanent underground resting place, such as a salt mine, but no geologically satisfactory location has yet been found nor is there any real assurance that one will be found.

The critical question facing the public right now is whether or not we have the moral right to satisfy our own galloping energy demands while leaving to future generations the awesome problem of how to deal with our nuclear garbage.

TRANSPORTATION

Transportation of nuclear materials occurs between each stage of the nuclear fuel cycle. This widens the opportunity for accident or theft. "There's no question transportation is our weakest link," says a spokesman for the AEC. "If a terrorist is going to make an attempt, that's where he'll make it."

The U.S. goes to great lengths to guard its atomic weapons during transportation. The weapons are moved with armed guards and other necessary safeguards by air, train and truck. However, shipments of nuclear fuels to and from civilian plants are transported without similar safeguards.

Most nuclear materials now travel by truck. One shipment of uranium, investigated by the General Accounting Office, involved an open truck driven by one driver, unarmed, with no alarm system or radio, traveling on a route of his choice.

Truck routes often involve thousands of miles of freeways, turnpikes, and other public roads.

While theft is a major concern of the AEC, the threat of a radioactive spill is the deepest concern of the railroads.

Radioactive materials such as spent fuel rods are hauled from plants in train cars mixed with other freight moving at high speeds along regular rail routes.

The AEC estimates that by the year 2000 it will be shipping all its spent radioactive fuel by rail.

These "very hot" fuel shipments might be damaged in collisions, derailments or fires, causing their contents to spill out. The countryside and the right of way would be contaminated with radioactivity for long periods of time.

INSURANCE

Private insurance companies refuse to insure citizens against loss of property in case of nuclear accident. The public is covered only by the Price-Anderson Act, which sets a ceiling on payment of $560 million for one catastrophe regardless of the size of the real damage which could, according to the AEC, exceed $7 billion. This Act also allows about 80% of the $560 million to be paid by the taxpayer, not by the AEC or the utility.

The American taxpayer has underwritten the costs of insurance for the nuclear power industry. Those who oppose the provisions of the Act feel that the utilities who build nuclear plants should assume greater financial responsibility in case of a nuclear accident.

CONCLUSION

Many people are aware of the hazards of nuclear energy, but are persuaded that we must develop this source because of our escalating energy demand. We believe, however, that clean and safe alternatives can be developed in time to meet our future needs if we commit sufficient funds to this purpose. Meanwhile we must embark on a program of energy conservation. The less energy we demand, the greater freedom we will have in choosing among our sources of supply.

Since nuclear energy now supplies only about 1% of our total energy needs, we still have time to reexamine the basic issue of whether or not we want to rush headlong into developing a source of energy that could imperil the future of society.

Most important decisions on nuclear energy have, until now, been made by the government and by the Atomic Energy Commission (created by Congress in 1946). Often decisions were made on the basis of information unavailable to the public. *It is time now for citizens to know the facts and to be heard on this issue.*

If you share our concern, let us hear from you. Get involved in issues within your own community. Talk to your power company. Write letters. Participate in the important national decisions now being made that will affect you and your children.

RADIOACTIVE WASTE: A PROBLEM FOREVER

Mr. GRAVEL. Mr. President, the AEC has issued a draft environmental impact statement on the management of commercial high-level radioactive wastes, and on wastes containing elements such as plutonium. Written comments on the draft are due by October 28.

Three potential locations for commercial waste storage are discussed in the document. They all are at AEC installations, located in Idaho, Washington, and the Nevada test site.

The draft also discusses three kinds of retrievable surface-storage for wastes: Water basin, air-cooled vaults, and seal-cask procedures. In addition, irretrievable dumping options are discussed.

An article entitled "Disposal of Nuclear Wastes" from Science magazine, December 21, 1973, clearly describes the dumping options, from salt mines to Antarctic rocks. This article includes a convenient table which summarizes the advantages and disadvantages of the various options.

Mr. President, I ask unanimous consent that the article, "Disposal of Nuclear Waste," be printed as Exhibit 1 at the end of these remarks.

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

(See exhibit 1.)

THE PROBLEM: TOXICITY, NOT VOLUME

Mr. GRAVEL. Mr. President, nuclear power advocates have a hard time dealing with the moral revulsion created by our production of radioactive wastes for our descendants to keep out of the biosphere for 100,000 years or more. Their feeble and irrelevant response is to point out that the volume of radioactive waste will be small. Dr. R. Hammond Philip wrote this spring in the American Scientist:

> A single aspirin tablet has the same volume as the waste produced by 7,000 kilowatt hours [of nuclear power], or one person's annual share of U.S. electrical output.

No one disputes that, to my knowledge. No one at all worries that we will have trouble finding the space for radioactive waste storage.

The problem is toxicity, not volume. The fact that such toxicity is concentrated in such tiny volumes of radioactive waste, makes the problem all the more difficult, not easier. It is far harder to prevent small leaks and losses than larger ones.

The loss of just 1 pound of plutonium particles into the biosphere, for instance, may represent the potential for 9 billion cases of human lung cancer.

SERIOUS LEAKS AND LOSSES ALREADY

The AEC's record to date on handling radioactive waste is simply appalling. Probably 1 to 5 percent of all radioactive waste generated since 1946 cannot even be accounted for, yet this Agency is promoting a civilian technology which will require at least 99.999 percent success in containing such poisons.

A useful 50-page booklet about the radioactive waste problem has been published this summer by the Natural Resources Defense Council, 664 Hamilton Avenue, Palo Alto, Calif. 94301. I recommend it.

THE FACTS SPEAK FOR THEMSELVES

Mr. President, I ask unanimous consent that several articles on the radioactive waste storage problem be printed in the RECORD at the end of these remarks:

I ask that exhibit 2 be "Earthquake at Giza," from Environment magazine, January 1970.

I ask that exhibit 3 be "Caution: This Garbage May Be Hazardous to Your Health," by Roger Rapoport, from the Los Angeles Times Sunday magazine, October 25, 1970.

I ask that exhibit 4 be "Atomic Wastes Become Nightmare," from the Anchorage News, February 21, 1971.

I ask that exhibit 5 be "Dig Here for Doomsday," by Roger Rapoport, from the Los Angeles Times Sunday magazine, June 18, 1972.

I ask that exhibit 6 be "Thousands Periled by Nuclear Waste," by Lee Dye, from the Los Angeles Times, July 5, 1973.

I ask that exhibit 7 be "Radioactive River; Nuclear Wastes Seeping into Columbia," by Lee Dye, from the Los Angeles Times, July 23, 1973.

I ask that exhibit 8 be "Ike's Plan Makes United States a Dump Area for Atomic Waste," from the Charlotte Observer, August 2, 1973.

I ask that exhibit 9 be "Radiation Spill at Hanford: the Anatomy of an Accident," by Robert Gillette, from Science magazine, August 24, 1973.

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

(See exhibits 2, 3, 4, 5, 6, 7, 8, and 9.)

EXHIBIT 1

[From Science magazine, Dec. 21, 1973]

DISPOSAL OF NUCLEAR WASTES: AT AN INCREASED BUT STILL MODEST COST, MORE OPTIONS CAN BE EXPLORED AND THE OUTLOOK CAN BE IMPROVED

(By Arthur S. Kubo and David J. Rose)

(NOTE.—Dr. Kubo is a major in the U.S. Army Corps of Engineers and is presently stationed at the U.S. Army Command and General Staff College, Fort Leavenworth, Kansas 66027. Dr. Rose is a professor in the Nuclear Engineering Department, Massachusetts Institute of Technology, Cambridge 02139.)

(NOTE.—Figures not printed in the RECORD.)

Disposing of radioactive wastes from nuclear fission reactors has been much debated, both in public and in private. The assessments and discussions require rebalancing from time to time, and we attempt this here.

Do the perceived difficulties of the waste disposal problem arise from severe scientific or technological limitations, or from lack of understanding and institutional restrictions? Both contribute, but we think that the latter are dominant: we find several attractive technological options that have been given little consideration, and institutional arrangements that have contributed to premature narrowness of thought. For instance, until late 1971, both the U.S. Atomic Energy Commission (AEC) and the public debated the merits of disposing of nuclear wastes in a salt mine near Lyons, Kansas, almost as if that were the sole option.

Misassessment has led to a nuclear waste disposal program too small to match our needs and has contributed to public debate unworthy of the topic. We believe that a greater but still modest effort should be successful, and that the cost of an adequate program will remain small compared with the overall cost of nuclear power. Since the cost is small an extended range of options can be explored.

HUMANISTIC AND TECHNOLOGICAL ASPECTS

Societal problems involving technology, such as radioactive waste management, have features related to present and future costs, perceived benefits, and time scales of concern. Here, for illustration, is one basic dilemma that arises in our problem, somewhat fictionalized for emphasis. Suppose we know that our social structure will persist unperturbed and that we will remain fully responsible up to a time T many years in the future; then society will collapse completely and we will revert to savages. Suppose also that we feel as responsible toward the savages as toward ourselves, and that no reasonable technological option is too expensive for us to afford. (In this hypothetical example, we exclude disposal in space and some other option-terminating stratagems.) Under those circumstances we might choose, until nearly time T, to store irreducible nuclear wastes in surface mausolea built to withstand natural disasters, and to watch them assiduously—each radioactive waste container on its own plinth in a gallery, so to speak. We gain the advantage of preserving technological options, in case anything unforeseen goes awry. But shortly before time T we would transfer those wastes to some subterranean place, chosen, if possible, so that the geologic strata themselves were no special attraction, and there seal them forever as best we could.

The two stratagems entail very different features and trade-offs: the first retains options and provides more safety against both error and disasters, but at a cost of full societal responsibility; the second guards against an irresponsible society at the cost of increased environmental risk. One stresses complete retrievability, the other stresses irretrievability. Deciding which to choose was not a technological matter for that imagined society; it depended on two uncertain things: (i) present assessment of future societal stability, and (ii) depth of responsibility toward future people. Our own choices depend on these two humanistic issues, just as in the caricature above.

Of course technology enters more than that. What mausoleum, and what subterranean disposal? Can the radioactive inventory be reduced or separated into more easily handled materials? Do safe, inaccessible places exist? These questions and more influence the major decisions, and all require study. This article is substantially technological; we will try to present the physical options and estimate the costs and benefits as well as we can. Such an assessment should show the best options in each major category and put matters in the best order for public discussion. These considerations, together with the humanistic ones, help us to decide not only whether we have the "correct" tangible assets for the cost, but also what are the definitions of assets and costs.

BACKGROUND

A few numbers will help put the following discussion in perspective. First, consider the cost of radioactive waste management schemes compared with that of the nuclear reactor installations themselves. A nuclear capacity of at least 900,000 megawatts has been predicted for the United States by A.D. 2000 (*1*); the nuclear components alone will cost more than $100 billion (at present costs) and the plants over $300 billion. In contradistinction, every nuclear waste disposal scheme which has been discussed (except perhaps shooting the wastes into the sun) costs only a small fraction of that—often less than 1 percent. Thus, public debate on this topic should be viewed somewhat less as bearing on absolute limitations to nuclear acceptance, and more as speculation on the very costly consequences of technical failure of too-cheap disposal schemes.

A second set of orienting numbers concerns categories. The major one in terms of short-term radioactivity comprises the fission products, that is, atoms of medium atomic weight formed by fission of uranium or plutonium. Strontium-90, cesium-137, and to a lesser extent krypton-85 are the main culprits; zirconium-93, tellurium-99, iodine-129, cesium-135, and others are much less important. The main ones have half-lives not greater than 30 years (*2*). In 700 years less than one ten-millionth remains, and for this discussion we take 700 years as the end point of practical concern for this category of radioactive wastes.

The other category of radioactive wastes consists of the actinides (the elements actinium, thorium, uranium, neptunium, plutonium, and so on), which are formed not by fission but by neutron absorption into the original uranium (or thorium) fuel. All are very toxic and most have long half-lives—for example, about 25,000 years for plutonium-239, the most abundant transuranium actinide, which is formed either in conventional light water reactors or in proposed liquid metal fast breeder reactors. The actinides cause waste management difficulties at two distinct points in nuclear fuel cycle; some are carried over with the fission products during nuclear fuel reprocessing, with which this article is concerned, but also some highly dilute plutonium wastes will appear from fuel manufacturing plants (*3*). Thus, at the entrance to the waste facility we find a mix of many different transuranic actinides intimately combined with the shorter-lived and temporarily more hazardous fission products. The important things to notice about this category of wastes are that (i) the offending actinides are relatively toxic (*4*), and (ii) although initially far less radioactive than the fission products, they become dominant at 500 years because of their much longer half-lives.

This disparity between the categories, graphically presented in Fig. 1, suggests that it would be advantageous to separate them chemically and adopt different strategies for each kind.

Now we turn to what has been done about the problem. Our present policy, established almost two decades ago, aims for deep underground burial in selected geologic formations; that option seems to have been a logical follow-on from waste management practices commenced in the 1940's. At present three major locations are envisaged; the AEC production facilities at Hanford, Washington, in local basalt, the commercial wastes in the salt beds of Kansas, and the salt beds of southern New Mexico, which underlie some largely mined-out potash deposits (*5*). But the underground disposal schemes are opposed by concerned scientists, politicians, and laymen, and the AEC is now reconsidering other options, such as storage in vaults, disposal in space, and so forth.

The present state of waste management policy is based on requirements determined early in the development of commercial nu-

clear power: (i) safety beyond any reasonable doubt, and (ii) reasonable cost—(that is, it should not hinder appreciably the development of commercial nuclear energy). These criteria, in themselves unexceptionable, receive various interpretations.

Aware of complications, the congressional Joint Committee on Atomic Energy asked the National Academy of Sciences (NAS) on several occasions (and the General Accounting Office as well) to help assess the situation. The NAS concluded in 1957 that, for the near term, salt mine burial appeared most attractive; this assessment was based on the 700-year toxicity of ^{90}Sr and ^{137}Cs. A broader assessment of different disposal schemes has never formally been made, and indeed since 1957 the NAS seems to have been concerned with increasingly fine points of an already-made decision. The concept of long-term storage in vaults near the surface was dropped early as a safe but temporizing solution requiring active surveillance, although a recent AEC announcement (*6*) indicates a return to this concept. Disposal in the oceans seemed unsafe for lack of adequate knowledge about all the consequences of failure—a situation that still obtains. No complete study of disposal in space has been made to date, because of apprehension about the consequences of shortfall. However, there is a growing interest in space disposal. Success for this project depends on the space shuttle to make it economically feasible, and a sophisticated container to survive possible shortfall; both requirements await the successful outcome of the shuttle program, so that prognosis is difficult and likely to be biased by attitudes for or against the space program.

Selective waste management of heat-producing or highly toxic isotopes has been suggested, but never much analyzed because of the costs and added complications of chemical separation. Thus, through the 1960's and into 1971, at a rate of about $5 million a year, research and development focused on deep disposal, including the intermediate step of solidification (*7*). Of that annual commitment, about $500,000 has been applied to developing the salt mine disposal concept, mostly by the Oak Ridge National Laboratory (Oak Ridge, Tennessee); about $2 million has been applied to developing waste solidification processes; and the biggest portion of the remainder has been used to develop a deep underground disposal scheme (now abandoned or at least substantially delayed) for the AEC's Savannah River wastes. This $5-million commitment must be compared to (i) the total waste management budget of the AEC, over $40 million a year in the 1970's, and (ii) the anticipated scale of nuclear operations, as outlined earlier. A waste disposal research and development budget several times $5 million a year seems more appropriate.

TAXONOMY OF OPTIONS

Figure 2 shows what we think are the major options to be considered. Of course, variations exist, and some will be mentioned later. We draw several routes on the map of Fig. 2, so to speak. All start with very radioactive liquid wastes from reprocessing fuels based on either uranium, plutonium, or thorium.

Route 1 is the scheme (until recently in favor) of solidifying the wastes, including whatever actinides were present, and transporting them to a salt mine for permanent disposal. But other types of mines could be used, as shown in route 1A near the bottom of Fig. 2. In routes 2 and 2A various wastes are separated, which ameliorates the disposal problem. With any of these schemes, a temporary visit may be made to near-surface storage facilities with full retrieval capability, which we call mausolea. Several other disposal options of possible interest can follow from the upper segments of routes 1 and 2, particularly the latter. We rule out dumping in the oceans and in space, for the time being, for reasons already given. We are skeptical about the two remaining options, "permanent" ice and Anarctic rocks, for reasons given later.

Routes 3 and 3A, in situ melting, are quite different; the wastes, upon being inserted into a selected underground site, fuse themselves into a permanent glassy mass.

We now discuss each of these options in more detail, giving the advantages, disadvantages, and costs as we see them. The costs and some other details are not always easy to ascertain, and the degree of present uncertainty in our figures varies substantially between options. In this article we present a summary; more detailed justifications can be found elsewhere (*8*).

SIMPLE MINE DISPOSAL AND SALT VAULTS (ROUTE 1)

The Kansas salt vault project, until recently the AEC's sole commercial option, has proceeded far enough that the major technical and economic uncertainties have been resolved (*9*). The cost would range between 0.045 and 0.055 mill per kilowatt-hour electric (kwhr) for disposal (after 10 years of temporary storage) of solidified, unaltered, high-level radioactive wastes. That is about 0.5 percent of the cost of generating the nuclear power, a negligible increase, small compared even to annual inflation. Retrieval of these wastes from the repository, if it were ever required, grows increasingly problematic as the project passes from demonstration to operation, and finally to a decommissioned state with sealed shafts and backfilled corridors.

The long-term safety of the project depends on preventing the intrusion of water into the salt beds by any means. This could occur by natural means such as erosion, failure of overlying or underlying shale beds, boundary dissolution, and by man-induced means such as well borings. The Lyons site had several chiefly man-induced flaws.

The concept has some advantages: salt is easy to mine, it will in time flow plastically to seal the whole midden, and surely the very presence of the salt guarantees that no water was present in the geologic past. But these advantages are two-sided, for the very fragility (vulnerability to water) of the geologic structure is used as an argument in its favor, and the demonstrated stability refers only to past time, and not to the future, when conditions will likely be different. We may mistake an indicator of past quality for a substantive future property.

Arguments like these, related to future uncertainty, now appear in the scientific and public literature. From those discussions, we note that (i) the prognosis is likely to be better in some other salt deposits, and (ii) similar disposal is possible in other geologic structures—other evaporites or granite monoliths, for example—with some advantages and disadvantages (that is, route 1A in Fig. 2).

The extensive beds of salt and some potash of southern New Mexico are now being viewed hopefully by the AEC. The advantages of the site are remoteness from present occupation and a more favorable political climate [due to large AEC commitments to the New Mexican economy at Sandia Base (near Albuquerque) and Los Alamos Scientific Laboratory]. The disadvantages are similar to many discussed for Lyons.

Route 1A leads to disposal in hard rock, whose advantages counter some of the shortcomings associated with salt: the rock is insoluble, ubiquitous, and normally not associated with valuable mineral resources. But there are disadvantages: the rock is brittle and unhealing, and it may be leached by groundwater. The mining cost (less than $1 per cubic foot) almost certainly will be higher, but not prohibitively so. Also, we calculate that the extra expense of transporting unwanted salt or other evaporites to the ocean can equal the extra cost of mining hard rock, which needs no environmental treatment and may actually be salable. At the very worst, the mining cost would be doubled in hard rock (*10*). But the total cost of disposal in hard rock would be only about 25 percent more than for the salt mine repository. This increase is so modest because of the small fraction of the total cost apportioned to the mine facility (either salt or hard rock) compared to the interim storage, solidification, and transportation costs (for burial of 10-year-old wastes in formations where their heat generation limits the concentration, this is the usual case).

FURTHER CHEMICAL SEPARATIONS (ROUTES 2 AND 2A)

Whatever the final means of disposal may be, using chemical separations to alter the character of the wastes has considerable merit (*11*). As discussed above, removing the actinides turns a million-year problem into a 700-year one, because we envisage burning out the actinides in a reactor; the technology is available now and can be implemented; and the method is not limited to countries with specific geologic formations. Also, at much greater expense, one can remove the principal heat-producing isotopes, ^{90}Sr and ^{137}Cs. Against these advantages we find, as usual, some disadvantages: higher cost, more complex operations, and a reversal of waste management policy that will cause economic dislocations for commercial fuel reprocessors now in operation. Also, what to do with the ^{90}Sr and ^{137}Cs is a problem.

TABLE 1.—COST OF SEPARATING AND RECYCLING ACTINIDES IN WASTES FROM A LIGHT WATER REACTOR [1]

Item	Cost (mill/kwhe)		
	Optimistic	Median	Extreme
Salt mine [2]	0.045	0.045	0.045
Recycle actinides	.119	.189	.276
Total	.164	.234	.321

[1] The 3 cost categories represent 1.1, 1.5, and 2 times the current light water reactor reprocessing costs.
[2] The fission products still require disposal.

Extract actinides only (route 2). The extraction of actinides reduces the long-term toxicity (beyond 1000 years) of the wastes by two to four orders of magnitude (see Fig. 3). At present and in the projected future, only plutonium and uranium values are to be extracted from the spent fuels from light water reactors (LWR) and liquid metal fast breeder reactors (LMFBR), and that to only a moderate extent (about 99.5 percent). Even if the extraction were improved to 99.99 percent, the extra reduction in long-term toxicity would be very small, because other actinides are causing the trouble. Curve 1 of Fig. 3 shows that both the 99.5 percent and 99.99 percent extractions of uranium and plutonium are essentially congruent. Thus, extreme extraction of the "usable" values is unhelpful for waste management purposes. Today the technological limit (as opposed to the economic optimum) to the extraction of actinides appears to be 99.9999 percent for actinium through plutonium, and 99 percent for americium to einsteinium. If this extreme extraction were accomplished, the wastes would closely approach the "nontoxic" level in 1000 years; at that time the toxicity would be some three to four orders of magnitude less than with the current extraction goals (compare curves 1 and 3 in Fig. 3). A more modest extraction of 99.9 percent of the uranium, neptunium, and plutonium, and 99 percent of the americium and curium (Fig. 3, curve 2) yields substantial benefits

compared to the standard extraction, and can be accomplished more cheaply.

We propose that the troublesome extracted actinides are to be recycled through a reactor (*12*), which we consider in this article to be a LWR. This is the most disadvantageous reactor for such a task, having a deficiency (for this purpose) of high energy neutrons, but there are no data at present for evaluating recycling through a fast breeder reactor. Thus, the economic figures are pessimistic. The remaining wastes would be processed for "conventional" disposal (for example, in a mine or a mausoleum).

The anticipated costs for using route 2 in this way are given in Table 1; these are more uncertain than the route 1 costs. The three categories—optimistic, median, and extreme—are based on reprocessing costs 1.1, 1.5, and 2.0 times the current LWR reprocessing costs. In all cases the reactor fuel was slightly and appropriately enriched to compensate for the actinides, and the fuel manufacturing costs were increased also.

For a LMFBR, the added costs should be much lower, for several reasons: (i) a less pure actinide product should be recyclable without degrading the reactor's neutron economy, which would reduce the need for extreme separations of chemical groups; (ii) there would be a smaller fuel manufacturing penalty, since the whole system is full of highly toxic gamma-emitting plutonium already; and (iii) more actinides are naturally present in an operating LMFBR, so the addition of more actinides affects it less. We estimate informally that the recycle cost would be 0.020 mill/kwhe if the actinide extraction cost could be reduced to 110 percent of the currently anticipated cost, and that the overall disposal cost would be about 0.065 mill/kwhe (if the fission products go to a salt mine).

Admittedly, these estimates are premature, but they do indicate that nuclear transmutation of the actinides would cost between 0.065 and 0.320 mill/kwhe. This is a nontrivial fraction of the total fuel cycle cost (about 8 to 9 mill/kwhe) of nuclear electric energy, but in our opinion it is promising enough to be worth further study.

In shortening the period of concern about the waste repository by a factor of at least 1000, extraction of the actinides represents a real safety improvement.

Extract actinides, strontium, and cesium (route 2A). Removing these key isotopes reduces the long-term toxicity, as in the previous case, and also the waste thermal power. Strontium and cesium account for the major portion of the waste thermal power during the interim period, 1 year to about 100 years after discharge from the reactor, the precise fraction depending on reactor type. The thermal contributions of key groups of elements are shown in Fig. 4.

Waste thermal power is the prime disrupting force that jeopardizes the storage of wastes underground. Reducing the waste thermal power by removing strontium and cesium has two advantages. With a reduced heat load, the waste containers can be packed closer together, which reduces the mining cost by about a factor of 30. More important, it decreases the thermal stresses that work against the safety of (say) the salt disposal project, so that the remaining wastes can be buried in salt or similar structures within the year after fuel reprocessing. The cesium and strontium would be stored in a mausoleum until the space disposal scheme is operational or some future disposal scheme is developed, say in 50 years. The stripped actinides would be recycled to a LMBFR as before (cost estimates based on a LWR are given in the preceding section). The disadvantages of the scheme are that no method of disposal is available yet for strontium and cesium and that the in situ melt option is precluded (because of marginal energy in the residual wastes). The costs for route 2A are estimated in Table 2 for the following assumptions: (i) the actinides are recycled as before; (ii) strontium and cesium are extracted at $0.01, $0.05, and $0.10 per curie for the three cases; (iii) strontium and cesium are stored at 0.8, 1.0, and 2.0 times the expected cost of long-term storage of wastes in a mausoleum.

TABLE 2.—COST OF SEPARATING STRONTIUM, CESIUM, AND ACTINIDES AND RECYCLING ACTINIDES[1]

Item	Cost (mill/kwhe)		
	Optimistic	Median	Extreme
Extract Sr and C's	0.071	0.142	0.710
Store Sr and C's	.020	.025	.050
Recycle actinides	.119	.189	.276
Salt disposal	.025	.025	.025
Subtotal	.235	.381	1.061
Disposal of Sr and C's	?	?	?
Total	?	?	?

[1] The cost of recycling actinides is the light water reactor estimate.

Considering the problem of what to do with the strontium and cesium, the option would be attractive only if it promised a substantial societal advantage.

ENGINEERED NEAR-SURFACE STRUCTURES (MAUSOLEA)

Using a mausoleum or storage vault is really storage with the option, if not the explicit intent, of future retrieval. Present estimates of the cost of long-term storage are inaccurate and scanty, because the waste management policy has been oriented toward disposal. However, research at Oak Ridge National Laboratory on interim storage for periods up to 30 years indicates a cost of about 0.015 mill/kwhe. For a 50-year storage period, a cost of approximately 0.025 mill/kwhe seems reasonable. The use of mausolea (if storage for future recovery of isotopes is neglected) is a temporizing measure. All countries currently using this concept intend to use some other method of disposal when new technology is developed or the wastes are more manageable.

The optional flexibility of near-surface storage is acquired at the expense of extensive surveillance, and could leave the wastes vulnerable to extremes of nature (such as earthquakes) and the irrationality of man (for example, war, sabotage and neglect).

Such a temporizing solution would make sense if new technology is likely to be available later. If the present-worth concept of money is employed, at even as low a discount rate as 5 percent per year, 8.7 cents today would purchase services worth $1 at the end of a 50-year storage period. This might be attractive if expensive technological solutions, such as space disposal, were imagined to be the ultimate choice. Of course, if nothing turns up such schemes appear as procrastination.

ANTARCTIC ROCKS AND "PERMANENT" ICE

These options have features in common and both start from solidified waste (*13*). First, we present the favorable points of view.

Two difficulties that exist with conventional hard rock disposal are the possibility that groundwater might leach out the wastes, and the possibility that people might come across the material in some future age when markings have vanished. These difficulties can be circumvented, at least in large part, by disposal at great depths. But both would be overcome by burial at modest depth in Antarctic rocks. To a depth of about 1 km, all groundwater is frozen in the Antarctic; thus, insertion of the wastes might be arranged to cause only warm inclusions in the totally frozen surround. Also, none but scientifically well-prepared civilizations are likely to come upon the area.

Another scheme might apply to wastes from which the actinides had been extracted. The residual wastes could be suitably contained (in stainless steel, perhaps) to last for thousands of years in fresh water. Their activity ceases for all practical purposes after a few thousand years. It might be possible to place the residuals in deep holes in one of the long-lasting ice sheets, such as Greenland or Antarctica. The volume of ice that could be melted by all the wastes generated between now and A.D. 2000 is about 0.04 km^3 (0.01 cubic mile) which is not very much. The bottom of the Greenland ice sheet is bowl shaped and below sea level. Thus, it appears that nuclear wastes with a 700-year half life would be secure there.

One of the major difficulties is that frozen ground—either permafrost or Antarctic rocks—is not really cold enough at depth. The temperature ranges from −5° at −150 m to 0°C at −300 m, which leaves little room to maneuver. Rocks beneath the Antarctic ice cap are colder but inaccessible.

Ice-cap disposal has several drawbacks. First, wastes still containing actinides require extremely long periods of storage; for example, if the original concentration of ^{239}Pu is 10^6 times the permissible concentration in drinking water and no credit is allowed for insolubility, dilution, or adsorption, the required period of isolation is 500,000 years, and the ice may not be that permanent. Even if the actinides were removed, an area problem remains: to preclude appreciable heating at the ground-ice interface (and hence increased ice flow), the heat generated from the wastes must be a small fraction of that appearing via the geothermal gradient—1 percent would be 63/km^2. Wastes from the United States aged 10 years before burial, if accumulated and spread out in Antarctica to give that heat load, would cover 10^6 km^2 by A.D. 2025, that is, 25 percent of the area that has ice with an anticipated lifetime exceeding 10,000 years.

Finally, transportation and working conditions in the Antarctic are difficult and hazardous, and at present the Antarctic is kept free of nuclear wastes by international treaty.

IN SITU MELT (ROUTES 3 AND 3A)

This scheme was originally proposed at Lawrence Livermore Laboratory (14). A hole is bored beneath the waste processing plant, and a nuclear bomb is set off in the hole. Then the radioactive waste is poured into the subterranean cavity so formed, over a 25-year filling period. The wastes heat up through their own activity, boil dry, and eventually melt themselves and some surrounding rock into a glassy ball. The cost is quite uncertain but was judged to be extremely attractive—0.011 to 0.016 mill/kwhe if government financing is used. But there are substantial technical difficulties with the scheme in its present stage of planning. (i) During the boiling phase isotopes could migrate from the disposal site. (ii) Stress reversal will occur as the transient temperature field moves radially from the disposal site. (iii) Faulting or earthquakes might shear the feed and steam lines which join the disposal site to the surface facility. (iv) Groundwater might eventually leach out the wastes. (v) An excavation procedure should be developed which does not involve the originally proposed nuclear explosive, and which can make a cavity at greater depth.

According to the original proposal, the fuel reprocessing plant would be at the waste disposal site. This is a severe restriction that protends an undesirable proliferation of disposal sites. But the concept can be modified so

that lightly calcined wastes are transported from fuel-reprocessing facilities to a federally controlled central repository for in situ melt (this is alternate route 3A in Fig. 2). The wastes are slurried and pumped down to the prepared cavity. The waste boiling period would be reduced from the proposed 25 years to less than 1 year if adequate wastes were stored on site and charged in one operation. Solidifying and transporting the wastes would introduce an added cost, which we estimate at 0.020 mill/kwhe, and would bring the total to roughly 0.031 to 0.036 mill/kwhe. This is less expensive than the salt mine concept, and if it can be shown to be technically safe the project might be practicable. Of course, retrieval is impossible for any of these variations; chemical separation of actinides (route 2) can be incorporated, probably to advantage.

In situ melt suffers from lack of any detailed assessment, but the modified idea seems worthy of analysis comparable to that given the salt project.

SUMMARY

For the present and the foreseeable future the following options appear to be either usable or worth further exploration: mausolea; disposal in mines of various sorts, and perhaps in ice; in situ melt; and further chemical separations. The options are interdependent.

It is too early to assess disposal in space, and disposal in the oceans remains unsafe for lack of adequate knowledge. Table 3 is a summary of the main ideas for which we have worked out (sometimes uncertain) costs.

For the short term, ultimate disposal in deep mines is the best-developed plan. However, the related concept of in situ melt has significant advantages and should be realistically appraised. Further chemical separation with subsequent recycling of the actinides in a LMFBR should be investigated and implemented, for it would be universally beneficial; on the other hand, additional removal of strontium and cesium does not seem attractive. Thus, for the near future we make the following recommendations:

1) Provide temporary storage facilities to ensure that the projected commercial high-level wastes do not become a public hazard. The AEC adopts this view, and has stated an intention to construct such facilities. But because of the capriciousness of man and nature, a workable ultimate disposal scheme must be developed soon.

2) Fund other ultimate disposal schemes at the same rate as the salt mine project—say $1 million a year or more—to sharpen the technological issues, so that a decision can be reached in the next few years. The schemes should include (i) in situ melt, and the variation with a central repository; (ii) burial in mines other than salt mines (including Antarctic rocks and permanent ice); (iii) further chemical separation of actinides and recycling actinides in a LMFBR.

3) Maintain liaison with the developing space shuttle technology to insure that no opportunity is lost.

The AEC has a commitment to hold safety foremost in its waste management program, but budget considerations and management priorities have downgraded the program. Past funding levels and management emphasis have yet to produce, after a decade and a half, one operational long-term storage facility—a sign of both commendable caution and inadequate work. If nuclear power is to resolve our energy needs in the coming decades, its benefits should not be delayed for lack of a viable management program for high-level wastes.

TABLE 3.—SUMMARY OF WASTE DISPOSAL OPTIONS—THE ROUTES REFER TO THE DIAGRAM IN FIGURE 2

Route	Option	Cost (mill/kwhe)	Advantages	Disadvantages
1	Salt mine	0.045–0.050	Most technical work to date; plastic media with good thermal properties occur in seismically stable regions.	Corrosive media; highly susceptible to water; normally associated with other valuable minerals; difficult to monitor and retrieve wastes.
1A	Granite	.050–.055	Crystalline rock; low porosity if sound; comparable to salt in thermal properties; retrievable wastes.	Nonplastic media; presence of ground-water; difficult to monitor.
2	Further chemical separation; recycle actinides	.065–.320	Reduced long-term toxicity; technology feasible; increases future options.	Additional handling and processing; more toxic materials in fuel inventory; waste dilution due to processing; fission products remain.
2A	Further chemical separation; remove Sr and Cs; recycle actinides.	.140–1.100	Reduced long-term toxicity; reduced short-term thermal power; some reduction of fission product toxicity; increases future options.	Additional handling and processing; more toxic materials in fuel inventory; waste dilution due to processing; storage and disposal of Sr and Cs extract; fission products remain.
3	Melt in situ	.011–.016	In situ creation of insoluble rock-waste matrix; no transportation; reduced handling.	Highly mobile wastes during 25-year boiling phase; presence of ground-water; irretrievable wastes; proliferation of disposal sites; difficult to monitor.
3A	Melt in situ, central repository	.031–.036	In situ creation of insoluble rock-waste matrix; short boiling period; no proliferation of sites.	Presence of ground water; irretrievable wastes; difficult to monitor.
2	Antarctic rocks		Immobile water	Very narrow temperature limits; not a permanent geologic feature; difficult environment.
2	Continental ice sheets		do	Cannot dispose of actinides; limited amount of ice; not a permanent geologic features; difficult environment.

REFERENCES AND NOTES

1. "Potential nuclear power growth patterns," *U.S.A.E.C. Rep. Wash. 1098* (December 1970).

2. Excepting ^{129}I, which has a half-life of 16 million years, and is therefore very weakly radioactive. Eventually (after many centuries) its buildup in the environment could become a problem; but the amount to be released in the present technological age is insignificant.

3. We do not discuss here the fuel manufacturing wastes and other solid objects contaminated with plutonium, commonly referred to as alpha wastes. This does not imply that alpha wastes are less important, for about as much plutonium is lost there as is sent to waste at the fuel reprocessing facility. But some of our option analyses can apply to those wastes too.

4. Relative toxicity is an important concept which, while still unofficial, finds increasing use; it is used here to compare hazards of nuclear wastes with those of naturally occurring substances. For each hazardous species, a maximum permissible concentration (MPC) in water has been defined by federal regulations [*Code of Federal Regulations, Title 10* (Government Printing Office, Washington, D.C., 1973), regulation 20 for the substances discussed here, for unrestricted discharges]. Thus, for any initial concentration, a water dilution factor can be specified, to dilute the substance to MPC. We define relative toxicity as the ratio: (volume of water required to dilute a mass of solidified waste to MPC)/(volume of water required to dilute an equal mass of uranium ore to MPC). The ore is assumed to contain 1.4 percent U_3O_8 by weight; the solidified fission wastes are assumed to be concentrated to 4.14 kg per 1000 megawatt-day (thermal) burnup.

5. Disposal in gneiss at the AEC facility on the Savannah River, South Carolina, was considered, but on 17 November 1972 the AEC announced that the Savannah River Bedrock Project was indefinitely postponed.

6. This announcement appeared in *Nucl. News* 15 (No. 7), 55 (1972).

7. The discussion of AEC budgetary actions is based on various hearings on AEC authorizing legislation, particularly: U.S. Congress, Joint Committee on Atomic Energy, *Hearings before the Subcommittee on Legislation* (88th Congress, 1st session, 9, 10 April and 2 May 1963) on the 1964 budget; *Hearings before the Subcommittee on Legislation* (88th Congress, 2nd session, 22, 23, 27 January 3, 4, 7 February 1964), part 1, on the 1965 budget. Also, *Nucl. News* 15 (No. 3), 26 (1972) on the 1973 budget; H. F. Soule, private communication. Additional material on the program for fiscal years 1968 to 1971 is contained in: Comptroller General of the United States, *Progress and Problems in Programs for Managing High Level Radioactive Wastes* (Document G 164052, General Accounting Office, Washington, D.C., 28 January 1971).

8. A. S. Kubo, thesis, Massachusetts Institute of Technology (1973).

9. There are many salt mine references, but the basic ideas are covered in: "Siting of fuel reprocessing plants and waste management facilities," *Report ORNL–4451* (July 1970); U.S. Congress, Joint Committee on Atomic Energy, *AEC Authorizing Legislation, Fiscal Year 1972* (92nd Congress, 1st session, 9, 16, 17 March 1971), part 3; R. L. Bradshaw and W. C. McClain, Eds., *Report ORNL–4555* (April 1971); A. Boch, *Report ORNL–4751* (December 1971).

10. J. J. Perona, R. L. Bradshaw, J. O. Blomeke, *Report ORNL–TM–664* (October 1963).

11. D. Ferguson and H. C. Claybourne, private communications. For Cs and Sr removal: D. E. Larson and P. W. Smith, paper presented at the 66th national meeting of the American Institute of Chemical Engineers, Portland, Oregon, 24–27 August 1969; H. L. Caudill, J. R. LaRiviere, H. P. Shaw, *Report ARH–SA–41* (Atlantic Richfield Hanford Co., Richland, Washington, undated).

12. An analysis of this possibility is given by H. C. Claiborne, *Report ORNL–TM–3964* (1973).

13. These ideas have been promoted in, for example, E. J. Zeller, D. F. Saunders, E. E. Argino, *International Radionuclide Depository (INTER RAD) Report 72–1* (Center for Research, Inc., University of Kansas, Lawrence, 1972).

14. J. J. Cohen, A. E. Lewis, R. L. Braun, *Nucl. Technol.* 13 (No. 1), 76 (1972).

[From Environment magazine, January 1970]

EXHIBIT 2: EARTHQUAKE AT GISA

(By Sheldon Novick)

The United States Atomic Energy Commission has accumulated 75 million gallons of intensely radioactive wastes, by-products of its manufacture of plutonium for nuclear

weapons. About three quarters of this total is stored in buried tanks near the Columbia River at the Hanford Atomic Products Operation in southcentral Washington State. (The remainder is at the AEC's facilities in Arco, Idaho and Savannah River, South Carolina.) These atomic burial grounds are the most costly tombs since the days of the pharoahs: Ritchie Calder, in his book *Living with the Atom*, gives their cost as $200 million, much more than his estimate of the cost of constructing the great pyramids. The tanks hold as much radioactivity as would be released in a nuclear war. The problems associated with storage of these wastes and the possible hazards from earthquakes in the Hanford area are discussed in "Radioactive Waste from Reactors" in the May 1967 issue of this magazine.

Environment recently learned that in 1966, on behalf of Douglas United Nuclear, operators of the plutonium-production facilities there, two consulting geologists prepared a report which concluded that the Hanford facilities were in an area of moderate earthquake activity, heavily marked with faults, in which an earthquake might possibly occur directly beneath or near the plutonium-production plants or waste-storage facilities. They recommended further research to confirm or disprove this possibility. At least one earthquake, they found, might have occurred on the site as recently as 1918. The waste-storage tanks and plutonium-production reactors are not designed to withstand an earthquake in the immediate vicinity.

PRELUDE

On December 2, 1942, a group of scientists led by Enrico Fermi operated the first self-sustaining nuclear chain reaction. This was the proof that an atom bomb was possible. Twelve days later, Major General (later Lt. General) Leslie Groves, head of the atom-bomb development project, called a meeting of the scientists and representatives of Du Pont Corporation to decide on further steps, including choosing a location for the plants at which plutonium would be made.

During the early days of the atom-bomb project, confidence in calculations regarding nuclear energy was not high, and the possibility of a runaway reactor was considered real (as was the possibility that the things would not work at all). It was already recognized that even a minor mishap which would result in the release of radioactive materials would quickly become a disaster in a populated area. Consequently, safety considerations were given great weight in the choice of a site for the military reactors.

In his autobiography, General Groves describes the meeting on December 14, 1942. In his account, safety considerations "definitely ruled out any further thought of putting the plant at Clinton [Tennessee, the site of the present Oak Ridge National Laboratories] and were the controlling guides in the ultimate selection of the Hanford site."

According to Groves, the main points that determined the selection of the site were that it be far from any city, town, or major road or railway, that large quantities of cooling water and electric power had to be freely available, and the climate be suitable.

Attention quickly focused on the Pacific Northwest, because of abundant power from Bonneville and Grand Coulee dams. Representatives of Du Pont, which was to build and operate the plants and extract the plutonium, and members of Groves's staff explored much of the Pacific coast, and settled on the site of the present Hanford reservation. The Columbia River provided a source of almost unlimited clear, cold water. Groves inspected the site himself on January 16, 1943, and approved it.

The question of choosing a site protected from natural hazards seems not to have occurred to anyone connected with the decision. Although much about the Hanford area is still classified, none of the available accounts of these early days so much as mention the geology of the area.

It is not hard to imagine the state of mind that must have prevailed at the time. The hazards involved in the plutonium project itself were so great, and the time available so short, that speculations about earthquakes, even in an area in which they were common, would have seemed farfetched.

Even more than other wartime projects, the atom-bomb development took place in an atmosphere of emergency. The nuclear reactors at Hanford were built in remarkably short time. At one time more than 45,000 construction workers were engaged at the site. From the selection of the site to the production and extraction of usable quantities of plutonium was slightly over two years. Less than a year later, plutonium made at Hanford exploded in a bomb over Nagasaki, destroying the city.

The end of the war did not bring a slackening of activities at Hanford or a loss of the sense of emergency. Under the wartime bomb project and then under the civilian Atomic Energy Commission, established in 1946, construction of new reactors and production of plutonium continued at a rapid pace. Eventually, nine reactors were constructed at Hanford and five at Savannah River, South Carolina. Most of the reactors built at Hanford are probably capable of generating as much as 2,400,000 kilowatts of heat, more than any civilian reactor yet in operation.

Most of the Hanford reactors are now shut down, however, and the rest operate on reduced schedules. During their years of operation, these plants produced enough plutonium to end the world in one incandescent flash. No nation is ever likely to want more plutonium than we already possess, and Hanford will never again see the kind of activity that it experienced in the early days of our weapons program. The newest plant, the N Reactor, after some years of difficulty, provides electric power for the Washington Public Power System, but the remaining plants, which are not adaptable for power production, have made themselves obsolete.

HAZARD

One permanent legacy of Hanford's few years of peak operation, more enduring than the pyramids, is contained in 140 huge steel-and-concrete tanks buried near the center of the reservation. Here is stored the bulk of the Atomic Energy Commission's 75 million gallons of high-level radioactive waste. Long after the designers of the bombs and the civilizations that produced them are forgotten, these wastes will still be hot with radioactive decay.

In the reactors, uranium fuel undergoes a chain reaction: splitting uranium atoms release neutrons which collide with other uranium atoms, splitting them and producing more neutrons. Some of the neutrons are absorbed by uranium atoms which do not split but are converted to a new element, plutonium. To extract plutonium, reactor fuel must first be dissolved in acid. After the plutonium is removed, the acid solution which remains is an intensely radioactive broth of uranium and fission products, the unstable fragments of split atoms. The hazardous dose of many of these materials is measured in billionths of a curie (the standard unit of radioactivity), yet a single gallon of fresh waste solution may have as many as 10,000 curies.

Each of the storage tanks at Hanford has a capacity of between 500,000 and 1,000,000 gallons of this highly radioactive waste liquid, produced by the reactors and chemical-separation plants near by. Perhaps 50 million gallons are actually in storage, although the exact figure is secret. On the average these wastes probably contain more than 100 curies per gallon, but this, too, is secret.

These are the wastes produced by our military program. The plutonium which makes up some of our weapons is produced entirely at Hanford and Savannah River, perhaps three quarters of the total at Hanford.

It is difficult to grasp the hazard these wastes present. There may be as much long-lived radioactivity in a single large tank as in all the fallout produced by all weapons tested since 1945. Since it takes the fission of roughly one atom of uranium to produce one atom of plutonium, the total wastes are about equal to what would be produced by the explosion of all the plutonium warheads in our nuclear stockpile. It has often been suggested that an enemy attacking the United States would aim at least one missile not at a city or any inhabited place but at Hanford, where as much radioactivity is stored as would be released by all the rest of the attacking missiles.

The storage tanks are massive structures, fifty-foot deep concrete shells lined with steel, buried just beneath the surface of the ground. In the tanks with fresh wastes, the heat of radioactive decay keeps the stored liquid boiling. Artificial cooling is required to keep the pressure of the boiling wastes from bursting the tanks. Some of the tanks must be stirred to keep the radioactive solid materials from settling to the bottom and overheating the steel liner.

An earthquake, even if it did not damage the tanks themselves, might damage the cooling systems or rupture the pipes which lead into the tanks. The result would be the release into the air of hot radioactive gases which might rise and travel a considerable distance with the wind, depending on weather conditions. If the tanks themselves were ruptured, the wastes would find their way through groundwater to the Columbia River.

The plutonium production reactors contain considerable quantities of radioactive material in their fuel. Although little is known about the reactors still in operation, the N reactor, which supplies electric power to the regional power grid, is of a size comparable to reactors being built for civilian power production. Such reactors contain on the order of a billion curies of fission products in their fuel after a year of steady operation. Since the reactors are on the bank of the Columbia River and use its water for cooling, damage to a reactor could result in the release of large quantities of radioactive material to the river. Uranium fuel burns when brought into contact with air at the temperatures of reactor operation. In an accident at the English Windscale plutonium-production reactor in 1957, a small portion of the fuel burned as a result of improper operation of the reactor, and low-level fallout was deposited over much of southern England and northern Europe. An earthquake at Hanford might cause a similar accident on a much larger scale.

AFTERTHOUGHT

Considering the hazard involved, it would be reasonable to expect that the stewards of Hanford would take particular care that no radioactivity should escape. After the war, Du Pont relinquished operation of the plants (although it still maintains those at Savannah River). General Electric, now one of the two major producers of civilian reactors, operated the military plants for a time. In 1965, Douglas United Nuclear, a joint venture of Douglas (now McDonnell-Douglas) Aircraft and United Nuclear, a uranium mining firm, took over operation of the reactors for the Atomic Energy Commission. In 1966, Douglas United Nuclear contracted for a detailed geological survey of the Hanford area, as part of an evaluation of the ability of the structures there to withstand whatever stresses could be expected from possible earthquakes.

That such a study should be asked for 24 years after the selection of the site is

difficult to understand. It would appear that such a study had never before been conducted, despite the fact that the Hanford reservation is in an area classified as one of "moderate" earthquake activity. The U.S. Geological Survey testimony quoted on this page makes it plain that as early as 1959 it was generally accepted that earthquakes and waste-storage areas were incompatible. In the same year, a report prepared for General Electric noted that, "The details of earthquakes in this area are little known." Earthquakes in surrounding areas were described.

Yet, in 1966 the detailed geology of the Hanford area, and the likelihood of earthquakes on the site, were still incompletely known.

THE SURVEY

In that year, Fred O. Jones and Robert J. Deacon conducted a detailed survey of the Hanford area for Douglas United Nuclear. Although Deacon assisted in the survey, the conclusions of the report were written by Jones alone. The two independent consulting geologists viewed and photographed the reservation from a helicopter and were given free access to all material relating to the geology of the area. Their survey uncovered some disturbing evidence that the earthquake hazard at the site was greater than had been thought.

Their final report was dated June 15, 1966, and was titled "Geology and Tectonic History of the Hanford Area." The most disturbing finding of this report was that an earthquake may have occurred beneath the present site of the reactors on the shore of the Columbia River as recently as 1918.

An earthquake in the area occurred in that year. It is generally referred to as the "Corfu earthquake," after the town which is about seven miles north of Hanford. The earthquake was earlier believed to have occurred near the town. For the Jones-Deacon report the Seismology Department of the University of Washington provided a location which fell within the Hanford works.

The first report of this earthquake is in the *Bulletin of the Seismological Society of America*, which carries the following communication from A. M. Jung, seismological observer at Gonzaga University of Spokane, Washington:

"The following note [is] from C. H. Aldrich of Corfu, a station on the Chicago, Milwaukee Railway, 135 miles west of Spokane in regard to an earthquake at that place. The first shock was on November 1 between 9:15 and 9:30 a.m. This was the most severe and lasted several seconds; it shook goods from the shelves and caused landslides for several miles along the hills. We have had on an average about three shocks every twenty-four hours since, but lighter."

Jones concluded from the survey of the area that the earthquake occurred within what is now the AEC's Hanford site. He found no evidence of ground displacement in the reactor site area, but points out that any such evidence would probably have been destroyed during extensive construction activities.

The most striking evidence for earthquakes in the area was the discovery of a five-mile-long depression between faults (graben) between Hanford and Corfu. The graben had probably been formed by movements on the faults within geological recent times. Jones found evidence that at least some movement along faults at the surface had occurred during the Corfu earthquake. It is such fault movement which is damaging to nearby structures.

Viewed from a helicopter, some of the area also showed an unusual polygonal pattern of fissures, like the cracks that form in drying mud. This pattern was first observed by the same geologists when surveying the area of the 1964 Alaskan earthquake, and they believe it to be a sign of earthquake damage. There is evidence of landslides in the Hanford area. In their report, Jones and Deacon assign the Corfu earthquake a magnitude of six on the Modified Mercalli scale, the magnitude at which earthquakes are considered capable of doing local damage. On plate 3 of their report, the location is given as directly between the present sites of two of the production reactors.

Jones points out that a fault system extends from the vicinity of the town of Milton-Freewater to within about ten miles of the Hanford site. Several earthquakes have occurred on this fault system, including two of magnitude seven. A magnitude-seven earthquake is shown in plate 3 of the report as falling within 45 miles of Hanford. The geologists found some evidence that there had been ground movement on the portion of the fault system closest to Hanford, and point out that if damaging earthquakes have occurred on one portion of the system of faults, they may not be ruled out at others.

Umtanum Ridge is another geological formation which Jones and Deacon felt needed more study. They describe it as a faulted, overturned anticline which disappears beneath superficial deposits of sand, gravel, and soil as it passes beneath the Hanford area.

And finally, they take note of Gable Mountain and Gable Butte, which lie between the reactors and the waste-storage tanks. These structures are folded and faulted, and one fault as drawn on plate 3 of the report, would pass directly through the epicenter of the Corfu earthquake as plotted by Jones and Deacon. Another seems to pass directly beneath the cooling-tank area.

CAUTION

One of the striking aspects of the Jones-Deacon report is the extent to which they are forced to speculate regarding the geological structures actually beneath the reactors and waste-storage areas. Although deep drilling would have established whether there were faults directly beneath the facility, apparently the drilling had not been done. Present wells near the reactors and storage tanks do not extend far into the bedrock beneath the plants. Drill holes of about 1,000 feet depth would be required. Jones and Deacon recommended an extensive program of geologic research and drilling. Some of the recommended investigations are apparently being carried out, but the drilling program, three years after the report's appearance, has not yet been undertaken. According to the Chairman of the Atomic Energy Commission, in a letter reproduced on pages 13–15, only one deep hole has been drilled near the waste-storage areas.

This is all in striking contrast to the strict precautions and extensive geological investigations which the Atomic Energy Commission requires of commercial, nuclear power-plant builders. In an area where earthquakes are known to occur, the site of construction is carefully examined for evidence of faults, and if such appear, the site is considered unsuitable. Thus, Pacific Gas and Electric Company was prevented from constructing a reactor at Bodega Head, near the San Andreas fault system, when a fault directly beneath the proposed reactor was discovered. Construction of reactors at Malibu, near Los Angeles, has also been postponed indefinitely because of a similar geological situation.

The existence of an earthquake hazard at Bodega and Malibu has been disputed bitterly by the utilities which proposed reactors for these sites. At Bodega, distinguished geologists testified that there had been no movement on the faults in question in historic times. Their evidence was disputed and the entire subject argued heatedly for some time until, in 1964, P.G.&E. withdrew its application for a construction permit in the face of an adverse Atomic Energy Commission staff report. The utility maintained its belief in the safety of the site but said in its announcement that it would not proceed unless every doubt had been settled.

Although the situations are not necessarily comparable, the position of the AEC in this case is in striking contrast to its attitude toward its own activities at Hanford. Considering the degree of potential hazard involved in a civilian nuclear power plant, it is certainly reasonable to act with the greatest caution, and the AEC customarily requires the builder of such a plant to prove that the worst accident which it considers at all credible has been taken into account in the design of the plant. It is not enough to protect against what might be considered probable risks—the outermost limits of likelihood must be taken into account. This is certainly a far more cautious approach than that which seems to be taken at Hanford, where the potential hazard is so much greater.

There is no certain way of establishing the size and location of earthquakes that occurred 50 years ago in an unpopulated area. Nor is there any way of predicting with certainty whether or not an earthquake will occur at a given location. These are questions over which there can reasonably be considerable disagreement among geologists.

Considering the magnitude of the potential hazard, however, it would seem only prudent to resolve all doubts on the side of safety. This the Atomic Energy Commission has failed to do.

ALTERNATIVES

It seems extremely unlikely that the waste-storage tanks and reactors could be constructed to withstand an earthquake that caused ground displacement directly beneath them, or even a large earthquake some distance away.

The waste-storage tanks, for instance, have been prone to leakage as they are, undisturbed. The most recent report, in 1965, showed that four of the tanks at Hanford had sprung leaks of varying degrees of severity, through the corrosive action of their hot, radioactive contents. There have been no further reports since that time, and it is not known whether there has been further leakage. Tanks which are just able to survive undisturbed are not likely to ride out a damaging earthquake.

The only real alternatives to the present arrangement would seem to be transporting the wastes to another, less hazardous site, or rendering them less dangerous where they are. The first alternative would be extremely expensive, as it would involve constructing a new facility at least as expensive as the present one, in addition to the costs of transporting these hazardous materials. More significantly, however, it seems likely that any means of transportation, by truck, ferry, or train, would involve its own hazards of accidental spillage.

From a safety standpoint, the most desirable alternative would be to solidify the wastes where they are, thus reducing the likelihood that they will escape from the storage area.

The Atomic Energy Commission is pursuing this alternative, although without visible haste. The Waste Solidification Engineering Prototype went into operation at Hanford in November 1966, and by June 1969 it had processed wastes containing about 29 million curies of radioactivity. Although this is an impressive quantity, it represents probably less than one percent of the total wastes stored at Hanford. At this rate, it will be centuries before the entire accumulation is solidified.

The single experimental plant at Hanford is clearly too small to handle the waste loads required, yet there is no indication that a larger facility is planned. Such a plant would be expensive, of course, although the prototypes at Hanford and elsewhere have

shown that there are several feasible approaches to waste solidification.

Another possibility, alluded to by Dr. Seaborg in his letter, would be to solidify the liquid wastes within the tanks in which they are presently stored. This would be the least expensive solution, but it is not known when the wastes will be sufficiently cool to allow solidification. Several years will pass before some of the tanks stop boiling, even without addition of fresh wastes.

In defense matters, Congress has shown its willingness to spend very large sums to defend the nation against risks that are potentially great but whose probability of being realized is low. The wastes stored at Hanford, if released into the air or the Columbia River and to the Pacific Ocean, would constitute a hazard which could only be compared to nuclear war. Surely such risks call for considerably more caution and expense than is now being devoted to them.

DR. SEABORG AND THE GEOLOGISTS' REPORT

[During the preparation of "Earthquake at Giza," we addressed questions regarding the earthquake hazard at Hanford to the Atomic Energy Commission. The following reply, which incorporates our questions, is dated December 27, 1969 and signed by Dr. Glenn T. Seaborg, Chairman. It acknowledges that the central recommendation of the geologists' report cited in our article—deep drilling near the reactors and waste-storage areas to test for the presence of faults—has not been carried out. (The wells over 1,000 feet deep referred to in the letter are, with one exception, outside the Hanford area.)

On a number of points, the letter is contradicted by the report. No matter what one ultimately concludes, for instance, the Jones-Deacon report presents evidence for the existence of faults under the reactors and waste storage facilities. Evidence is also presented for geologically recent fault movement in the area. In the answers to the third and fourth questions, the existence of this evidence seems to be denied. Conclusions contrary to those drawn by Jones are cited, but no indication of disagreement among geologists who have studied the evidence is given. S.N.]

Enclosed are replies to the questions raised in your letter of December 17, 1969. You will note that the existing operating reactors and the waste storage tanks at Hanford have been designed to withstand maximum probable earthquakes as identified by nationally recognized consultants.

It should also be noted that the AEC has pursued in the past and will continue to pursue in the future, the solidification of radioactive wastes at Hanford, further decreasing the hypothetical probability of release of material to the environment.

Environment: When was the first detailed geological survey of the Hanford site made? The most recent?

AEC: Detailed geological surveys, with respect to production operations, were first made in 1943; however, surveys have been carried out over the last century. The surficial geology of the Hanford area is quite well known and has been under continuing study by AEC contractors, the USGS and consulting geologists since 1943.

Environment: Have any of the surveys included exploratory drilling at the sites of reactors or waste storage tanks? To what depth was drilling done?

AEC: Surveillance of the groundwater beneath the Hanford site is maintained with data from more than 500 wells. Many of these wells penetrate, but not to a great extent, into the basalt formations that underlie the 200 to 400 feet thick glacio-fluvatile sediments covering most of the site. These wells and others that have been drilled have provided the great deal of information regarding the near surface geology of the Hanford area.

Geology underlying the Hanford site, which is near the center of the Pasco basin, has been determined from 79 known deep wells in the Pasco basin region that have been drilled greater than 1,000 feet in depth. Seven of these wells have penetrated greater than 2,000 feet, four greater than 3,000 feet and two greater than 4,000 feet. One exploratory oil well, off the southeastern edge of the Hanford site, penetrated 10,600 feet.

The most recent exploratory well was drilled this past summer, near the center of the Hanford site and adjacent to the fuel reprocessing and waste tank farm areas. This well penetrated 5,600 feet from the surface and substantiated the known geology of the Pasco basin.

Environment: Has drilling disclosed any evidence of faults beneath the production or waste storage facilities?

AEC: Neither drilling nor other geological investigations have disclosed any evidence of faults beneath the Hanford production or waste storage facilities.

Environment: Has there been any investigation of the possibility of displacement on faults in or near the Hanford reservations in historic time? Is there any evidence that such displacement may have occurred?

AEC: A number of studies have been made by nationally known investigators from outside the area, as well as by resident geologists. According to Dr. G. W. Housner of the California Institute of Technology, who has conducted seismic investigations of the Hanford site for the AEC, the site has not been subjected to more than weak ground shaking during historical times, and is in a region of moderate seismicity verging on minor seismicity

Other reputable geologists who have studied the Hanford site also believe that it does not lie in a persistently active seismic zone. One geologist extends this conclusion to state that the possibility of surface ground rupture due to upward propagation or displacement along any fault in the Hanford facility area is so remote that it can be safely disregarded. Most of the investigators have indicated an earthquake of 5.5 (Richter) would be the expected maximum on the basis of historic evidence.

Photogeologic mapping has revealed possibly faulted areas along the north side of Saddle Mountain Anticline, lying seven miles from the north edge of the reactor site. The consensus from recent geologic investigations is that there is no evidence of geologically young tectonic faulting.

There is a Rattlesnake Mountain-Wallula-Milton-Freewater lineament system of anticlinal folds, with possibly local faulting, lying ten to eleven miles south of the Hanford fuel reprocessing plants. Ground rupturing of unknown origin was reported to have accompanied the Milton-Freewater earthquake and scattered earthquake epicenters in the area from Rush Canyon to Milton-Freewater.

The Saddle Mountain and Rattlesnake Mountain lineament systems are zones of potential future earthquakes. Earthquakes along these structures would affect the Hanford plant only by ground motion due to seismic wave propagation. Design has allowed for this as discussed in the following answer.

Environment: Are any of the facilities at Hanford expected to be capable of surviving ground displacement during an earthquake?

AEC: Designs for the existing operating reactors and waste tank facilities are based on Zone 2 seismic requirements. Zone 2 includes areas where there is expected one earthquake of an intensity 7 or above on the Rossi-Forel scale (5.5 Richter) and about five of noticeable motion and slight damage during each century. Hence, all major production facilities are expected to survive ground displacements associated with wave motion caused by the maximum earthquake considered credible for the Hanford area.

Environment: Are the production reactors and waste storage tanks expected to survive an earthquake of 7 or greater on the Rattlesnake or Saddle Mountain faults without releasing radiation?

AEC: The currently operating reactors and waste storage tanks were designed to withstand maximum earthquake effects that might be expected to occur at our facilities and these facilities may be expected to survive earthquakes' effects of even greater magnitude.

Environment: Is an earthquake of magnitude 7 within ten miles of the Hanford reservation considered credible?

AEC: An earthquake of magnitude E (Richter) within ten miles of the Hanford reservation is considered to be of such extremely small probability that for practical purposes it can be considered incredible as explained in the answer to the fourth question.

Environment: What are the greatest accelerations and ground displacements the waste storage tanks and reactors are expected to survive without release of significant amounts of radioactivity?

AEC: The operating Hanford reactors were initially designed to resist earthquake motions without releasing significant amounts of radioactivity. Studies have shown that the existing operating reactors are compatible with the current criteria which the AEC uses for earthquake protection in licensing commercial power reactors. The facilities will survive ground wave motions in excess of 0.1 foot in magnitude and 0.25 G acceleration.

Environment: What are the estimated consequences of the hypothetical rupture of a waste storage tank as the result of an earthquake?

AEC: No tank rupture is to be expected from a credible earthquake at Hanford. However, if a hypothetical tank rupture is assumed, the probability of any significant release of radioactivity in groundwater at the site boundary is quite low. Further, the AEC is currently pursuing a program that Hanford which will place all significantly aged radioactive liquid wastes into a solid form. The solidification of these wastes will be such that future removal by physical means will not be precluded. In addition, it is anticipated that all the working inventory of tank-stored liquid waste will be stored in double-shell tanks. These programs will further reduce any release of radioactive material under this hypothetical assumption.

EXHIBIT 3

[From the Los Angeles Times, Oct. 25, 1970]

CAUTION: THIS GARBAGE MAY BE HAZARDOUS TO YOUR HEALTH

(By Roger Rapoport)

From its inception in 1946 the Atomic Energy Commission has encouraged "free competition in private enterprise." As a result more than 4,000 American nuclear installations are currently handling 900 different types of radioisotopes. Firms like General Electric, Westinghouse and Honeywell have leaped into everything from nuclear reactor construction to uranium fuel fabrication.

Today this $2 billion a year industry is generating lucrative new effluent: nuclear garbage. Each day factories and laboratories across the country must dispose of radioactive resins, oils, precipitates, slurries, clothing, rags, glassware, filters and hardware. To safeguard public health these contaminated wastes have traditionally been shipped by truck and train to secluded AEC burial grounds. Here the radioactive garbage is interred in vast underground tanks and pits for perpetuity.

In 1963 two private firms opened licensed nuclear burial dumps in Nevada and New York. The AEC promptly refused to accept any more low-level nuclear garbage from commercial firms, a decision that naturally spurred the growth of the private atomic waste disposal business. This year about 20 commercial firms will make $1.5 million

transporting and disposing nuclear waste. And the AEC predicts the private market for atomic garbage disposal will reach $10 million annually by 1980. Low level waste has no more than 1,000 times the radioactive concentration considered safe for direct release to the atmosphere and is now being handled almost exclusively by commercial firms.

The AEC hoped many states would license commercial burial sites for low-level nuclear waste. But so far only five—Washington, Nevada, Illinois, New York and Kentucky—have done so. The other states are reluctant to license private nuclear dumps because of technical, financial and legal difficulties.

For one thing even the AEC's gigantic, carefully secured and remotely located nuclear dumps have had problems. For example during the past 26 years 11 of the 149 nuclear waste storage tanks at the AEC's Hanford, Washington, works have sprung leaks. About 50,000 gallons of radioactive waste poured from one tank.

A 1966 National Academy of Sciences study says that the AEC's four major waste disposal sites are "in poor geological locations" and adds that "current practices of disposing . . . wastes . . . into the ground above or in the freshwater zones, although momentarily safe, will lead in the long run to a serious fouling of man's environment."

Private nuclear waste transport and disposal firms have had their troubles, too. For example, studies by the New York state health department between 1965 and 1967 found abnormally high radiation levels in deer around the Nuclear Fuel Services reprocessing plant and disposal site located 30 miles south of Buffalo. The deer had been walking through holes in the plant fence and drinking radioactively contaminated water from waste lagoons. The state recommended the company patch the holes in the fence.

In April the state of New York charged the Long Island Nuclear Service Corporation with selling a plant containing two trailer loads of radioactive waste. The company was ordered to return to the facility, remove the nuclear garbage and decontaminate the plant.

Currently a Cliffwood Beach, New Jersey, dockworker is suing the AEC and six private firms because he developed cancer after handling a leaky, mislabeled radioactive solution. The cancer has necessitated the amputation of his left arm and is still spreading. An AEC report says at one point the shipment was taken through the Holland tunnel in the back of a government station wagon. This violated AEC, ICC and Port Authority of New York regulations.

These accidents make states increasingly cautious about licensing nuclear waste disposal firms. Washington's Director of Nuclear Development Larry Bradley says: "When a state leases a private company land for a nuclear dump it has to be cautious. If material is mishandled the public might be endangered. And if the disposal firm goes bankrupt and turns belly up, the state has to come in and administer the dump itself. We don't want to get in the radioactive monitoring business ourselves, so we're very careful about who we license."

As a result even pioneers of the nuclear garbage industry find it difficult to get new dump sites. A disposal site must be sanctioned by the county planning commission, licensed by the state health department and blessed by environmentalists who try to drag you into messy hearings screaming that you are a capitalist pig out to poison water and soil. After you've hired a lawyer to fight off the ecologists you must move on to another state and start again.

Few men know this process better than Fred Beierle, general manager of Chem-Nuclear Services Incorporated in Spokane, Washington. During the past year Beierle's firm has won temporary nuclear waste storage facilities in Oregon and South Carolina. Chances for converting these facilities into permanent burial sites are good.

As one of the pioneers of the nuclear garbage business Beierle knows the pitfalls. From September, 1963 to June, 1968 he was operations manager for California Nuclear Incorporated, an atomic waste disposal firm that went over $400,000 into debt before it was bought out by a competitor, Nuclear Engineering Company.

After the sale the state of Washington audited California Nuclear's records and found 5,200 cubic feet of waste was missing and unaccounted for at the firm's Richland disposal sites. Washington Director of Nuclear Development Larry Bradley says: "We couldn't figure it out at first. Things like that don't just disappear." An investigation revealed that the missing 5,200 cubic feet was chemical liquid waste temporarily stored at the Richland site before being transferred to another location.

Following Nuclear Engineering's acquisition of debt-ridden California Nuclear in June, 1968, Beierle helped start another firm that is now in serious financial trouble. On July 22, 1968, he was co-incorporator of Kenasco Corporation, a Prosser, Washington, equipment design and manufacturing firm. Beierle served as Kenasco's president until early 1969 when he left to become general manager of Chem-Nuclear Services.

Chem-Nuclear has purchased nuclear shipping containers from Kenasco. Beierle remains a director and consultant to Kenasco and says he holds about $5,000 worth of stock in the firm. On April 20, 1970, Kenasco sent a letter to creditors explaining that it was unable to meet over $263,000 in debts. Creditors were told they could accept 20 percent of their accounts in cash and full settlement or five year installment rates at seven percent interest.

Business has been better for Beierle over at Chem-Nuclear. One of his first moves with the fledgling nuclear waste disposal firm was to apply for a radioactive materials license from Oregon. In a covering letter June 2, 1969, to Dr. Gary Farmer, Director of the Radiation Section of the Oregon State Board of Health, Beierle wrote: "We look forward to a long and mutually beneficial relationship with the state of Oregon and feel the following application a very preliminary step in our efforts in your state."

On June 11, 1969, Dr. Farmer sent Beierle Oregon Radioactive Materials License ORE-0219-1. Then on July 1, 1969, Dr. Farmer resigned his post and Mr. Beierle asked him to join Chem-Nuclear. Dr. Farmer agreed and became head of the firm's Western Division on September 1, 1969.

Dr. Farmer came to Chem-Nuclear with a broad background. In his resume he points out that he graduated "10th in (a) class of 44 students" at the Colorado School of Veterinary Medicine. Then he served a 20 year career in the army. During the Greek civil war he helped deliver a unique form of American military aid. He transported shiploads of mules to the Greek government forces which used them to fight off guerrillas in the mountains. Farmer has extensive experience in radiobiology and has helped the Atomic Energy Commission set policy on the effects of radiation and radioactive fall-out on the American livestock industry. Dr. Farmer also believes his Oregon civil service is another plus: "I think I know more about radioactive materials licensing than anyone in the Northwest."

After he joined Chem-Nuclear Dr. Farmer applied to his successor at the health department, Marshall Parrott, for an amended license that would let the firm open a temporary nuclear waste storage facility in Gilliam County, about 100 miles east of Portland.

The Gilliam County Planning Commission approved the nuclear waste facility plan in February, 1970. The vote was 6–0 with commission secretary Robert Root abstaining. Root abstained because Chem-Nuclear had paid him $1,800 on January 27 for an 18 month lease on 10 acres of ranch land. However the land was not used for the nuclear facility. Mr. Beierle says that subsequent geological studies persuaded Chem-Nuclear to lease another 10 acres nearby for its "Oregon Pollution Control Facility."

In March, 1970, the state internally approved Chem-Nuclear's amended license for the Gilliam County dump. But the Oregon Environmental Council and two Gilliam County property owners contested the amendment, charging that the nuclear waste would pollute water and ruin prime agricultural land.

So the state held a hearing in April on the amended Chem-Nuclear license. Chem-Nuclear's lawyer at the hearing was John Denman, who had been the state's chief legal counsel to the Oregon board of health before resigning on February 15, 1970.

Dr. Edward Press, secretary of the Oregon State Board of Health, believes Mr. Denman was the logical man to represent Chem-Nuclear: "They needed a man like him who was familiar with all the laws and regulations on a case like this. Obviously he has the right kind of experience."

One of the most interesting points raised during the Oregon hearing was the education of Marshall Parrott, the state's new director of radiation control. Mr. Parrott signs his letters as Dr. Parrott and generally represents himself to the public as Dr. Parrott. Although he has completed course work for a doctor of science degree at Tulane, his thesis has not been accepted.

In an interview he explained: "Basically it's just a question of me getting together $300 to fly down to New Orleans, meet with my advisors at Tulane, make the necessary revisions and pick up my degree. I hope to do it pretty soon. In the meantime I go as Dr. Parrott during my work here so that after I receive my doctorate I won't have to change in midstream. See what I mean?"

While Chem-Nuclear was getting organized in Oregon, Fred Beierle was out shopping for disposal sites in other states. One state happy to see him was South Carolina. Thirty new nuclear power plants have been announced for the Southeast during the past three years. Two private firms plan to build nuclear fuel reprocessing plants in South Carolina to service the atomic power installations.

The Chem-Nuclear general manager met with Dr. Henry C. Schultze, the state Coordinator for Atomic Energy Industrial Development. Says Dr. Schultze: "When I met with Mr. Beierle I could see our mutual interests. He was looking for a site and South Carolina needed a company that could dispose of low level nuclear waste from the reprocessing plants and power stations. I encouraged Chem-Nuclear and similar companies to come to South Carolina."

About the same time Dr. Schultze found something else was happening: "When you work with industrial prospects and have a background like mine you naturally get many job offers. At the time Beierle first approached me about a site I had been thinking about several private industry offers. Subsequently he learned I was thinking about leaving the state and he offered me a job with Chem-Nuclear. I was most impressed with Beierle and his people so I left in July 1969 and joined Chem-Nuclear in August."

In September 1969 Chem-Nuclear applied for a South Carolina radioactive materials license which was granted to the firm in November. Today, thanks to an amended license, Dr. Schultze administers Chem-Nuclear's temporary storage facility on a Barnwell, South Carolina, site adjacent to the AEC's Savannah River installation. Cur-

rently there are only a few hundred drums of low-level waste at the Barnwell site. But Dr. Schultze is looking forward to business from the proposed South Carolina fuel reprocessing plants and southeastern nuclear power stations.

Of course, many states aren't as hospitable as South Carolina. For example, California has never licensed a private atomic dump even though it is the center of West Coast nuclear industry. Officials maintain existing facilities in other states adequately meet Western disposal needs.

And last fall, Nuclear Industrial Service Corporation and Chem-Nuclear proposed an atomic dump for Georgia but didn't get very far. The executive secretary of the state water quality board charged that a nuclear dump "could be a threat to the water supply in the areas of dumping . . . something can always go wrong."

Governor Lester Maddox wasn't interested either: "If they want to bury their nuclear garbage in our state then let them bring the industry that produces the garbage and we'll give full consideration to their proposal. Otherwise I feel we should let other states bury their own nuclear garbage and we'll bury our own."

The controversy widened when state insurance commissioner James Bentley turned out to be part owner of the 700 acre tract optioned for the site by Nuclear Industrial Service Corporation. Bentley subsequently asked NIS to give up the option and the firm agreed. Chem-Nuclear is still interested in Georgia but doubts it will go ahead there.

While Chem-Nuclear was out organizing in Oregon, South Carolina, Georgia and other states, its activities were less visible back in the home state of Washington. On October 9, 1969, Fred Beierle received this letter from Arnold J. Moen, head of the Radiation Control Section of the Washington Department of Health:

"With reference to your Washington State Radioactive Materials License WN–1051–1, the address as listed under item two is 1019 Jadwin Avenue, Richland, Washington. An inspector from this department recently attempted to inspect your license after notifying you of his intent several days in advance . . . All attempts to find the Richland address or the whereabouts of Chemical Nuclear Services in the Richland area were futile . . . Are you, or have you been engaged in any activities authorized by your license? If so, please indicate the address from which these are conducted."

Fred Beierle was pretty embarrassed when he received that letter so he sat down and wrote an immediate reply: "Regarding our Richland address of 1019 Jadwin we had been sharing an office with the attorneys Butler and Heye. This probably explains why your inspector was not able to find our address. We would, however, like our address changed to 602 Seventh Street, P.O. Box 265, Prosser, Washington . . . Sorry for the inconvenience."

That is what he told the health department. Actually Mr. Beierle and the company headquarters had moved to the 602 Seventh Street address months earlier. Explains the general manager: "I think we moved there in February or March 1969. I'm not sure. Anyway I just forgot to tell the health department about it." (Chem-Nuclear is now based in Spokane.)

Chem-Nuclear would like very much to get a disposal site in Washington. The firm's headquarters and major stockholders are in Washington. Its biggest contract has been the disposal of waste from nuclear submarines based in Puget Sound Naval Shipyard at Bremerton. But in June Chem-Nuclear lost out to Nuclear Engineering Company on a bid to lease 900 acres at the state's Richland burial facility.

This and other minor setbacks have not dampened investor enthusiasm for Chem-Nuclear. In November 1969 a Washington holding company, Great Columbia Corporation, acquired Chem-Nuclear for $318,000 worth of stock. A stock prospectus dated March 20, 1970, shows that Great Columbia is trying to raise $3 million. The holding company says up to half a million of the net proceeds would be used for "general operations of Chem-Nuclear." The prospectus indicates that Chem-Nuclear sustained a net operating loss of $14,490.04 for the nine months ending November 30, 1969.

These results do not dim Chem-Nuclear's optimism about the future of the nuclear garbage business. Fred Beierle says he has been shopping for future sites in Colorado, California, Arizona, Minnesota, Maryland and Pennsylvania. The Chem-Nuclear general manager adds that if geological studies are favorable his firm may apply for a burial license at the Gilliam County, Oregon, site early next year.

Gilliam County officials hope that Chem-Nuclear's few temporary storage tanks and drums become the center of a complete nuclear complex. William Bennett, Gilliam County's District Attorney and only lawyer, says: "All you have to do is look at the wealth atomic energy plants have brought to Hanford-Richland, Washington, and compare it with the poverty we've got here. Our county has 1,500 square miles and only 2,200 people. We want to get into the nuclear age if we have to start out with a garbage dump.

On April 20, 1970, Americans everywhere paused to honor Earth Day. Students cleaned up litter, housewives switched to biodegradable detergents and landlords turned off their incinerators. Automakers touted the electric car, soft drink companies promoted glass bottles and oil companies talked about detergent gasolines.

Even the Atomic Energy Commission's Rocky Flats plutonium fabrication plant near Denver paid its respects to Earth Day. On April 22 workmen were in the midst of excavating a mound containing 1,405 drums of contaminated waste. The nuclear garbage was being prepared for shipment to licensed atomic disposal grounds where it should have gone in the first place.

Over the years Dow Chemical Company, which operates the plant for the AEC, has buried solid and liquid waste in pits located inside and outside the plant gate. Rocky Flats General Manager Lloyd Joshel says that this spring "in view of the increased interest in environmental matters, we decided to remove any concern by reclaiming the waste material from the main burial site. This has been completed * * * The remaining burials are still being evaluated by Dow with the AEC, but the radiation levels are so low that I am personally recommending no further retrieval be made."

Much of the "increased interest in environmental matters" at Rocky Flats was generated by an April 10 meeting in Washington at the offices of the Joint Committee on Atomic Energy (JCAE). It was here that James D. Kelly, President of Rocky Flats union Local 15440, first told nuclear government officials about the unlicensed burials.

A 36-page edited record of the discussion transcribed by the JCAE staff indicates the Washington officials were surprised by Kelly's disclosure. After the union leader explained the burial problem Representative Chet Holifield (D-California), chairman of the JCAE, asked AEC assistant general manager for operations John A. Erlewine: "Do you know anything about this?"

ERLEWINE. "I first heard about it in getting ready to come to this meeting."

HOLIFIELD. "If your Mr. (Frank) Abbott (the AEC representative stationed at Rocky Flats) knew about this situation boiling out there, why didn't he tell you? * * * Doesn't he recognize the importance of it from a public standpoint? * * *"

ERLEWINE. "I am not sure I can answer precisely, Mr. Holifield * * *"

HOLIFIELD. (after asking several more questions) "I understand you don't know whether it is uranium or plutonium. Probably it is plutonium . . . This would be a very serious thing if Dow was taking upon itself the burial of plutonium waste without going through the established procedures. I would assume if this is low level waste that there would be probably a prohibition against this convenient burial and that it should have been put in some permanent high level waste burial ground like we have at Hanford. (After several more questions Holifield turns to union leader Kelly.) What is your understanding—and I am asking for information now—about the location of the material you think is buried there? Is it inside the fence?"

KELLY. "Some inside and some just outside."

HOLIFIELD. ". . . Then they had better build a new fence if there is some outside the fence . . . You can fence it in both from inside and outside so that nobody wanders over it . . . How long would it take you to get the facts about walking over that (burial dump) with a measuring device to find out if there is any seepage from the ground into the atmosphere that would be in any way unsafe or alarming?"

ERLEWINE. "It probably simply requires a phone call. I am confident they have done this. I can't tell you they have done it."

HOLIFIELD. "Am I going to have to get on a plane and go out there (to Denver) and walk over it myself with a measuring device and try to read it as a layman?"

On April 14, four days after the meeting at the JCAE headquarters, workmen at Rocky Flats began removing the 1,405 drums from the main burial site located 150 yards northwest of Gate Nine. The work was completed May 28 and a June 2 Dow report written by R. M. Vogel of the Health Physics section states that: "Ten percent of the drums had holes . . . apparently caused by rust and corrosion . . . Many of the liquid drums developed leaks during handling or after exposure to air and sun." Vogel added that "no detectable alpha contamination was found in the soil" around the burial site.

On June 28 Local 15440 struck Dow seeking a substantial wage increase and union participation on a company safety committee. Union leaders including President Kelly subsequently visited with Colorado Lieutenant Governor Mark Hogan, a Democrat who is challenging incumbent Republican John Love in this fall's gubernatorial race.

The union officials complained of unsafe practices at the plant and Hogan wired Congressman Holifield July 18 that the JCAE should hold a congressional investigation of safety at Rocky Flats. Hogan said that although 1,405 barrels had been removed, more nuclear garbage remained. He charged that "Dow records are inadequate and do not reflect the precise burial pits where the nuclear material rests."

Hogan also charged that Dow had paved over soil contaminated with plutonium from leaky storage barrels. He suggested that this may be the plutonium responsible for increased contamination in Old Woman's Creek, a source of water supply for Westminster and part of Arvada (plutonium has a radioactive half-life of 24,400 years).

Holifield promptly dispatched AEC inspectors for a look and on July 23 he sent an optimistic reply to the Lieutenant Governor. Apparently all the fears Holifield expressed during the April 10 JCAE meeting in Washington had been dispelled: "With regard to your concerns about the 'burial' sites . . . there seem to be no immediate problems or the chance of leakage of radioactivity to Old Woman's Creek from the newly paved area . . . Since none of the evidence suggests the existence of risk to the people or the environment of the State of Colorado, I see no reasons for holding hearings about the status of operations of the Rocky Flats Plant."

Later in the summer the strike ended and Dow promised the Colorado State Department of Health that it would dig up the contaminated earth that had been paved over. Plans call for shipping the radioactive waste to an authorized AEC burial ground. Dow said the job would be taken care of just as soon as task force figured out a way to scrape up the contaminated earth without inadvertently blowing some plutonium into the Denver area.

EXHIBIT 4

[From the Anchorage News, Feb. 21, 1971]

ATOMIC WASTES BECOME NIGHTMARE

WASHINGTON.—What once looked like an easy way to get rid of the nation's growing sea of deadly radioactive wastes—dump them in Kansas' salt beds—is rapidly turning into another environmental nightmare.

Scientists are tearing apart the Atomic Energy Commission's bland assurances that burial in the state's salt vaults will be completely "safe."

They've discovered, for one thing, the AEC doesn't have the vaguest idea of how the wastes, which will give off 1800-degree heat as well as intense radiation, will react with the salt. No one has determined if they could end up polluting water and air by melting or cracking through the salt or triggering an explosion.

Nor has much study gone into other long-term effects of dumping tons of radioactivity into one place—material that by most estimates would remain dangerously "hot" for the next 500,000 years.

In the opinion of some Kansans the AEC's lack of research smells of one thing: expediency.

"The AEC is in a bind," says an aide to Rep. Joe Skubitz (R-Kan.), an opponent of the dumping plan. "They are holding this radioactive waste in liquid form in temporary vats and the vats will soon wear out. They've got to get rid of it and the salt mine in Kansas is the only place they've studied."

Skubitz, who is trying to kill the $25 million project by stopping a $3.5 million down payment appropriation, points out that vast underground salt beds exist all through Michigan, Ohio, Pennsylvania and New York —states where many of the existing or proposed nuclear power plants which generate the waste are situated.

The AEC proposes to transport the wastes, after removing the liquid, in steel cylinders imbedded in 100-ton ceramic blocks to prevent radiation exposure to the public. Each block would contain some 10 billion rads of radioactivity—enough to kill everyone in the nation if dispersed in the air.

The cylinders are to be lowered 1,000 feet below the surface of the Lyons Mine and dropped by remote control in holes bored in the salt.

At present, they say there is no information as to what will happen next. But there are fears the cylinders could melt right through the salt or the waste could react with minute amounts of water in the salt and cause an explosion that would vent radioactivity to the surface.

The AEC has told the state's geologists the heat over a period of time will raise the temperature of the surface only 1 degree. But the Kansas scientists dispute this, saying it could rise 13 degrees and change the surface environment considerably.

Again, no one is certain.

Opposition to underground burial of nuclear wastes already has stymied the AEC in Idaho and Washington. The suspicion here is that if Kansas also defeats the plan, no state will ever buy it and the AEC will have to go elsewhere.

This would spell big trouble for the struggling nuclear power industry, which already has had many plants held up because they would inflict other types of environmental damage. Without waste disposal they can't operate.

Meantime, there is the matter of the AEC's temporary storage vats containing some 80 million gallons of radioactive "soup." They are deteriorating a little more every day.

EXHIBIT 5

[From the Los Angeles Times Sunday magazine, June 18, 1972]

DIG HERE FOR DOOMSDAY—HOW THE PEOPLE OF HANFORD STOPPED WORRYING AND LEARNED TO LOVE RADIOACTIVE GARBAGE

(By Roger Rapoport)

Anyone who has spent a generation making plutonium for nuclear bombs expects problems periodically. Perhaps that's why it's hard to shock the 6,300 men and women who work at the Atomic Energy Commission's 570-square-mile Hanford Reservation in southeastern Washington. Over the years they have lived through a nerve-wracking succession of fires, explosions, reactor accidents and contamination incidents involving dangerous quantities of radionuclides. They have had to contend with leaky nuclear waste tanks, unanswered seismic questions, contaminated ducks and oysters. Hanford's environmental practices have been criticized periodically by experts from the Environmental Protection Agency and the National Academy of Sciences as well as such diverse magazines as *National Geographic, Environment* and *Parade*.

The 56,000 people who live immediately downwind of the AEC reservation have traditionally dismissed criticism of Hanford's problems as mere sensationalism. But now, without warning, a federal agency has quietly handed down the gravest indictment ever leveled against the Hanford operation. The charges center around the AEC's dumping of 300 kilograms of plutonium directly into 14 earthen trenches. This is enough plutonium to make 300 Nagasaki-size atom bombs.

About 100 kilograms have ended up at the bottom of trench Z–9. The study concludes that "due to the quantity of plutonium contained in the soil of Z–9, it is possible to conceive conditions which could result in a nuclear chain reaction." What makes this report hard for Hanford to discount is the fact that it was written by the Atomic Energy Commission. And what makes it worrisome, according to Environmental Protection Agency experts who have studied the data, is that the chain reaction could, at worst, generate a mud-volcano type explosion that might vent lethal plutonium to the Hanford area.

Understandably, this vision of nuclear garbage spontaneously erupting in the AEC's face has prompted the agency to propose an astonishing solution in a report known as WASH–1520, which suggests that Congress give the AEC $1.9 million to build an automated plutonium mine that would exhume the worrisome 100 kilograms from trench Z–9. Since plutonium is an artificial element made out of uranium, this would be the first plutonium mine in history. The request is part of the new AEC budget bill which has already passed the Senate.

Although the WASH–1520 report has not won public attention until now, it has created an underground sensation inside the AEC's sister agencies. The prospect of the AEC mining its own nuclear garbage has Washington's inner sanctum rolling in the aisles. But the nuclear professionals are not amused; they believe WASH–1520 could have a sobering effect on Hanford and the embattled atomic energy industry. Because the digging up of trench Z–9 may raise more questions than it answers.

To begin with, the AEC report admits that vast quantities of plutonium, the most carcinogenic (cancer-causing) of all its wastes, have been dumped straight into the earth; no tanks, drums or boxes of any kind separate it from the soil. This disclosure might shake public faith in the AEC's ability to guard, manage and regulate the nation's growing inventory of nuclear waste. It could also hurt public utility and reactor manufacturing companies which are eagerly promoting the growth of commercial nuclear power plants. How can they sell the public on the safety of new reactors when a nuclear citadel like Hanford can't even handle its own garbage? And in Hanford, where civic leaders are trying to turn the AEC reservation into an atomic industrial park, recruitment might suffer. After all, some corporations might think twice before building a new plant near potentially explosive nuclear garbage.

Local and state development agencies tout Hanford as the perfect solution to nuclear siting problems because of its 570-square-mile exclusive area, ample water from the Columbia River, licensed waste disposal site, fuel reprocessing plant and trained technical pool, in addition to a sympathetic press and community (even the local Sierra Club has endorsed the reliability of Hanford's reactor operations).

All these attractions are part of the community's inheritance from the Army and the AEC. In February, 1943, the Army marched into southeastern Washington with a court order and condemned the 570-square-mile expanse along the banks of the Columbia. The homes and farms of 1,200 residents were condemned and everyone was evicted, without explanation, on 30 days notice. The evacuees were quickly replaced by 51,000 federal workers who swarmed in to build the plutonium reactors necessary to supply America's infant atom bomb business.

Eventually nine Hanford reactors would supply plutonium for the Nagasaki bomb, as well as a good share of the cold-war nuclear arsenal. Most of the plutonium was produced under the postwar leadership of the AEC and its flock of civilian contractors like DuPont, General Electric, Douglas-United Nuclear and Atlantic Richfield Hanford Company. The nearby tri-cities of Richland, Pasco and Kennewick flourished with the influx of permanent employees. Residents took over the old government-issue homes and apartments; they erased the company town image with renovation and landscaping. Civic-minded scientists built up first-class school, library and park systems that helped win Richland "All-American City" honors as a "key city of the atomic age."

Nonetheless, much of Hanford's work remained a great mystery to local residents. Tight security reigned over the reservation during the 1950s, as the AEC and its contractors irradiated uranium in eight reactors spread along a 20-mile stretch of the Columbia. Then the fuel elements were shipped up to an interior plateau known as the "200 area." The heart of this nuclear nerve center was the Purex plant that separated irradiated fuel elements into classified (weapons-grade) and unclassified plutonium nitrate and uranium. The plutonium nitrate solution went into a finishing plant where it was purified and converted to a grayish metal. Most of the output ended up at the AEC's Rocky Flats plant near Denver, where it was made into triggers for hydrogen bombs and warheads.

But residual plutonium and other isotopes were carried off as liquid wastes into bottomless trenches such as Z-9. Lined with concrete on the top and sides, the trenches were left open at the bottom to permit the contaminated liquid to seep down into the soil. The idea was that the soil would absorb plutonium and other isotopes in much the same way that a water softener traps minerals.

The key to this technique is the fact that plutonium is insoluble in alkaline water. Since the water around Hanford is alkaline,

the plutonium can't dissolve, seep down to the water table and reach the Columbia River. While the water percolated through the ground, the plutonium would be retained by the soil near the trench. Each year more than a million gallons of plutonium-contaminated waste was disposed of in this manner. When Hanford experts judged the ground beneath a trench to be loaded with plutonium, they moved on to another.

Oscar J. Elgert, Hanford's director of production and waste management, says the trenches were considered a relatively foolproof disposal method: "We monitored them extensively and encountered no problems at all." The AEC also took pride in Hanford's 151 underground storage tanks that would eventually hold 65 million gallons of liquid waste, some of it boiling hot. Other liquid wastes were piped into settling ponds, where the intensity of certain radionuclides could diminish with time. Contaminated equipment, machinery, tools, rags and glassware went into solid-waste burial trenches. Classified nuclear garbage was stuffed inside boxes before being dumped in special burial grounds. The top-secret waste consisted primarily of instrumentation connected with the nuclear weapons program. With all these facilities, Hanford quickly became the West's leading nuclear disposal site, attracting hot federal garbage from as far away as Colorado and California.

The Richland operations office which administers the Hanford works was also winning safety prizes from AEC headquarters in Washington, D.C. Between March 28, 1951, and March 10, 1958, the Richland operation was injury free—the best record ever set by an AEC field office. Not a single employee was kept off the job because of a work-related injury. But while no one in the Richland front office was injured in the line of desk duty, the blue-collar employees at the Hanford works encountered a variety of challenges during this safety period. Thirteen serious accidents, explosions, fires, contamination incidents and train wrecks cost the Richland office over $1.1 million.

Then in 1958—shortly after Richland had carried off first-place safety honors—technicians discovered that one of their giant underground liquid waste storage tanks had sprung a leak. Over the next dozen years, 12 tanks would leak about 300,000 gallons of hot waste into Hanford's soil. Another 61,000 gallons would leak from transfer lines carrying the waste from the plants to the tanks. Clearly the AEC would have to find a new way to handle 65 million gallons of liquid waste stored in the tank farms.

Despite these and other problems, Hanford managed to win a prime piece of the nuclear pork barrel in 1962. The community sold Congress on the idea of converting Hanford's ninth reactor, then under construction, into a dual-purpose unit. The new N reactor would simultaneously make plutonium for the military and supply steam to generate electricity for the Washington Public Power Supply System (WPPSS).

Private utilities, the U.S. Chamber of Commerce, Republican leadership and powerful eastern commercial interests fought the plan, which they saw as a TVA-type scheme that would further reduce the Northwest's bargain electricity rates and lure heavy industry away from the East Coast. The AEC countered by warning of an impending Northwest power shortage and stressing the economic virtues of converting N. For one thing, it would cost less than a comparable commercial reactor. AEC licensing officials had stipulated that commercial reactors of this size and type had to be protected with a containment dome that would trap radiation that might be released during a reactor accident. But since N was federally owned, it did not have to comply with specific AEC standards for commercial reactors. Thus the protective dome could be eliminated at a savings of $8 to $10 million.

Congress bought this idea and architects immediately began modifying N. Instead of using a conventional reactor vessel, the dual-purpose unit would have 1,004 independent process tubes. Each tube would function like a minature reactor, complete with its own cooling system, collectively the tubes would irradiate uranium fuel that would later be separated to recover plutonium. The waste steam would power electrical generating turbines owned by WPPSS. The N reactor would cost the AEC $195 million, and the WPPSS steam-generating plant would cost the utility $122 million. The utility was expected to eventually pay the AEC $125 million for the steam.

On September 26, 1963, shortly before he was assassinated, President John F. Kennedy flew to Hanford to help break ground for the steam plant. "What we are doing here they should be doing around the world," Kennedy told a crowd of 37,000. "I think we are going to show the way."

N quickly turned out to be an economic lifesaver for Hanford. Just four months after the ground-breaking, President Lyndon B. Johnson announced a cutback in Hanford plutonium production. The community's desperate campaign to save the old reactors was weakened by a May, 1964 report from the Federal Water Pollution Control Agency (FWPCA). The document charged that Hanford reactors were dumping substantial quantities of radionuclides into the Columbia River. The FWPCA recommended that "measures be taken without delay to reduce radioactive contamination of the lower Columbia River by 50 percent, with particular reference to phosphorus-32 and zinc-65." Heavy concentrates of both isotopes had been found in downstream fish and oysters.

Hanford operations were further complicated by another series of fires, explosions and contamination incidents. On November 3, 1964, a roof fire did $316,900 damage to the aquatic laboratory building. An explosion during manual reignition of an oil-fired boiler caused $75,000 damage on July 31, 1965. On August 23 a fire and explosion in a glovebox (a shielded enclosure that allows technicians to handle radioactive materials remotely) spread extensive contamination and cost $76,800 to repair. Then on September 29, 1965, a zirconium tube failure in a test reactor resulted in gross contamination of the reactor core and interior containment shell. Damage totaled $895,000.

By 1966 three of the old plutonium reactors had been closed and Hanford employment was tapering off. The FWPCA was back with another report charging that the Atomic Energy Commission's negligence "has resulted in the worldwide acknowledgement of the Columbia River as the 'most radioactive river in the world.' "

While the AEC was fending off the FWPCA, contractors were putting finishing touches on the N reactor steam plant. On December 9, 1966, the 860-megawatt plant began feeding power into the Northwest grid managed by the Bonneville Power Administration (BPA). The new unit was the largest nuclear power facility in the nation and the WPPSS was justly proud: "With the completion of this plant we have turned a sword into a plowshare and still retained the sword."

Unfortunately, neither the sword nor the plowshare met expectations. The N reactor and steam plant were constantly plagued by fires, leaks, mechanical breakdowns and corrosion in valves, tubes, heat exchangers, boilers, transformers and the cooling system. An oil fire in a heat exchanger did $185,000 damage. A boiler damaged during transit was repaired but failed to work properly. The unit was replaced but the new boiler developed leaky tubes. Two transformers failed and had to be replaced. Heat exchanger cells had to be retubed. Partial blockage of the cooling system shut the reactor down. Normal reactor problems were compounded by N's 1,004 process tubes. Failure of the independent valves or cooling systems for any of the 1,004 tubes could shut down the reactor. Even N's emergency shutdown system failed at one point and a backup system had to be used.

The unit was also inefficient. Because N's plutonium was an inferior grade, it had to be mixed with high-purity plutonium from other reactors to be acceptable for nuclear weapons use. Performance was even worse on the power generation side. Originally estimated to produce electricity 82 percent of the time, N's availability factor turned out to be only 45 percent. In 1968, in spite of operational costs of $10.3 million, N only produced $8 million in revenue. Frequent shutdowns, sometimes during periods of peak demand, forced the Bonneville Power Administration to classify the plant as "a producer of surplus energy."

N's performance was a disappointment to the community, particularly because the AEC was continuing to shut down the old reactors. The banks of the Columbia began to resemble the Nile as the units became nuclear pyramids; the agency would eventually spend $4 to $5 million cementing in each reactor.

But as the reactor business slowed down, the garbage business picked up. In 1968, after a decade of research, the AEC figured out a solution for all those leaking waste storage tanks: The experts decided to begin boiling off the 65 million-gallon waste inventory. Five million tons of radioactive salt cake would be left behind at the bottom of the tanks. Eventually this residue would be solidified and dumped in a Kansas salt mine or shot to the sun by rockets.

In 1969 the Federal Water Pollution Control Agency asked AEC for permission to view this solidification program and other aspects of the "200 area" operation. Federal geologist Jack Sceva, who was with the FWPCA at the time, says: "They wouldn't let us in to see the processing and waste handling operation. They felt we might come up with critical comments that would contradict their own surveillance program."

Indeed, the AEC had spent millions on extensive surveys that always conclude that "the total (Hanford) dose to members of the public has always been well within appropriate limits" and that "the radioactive wastes generated by the plants have been under sound and continuous control." Careful study of these reports reveals, however, that the tri-cities have been picking up some excess radiation from the AEC operation.

For example, a 1969 study showed that consumption of half a pound of a contaminated duck found on the Hanford reservation would result in a radiation exposure three times that now considered permissible by federal standards. Some studies showed that if a fisherman stood on the Columbia River shoreline for as much as 500 hours during 1969, he might have incurred a gonad exposure to external gamma radiation (of Hanford origin) of 8.5 millirems. Teen-agers who sunbathed, swam and water-skied on the Columbia might be subjected to as much as 53 millirems—10.6 times the AEC standards that will go into effect for nuclear power plants in 1974.

Shut-down of the older reactors reduced tri-city radiation levels somewhat, but did not please the job-hungry community. Industrial recruiters scoured the nation for firms that might be interested in siting nuclear power plants, reprocessing plants and garbage dumps on the Hanford site. After a May, 1969 fire devastated the AEC's Rocky Flats plutonium fabrication facility near Denver, Hanford residents demanded that the AEC shift the work to their town, but the plea went unheeded and Rocky Flats was rebuilt. Hanford had to settle for an AEC diversification program that added a hotel-convention center, cattle feed lot, meat-

packing plant and nonnuclear research facilities to the community. Residents watched helplessly as the government continued shutting down the plutonium reactors.

In 1970 the Hanford operation received another blow when Senator Frank Church of Idaho succeeded in forcing the AEC to release a National Academy of Sciences study of its waste-disposal practices. The AEC-commissioned study, which had been suppressed for four years, concluded that all the AEC's main disposal sites, among them Hanford, were unsafe. The NAS report criticized numerous aspects of the Hanford operation, including the liquid waste trenches. It noted that seepage of Hanford's waste tritium and ruthenium might eventually contaminate the Columbia and suggested that, to avoid this possibility, "plant operations may have to be curtailed or other means found for disposal of waste."

While the community defended itself, the White House Office of Management and Budget was analyzing the sorry economics of Hanford's last two operating reactors, KE and N. In January, 1971, both reactors were shut down on 24 hours notice. After soaking up $1.1 billion in federal funds, the community had hit bottom. Without the reactor there would be no need for separation and purification plants; eventually, there wouldn't be any new garbage to bury. Faced with the loss of 6,000 jobs, the community launched a desperate campaign to save the N reactor. Governor Dan Evans and Senator "Scoop" Jackson led the fight straight into the White House. They were buttressed by a local "Committee of the Silent Majority" that told townspeople, "Everyone who can write, should write—housewives, kids, everybody! Every member of your family should write a separate letter." Children were provided with a suggested form letter:

Dear President Nixon,

Please don't shut the reactors down. My daddy will not have a job.

Sincerely,
Tommy Smith

Thirty-five thousand letters poured into the White House as the President's budget men quietly explained that the AEC could make its plutonium cheaper in South Carolina. When the Hanford team cried that loss of the N reactor would plunge the Northwest into a power shortage, the budget office replied that the unit "has been beset by operating problems which have resulted in low reliability . . . The Bonneville Power Administration . . . does not consider . . . the N reactor as a part of its dependable capacity."

WHILE CRITICS ISSUE WARNINGS, THE DUMPING CONTINUES

The local utility, WPPSS, offered to take over the N reactor, but since N did not meet the AEC's standards for commercial nuclear plants, millions of dollars in improvements—such as a containment dome—would be required before the AEC would let WPPSS run the unit. However, the AEC was willing to run N if WPPSS would pay for the steam. WPPSS agreed and by July N was back in operation. The only catch was that the steam cost $20 million a year—about double the value of the plant's power output. Although N's power cost was nearly triple the cost of the Bonneville system's other electricity, WPPSS was seriously considering trying to upgrade the unit and buy it from the AEC.

The salvation of N kept the Hanford operation intact. The separation, purification and waste-disposal operations continued to hum. Development of experimental facilities for the AEC's new fast-breeder reactor program helped level off the AEC payroll at 6,300. WPPSS was talking about building a brand new nuclear reactor, and another firm was interested in developing a fuel reprocessing plant. Site security relaxed, and Hanford's conversion to a commercial atomic park seemed imminent.

Meanwhile, in the laboratories, scientists were coming up with some frightening new information about trench Z–9. Sophisticated new monitoring systems indicated that the trench might contain far more plutonium than originally had been anticipated. Flooding of the trench, after a record snowfall and rapid thaw, might moderate the neutrons and touch off a chain reaction. Atlantic Richfield's James Warren, who manages the waste operation for the AEC, admits that a chain reaction could vent some plutonium-contaminated steam to the atmosphere. Robert C. Scott, who manages the EPA's Office of Water Programs western field office in San Francisco, projects more serious consequences. Scott, a member of the elite National Academy of Sciences team that wrote the censored report on AEC disposal practices, believes that "the heat from the chain reaction would cause the trench to explode like a mud volcano." Vast quantities of radioactive steam might be spewn out and carried by the prevailing winds to the tri-cities.

Scott, who carefully studied the Hanford operation while working on the NAS report, points out that the dangers of the trench situation could also be aggravated by a change in the nature of Hanford water: "A change in the chemistry of the water limits the ability of the soil at the bottom of the trench to retain the plutonium. If the water suddenly becomes acidic or highly saline, the plutonium may begin dissolving and wash down to a lower soil strata with greater absorption capacity. Here the plutonium might leach out and concentrate even more heavily. . . . This could pose a far more immediate chain reaction threat than Z–9."

What could make Hanford's water more acidic or saline? "Irrigation, industrial waste from nonnuclear plants or septic tanks associated with rural subdivisions could do it," Scott explains. "All these things could put nonnative chemicals like sodium, lithium, magnesium or ammonia into the soil." Another problem could develop from a sudden rise in the water table beneath the trenches, which might also help touch off a chain reaction. Scott says, "Considering the fact that plutonium has a radioactive half-life of 24,400 years, they should not be dumping it in the ground. The EPA has been trying to get into the Hanford '200 area' to view this trench problem, but the AEC won't let us in. They say it's none of our business."

The AEC insists it has analyzed all these situations and concluded that Z–9 is under control for the time being. The agency is so confident that each year it continues dumping about 1.5 million gallons of plutonium finishing-plant waste into a smaller trench called Z–18. The AEC's Oscar Elgert says: "We're planning a new system for this waste, but it won't be ready for a while. If we stopped dumping in Z–18 right now, we'd have to close down our whole operation."

And that is why the AEC continues to pour plutonium into one Hanford trench as it asks Congress for $1.9 million to dig up another. The agency expects to earn a profit on the Z–9 mine by recovering 75 kilograms of recoverable waste worth $3 million.

The Hanford community is happy about the project because it will create new jobs. Even local environmentalists stand behind the AEC. Gene Murphy, head of the Rattlesnake Hills Sierra Club, says his members find Hanford a great place to raise a family. The chapter even endorsed salvation of the N reactor during the 1971 battle. At the time of the endorsement, Murphy was a communications specialist with Douglas-United Nuclear, the contractor that operates the N reactor for the AEC: "Sometimes you have a little quirk of conscience and wonder if you're letting the pocketbook dictate your conscience," Murphy says. "But most of us really like it up here. The air is clean, the streets are safe; it's a great place to raise a family. Most of us who used to live in big cities would never go back. It sure beats the hell out of living in L.A."

EXHIBIT 6

[From the Los Angeles Times, July 5, 1973]

THOUSANDS PERILED BY NUCLEAR WASTE—AEC CONTINUES CALCULATED RISKS DESPITE NUMEROUS NEAR-DISASTERS

(By Lee Dye)

Mismanagement of highly radioactive waste products generated by atomic reactors over the last three decades is threatening extensive areas of the United States with massive contamination, jeopardizing the safety of thousands of residents, The Times has learned.

The U.S. Atomic Energy Commission, official custodian of these deadly byproducts of the nuclear age, repeatedly has taken calculated risks and on many occasions disaster has been avoided partly because luck has been with the AEC.

Today, the AEC is unwilling to admit the gravity of the problem and apparently is intent on following an equally dangerous course in the future despite scientific opinion that the crisis can be resolved safely.

The story of the last three decades is told in reflections by scientists in reports from private consultants, advisory commissions, governmental agencies and even the AEC itself.

DEADLY RADIOACTIVE LEAK

The evidence:

More than half a million gallons of deadly radioactive liquid has leaked from huge storage tanks at the AEC's Hanford facility near Richland, Wash. Some of the liquid is so hot that it boils from its own radioactivity and if allowed to boil dry would melt through its steel tank. The leaks have released such deadly radionuclides as plutonium, strontium 90, cesium and others.

Other leaks have occurred at a similar facility at Savannah River, S.C. And in at least one case some of the radioactive elements entered the water table there.

Plutonium, the most carcinogenic (cancer causing) agent known to man and quite possibly the most dangerous substance on the earth, has been buried in ordinary steel drums at the National Reactor Testing Station near Idaho Falls, Ida., despite stern warnings that the drums would leak.

Radioactive materials have been found in the ground water beneath the Idaho Falls facility and could pose a serious threat to water supplies for much of the Pacific Northwest.

Accumulation of plutonium in a trench at the AEC reservation near Richland has reached such a high level that a nuclear chain reaction is possible, according to an official AEC report. The AEC is now developing equipment to mine its own trenches in hopes of recovering the plutonium, which is used in the construction of atomic bombs.

SCOPE OF PROBLEM STAGGERING

The scope of the problem is staggering.

It has been estimated, for example, that there is more radioactivity stored at the single Washington reservation than would be released during an entire nuclear war.

The crisis is intensified by the nature of the materials. For example, plutonium is produced when uranium is bombarded with neutrons during the reactor process. It takes 24,000 years for plutonium to reduce its radioactivity by one half (thus it has a half-life of 24,000 years). Once ingested, plutonium attacks the bones and lungs. A tiny speck can prove extremely hazardous.

As a result, this deadly manmade substance must be isolated from man's environment for thousands of years.

Top scientists insist that it can be done. But time is running out. Nuclear power is still in its infancy but in the decades ahead

atomic reactors will proliferate as the world moves fully into the nuclear age.

"We are in a mess right now," one key AEC consultant confided to The Times, "and what bothers the hell out of me is we are only on the toe of the nuclear age."

"We're sitting on a time bomb," he said.

The consultant is a scientist with considerable national standing. He is a strong supporter of nuclear power, but he believes the nation is in serious danger because of the AEC's failure to resolve the radioactive waste crisis.

It is the waste, not the generation of power or the nuclear reactors themselves, which has brought the country to the brink of a national emergency, he insists.

DOCUMENTS GIVE DETAILS

The consultant's identity is withheld because he fears that he and his associates would be harmed professionally by disclosure of his name.

However, he and others have furnished The Times with documents which reveal some details of the AEC's failure to deal with the problem adequately.

In a sense, it all really began on Dec. 2, 1942, when scientists operated the first self-sustaining nuclear chain reaction during the wartime Manhattan project.

The experiment confirmed the possibility of constructing a weapon of incredible potential at a time when this nation was at war.

In order to build the bomb, however, it was necessary to build a series of nuclear reactors to produce the fuel. A search was launched for a site on which to build the reactors.

It was determined that the reactors would have to be located far from any heavily populated areas, in a suitable climate, with abundant quantities of cooling water and electric power.

Searchers soon hit on the area near Richland, Wash., and on Jan. 16, 1943, Gen. Leslie Groves, head of the wartime atom bomb development project, approved the site.

Time had not permitted exhaustive geological examination of the area, but in the years ahead, luck would fall in favor of the sprawling federal reservation that became known as the Hanford Works.

The bomb brought the end of the war, but the end of the war did not bring the end of the bomb.

In the succeeding cold war, the nation continued to add to its nuclear stockpile and nine reactors were built at Hanford to aid in that effort. Five other reactors were built at Savannah River.

The reactors produced plutonium, but they also produced something else—enormous quantities of highly radioactive materials. Even the water used to wash the uniforms of workmen became contaminated, but the level was so low that it could be discharged into the environment without serious danger.

Not all of the problems were so easily solved, however.

The reactors also led to huge quantities of highly radioactive liquid waste. To store the waste, Hanford built more than 150 huge underground concrete tanks, lined with carbon steel. The tanks ranged up to a million gallons in capacity and were buried a few feet below the surface of the ground on a plateau about seven miles from the Columbia River.

Initially, the liquid was stored in the tanks without serious problems but as the system became more refined the waste grew more dangerous. In an effort to reduce the amount of liquid, the fluid was concentrated through evaporation.

Also, a system was developed to reprocess fuel cells from the reactors, thus regaining usable uranium but yielding liquid waste that was so highly radioactive it constantly boiled from its own heat—and would continue to do so for years and years.

The civilian Atomic Energy Commission, which took over Hanford after the war, had a problem. The self-boiling waste could not simply be dumped into the tanks because it would grow so hot it would melt the concrete and steel within minutes.

COOLING DEVICES USED

So the AEC equipped many of the tanks with cooling devices to hold down the temperature of the liquid. In addition, air was circulated in the tanks to stir the liquid, thus preventing solids from settling on the bottom and burning through the tank.

The first indication that something was wrong came in 1958, according to a 1968 secret report to the Joint Committee on Atomic Energy by the U.S. comptroller general. In August, 1958, one of the self-boiling tanks began leaking. About 35,000 gallons of the highly dangerous material seeped into the ground before the leak was stopped.

Fortunately, the clay soil beneath the tank held the liquid within the first few feet, thereby preventing it from entering the water table about 200 feet below the tank and eventually entering the Columbia River.

But it was to be the first of a long series of leaks. During the following seven years, nine more tanks sprang leaks. Losses ranged from small amounts to 55,000 gallons.

More recent leaks have been larger—70,000 gallons two years ago and 115,000 gallons within the last month.

In 1959, one year after the first leak was detected, the civilian contractor for Hanford asked that new tanks be built but the request was denied by the AEC because AEC officials believed existing tanks could be made to handle greater amounts by reducing the reserve capacity.

Two years later the contractor renewed its request warning that the last tank would be filled in 1964, and the AEC finally agreed.

TEMPERATURE CONTROL

A short time later, the AEC learned that it had erred in believing that the capacity of existing tanks could be increased substantially. Temperature control problems resulting from the greater concentration of the liquid forced the contractor to begin filling the last tank in 1963, even before construction on the newly authorized tanks had started.

For two years—from January, 1963, until the new tanks were completed in January, 1965—no reserve tanks were available for self-boiling liquids, giving rise to what the comptroller general described as "certain operational risks."

If one of Hanford's tanks had suddenly developed a major leak, it would not have been possible to pump the liquid into a spare tank. But even under those conditions, the reactors were not shut down until the new tanks were completed.

In November, 1963, the final tank began leaking, but only a small amount of radioactivity was detected. Salt was added to the tank in an effort to seal the leak, and further monitoring satisfied AEC officials that the leak had been sealed.

Although that particular tank had a proven weakness, it was filled even beyond the normal level. By December, 1964, the tank exceeded its designed capacity by 10% and exceeded the amount committed to any previous self-boiling tank by 22%.

The following month a sudden release of steam occurred, and the ground in the area began to tremble, according to the comptroller general's report. As terrifying as it must have been there was nothing the AEC could do but watch.

RISK INCREASED

Fortunately, only a small amount of radioactivity was released, followed by another small leak two months later, according to the AEC. The comptroller general's report commented:

"From the time the tank was filled in December, 1964, until the present (1968), it appears that there has been an increased risk of contaminating the environment with highly radioactive material.

"According to the AEC, while facilities have been available for emptying the tank (since 1965), the risks involved in transferring the self-boiling materials to other tanks were believed to be much greater than those incurred by allowing the radioactivity to decay in place."

The problem cited above was not an isolated incident. The civilian contractor filed a reevaluation report on the waste management program in 1967, warning that 10 tanks already had leaked and 14 others then in use were weakened through structural stress and corrosion.

REPORT QUOTED

To back up its claims, the contractor quoted from a report by the Illinois Institute of Technology, which had been hired on a consulting basis to determine the condition of Hanford's tanks. The report stated:

"Current analyses by the Illinois Institute of Technology have revealed that the self-boiling tank structures are being stressed well beyond accepted design limits."

As of this date at least 42 million gallons of high-level liquid radioactive waste are stored at Hanford. While the AEC maintains that it now has ample spare storage at Hanford, most of the tanks being used are between 20 and 30 years old.

Some tanks are being reused despite warnings to the contrary by the Illinois Institute of Technology and others. IIT estimated the life expectancy of the older self-boiling tanks at 20 years and warned that it probably would run much less.

Confirmation of that came recently when at least 115,000 gallons escaped into the ground. The loss amounted to nearly one-third of a 29-year-old tank's contents, and the leak was not detected for several days.

The AEC insists that all of the radioactive particles which have leaked from Hanford's tanks have remained in the soil, far above the water table.

THREAT MINIMIZES

Thomas A. Nemzek, manager of the Hanford operation, insisted in an interview with The Times that none of the material released so far has reached ground water. And he said that even if it did it would take at least 1,000 years for it to travel through the water table and into the Columbia.

By that time, most of the radioactive material will have decayed to the point that its threat to man will be minimal, he said.

Other geologists expressed considerable skepticism over Nemzek's figures.

The figure is not included in numerous other pertinent data, including the comptroller general's report, a study by the National Academy of Sciences, plus several geological studies of the area.

Pressed for a fuller explanation, Nemzek said the estimate resulted from experiments with a "model" of the tank area.

A scientist who has worked with the AEC on this particular problem agrees that it would take thousands of years for the material to reach the Columbia via the water table, but he insists the problems growing out of the leakage are severe, nonetheless.

If it should ever become necessary to remove the tanks or excavate the area, radioactive particles would be exposed. Winds could carry the particles to populated areas, he said.

DEADLINESS REMAINS

The material closest to the surface includes plutonium. That element decays so slowly that 24,000 years from now half of all the plutonium that has been spilled will still be there and just as deadly as ever.

If the AEC is sure that the leakage has

not posed a serious threat, why not just dump the tanks? The Times posed that question to Nemzek's associate, Oscal Elgert, Hanford's director of production and waste management programs.

"It just isn't done," Elgert said.

"We don't know what the world will be like 1,000 years from now," he added, noting that such things as water tables are influenced by man and his activities, including the building of dams and irrigation projects.

Both men were asked what would happen if Hanford lost its ability to cool the self-boiling tanks through sabotage or some natural disaster. Nemzek, director of the facility, said he did not know. Elgert said the material would "volatilize," thereby releasing radioactive material into the atmosphere.

Winds and rivers could carry the contaminants to wide areas of the country.

A program is under way to solidify the liquid wastes at Hanford, and within a few years all of the liquid now stored in the older tanks should be solidified. That will make it easier and safer to store.

But as long as Hanford's one remaining reactor continues operating, at least some liquids will be stored there—probably several million gallons. And it will probably be stored there for many years, since it takes at least three to five years for the liquid just to stop boiling.

And, like Hanford, the AEC's other major storage facilities will continue to have problems. The AEC also maintains storage facilities at Savannah River and Idaho Falls. All three have had serious problems, and all three have come under attack by various agencies.

In 1955, the National Academy of Sciences' National Research Council formed a Committee on Geologic Aspects of Radioactive Waste Disposal to work with the AEC.

The committee issued a 10-year report in 1966 which included serious criticisms of AEC operations at all three major sites, plus the Oak Ridge National Laboratory in Tennessee.

The committee said it was impressed with the dedication of staff personnel at each of the facilities, but it expressed fears that too often "considerations of long-range safety are in some instances subordinate to regard for economy of operation."

The committee was clearly shocked over some operations, and it questioned the wisdom of AEC personnel who expressed confidence in the ability of the soil to keep radioactive particles from reaching ground water at Hanford, and especially at the National Reactor Testing Station in Idaho.

The committee found in 1960:

"At both sites it seemed to be assumed that no water from surface precipitation percolates downward to the water table, whereas there appears to be as yet no conclusive evidence that this is the case. . . . At the National Reactor Testing Station pipes were laid underground without ordinary safeguards against corrosion on the assumption that the pipes would not corrode in the dry soil, but they did.

"At NRTS, plutonium wastes are given shallow burial in ordinary steel drums on the same assumption. Corrosion of the drums and ultimate leakage is inevitable . . ."

In 1970, a full decade later, the Federal Water Quality Administration added a footnote. The agency released a study which showed that radioactive wastes from NRTS had, indeed, entered the ground water.

Only time will tell just how serious that may be.

The NRTS is located on the Snake River plain of southeastern Idaho, which is underlain by the Snake River Aquifer, one of the world's most productive ground-water reservoirs. The reservoir feeds into the Columbia River system.

LEAKAGE PROBLEM

The committee went on to warn that none of the AEC's facilities at Hanford, Idaho Falls or Savannah River was located in areas geologically suitable for the storage of high-level wastes.

Savannah River has had its own problems with leakage. Unlike Hanford and Idaho Falls, where the water table is some distance below the tanks, at Savannah River the tanks are on the same level as the water table.

There have been at least seven leaks at Savannah River and at least one of the seven resulted in radioactive waste material actually entering the water table.

The results of that are not yet known. Once it was lost in the water table it was impossible to trace, as no one knows exactly where it is or what to do about it.

The tanks at Savannah River differ from the tanks at Hanford in that the former have double steel packets, one inside the concrete and one outside.

In theory, if material leaks through the inner lining and through the concrete, it will be trapped by the outer jacket until it can be pumped into another tank. It usually works that way, but on at least one occasion the amount of leakage has exceeded the capacity of the second jacket and at least 700 gallons escaped the secondary containment before workmen could begin pumping the material into a spare tank.

According to the AEC, some of that entered the water table.

The AEC also concedes that no one knows just how long tanks like those built at Savannah River will last. The comptroller general's report indicated that the AEC would continue using the tanks until it found out just how long they would last.

Problems of waste disposal are not limited to the large tanks. Hanford has its own peculiar problem these days.

For more than two decades Hanford has dumped relatively low-level liquid waste into concrete-lined, enclosed trenches. The liquid contained highly diluted radioactive substances, including plutonium.

The water was allowed to drain into the ground, trapping the radionuclides within the first few feet of soil. When the contamination reached a certain level, Hanford moved on to another trench.

CONDITIONS STUDIED

Unfortunately, a couple of years ago the AEC discovered that too much plutonium—more than 200 pounds—had been allowed to accumulate in trench Z-9.

"Due to the quantity of plutonium contained in the soil of Z-9 it is possible to conceive of conditions which could result in a nuclear chain reaction," the AEC conceded in a 1972 Environmental Statement.

Although the AEC has tried to play down the danger, the threat was real enough to convince Congress to appropriate $1.9 million for equipment to enable the AEC to mine its own trench.

Hanford's Nemzek insists that for a chain reaction to occur the conditions would almost have to be "engineered."

Nonetheless equipment to remove the material is under construction.

Asked what they planned to do with the radioactive material after they dig it up, Nemzek replied:

"We'll probably put it in steel drums and bury it."

FUTURE TROUBLE

What troubles many experts, however, is not only what has happened in the past but what is likely to happen in the future.

The AEC has considered a number of ways of permanently disposing of high level radioactive wastes and had expected to have facilities available in the next year or so in a salt bed in Kansas.

Most geologists believe salt would be the best formation in which to bury the waste, since the existence of salt proves that no water has been present for hundreds of thousands of years. That is significant because water moving beneath the surface could carry the material into man's food and water chain.

But the salt bed program, called Project Salt Vault, fell apart at the seams. Just as the AEC was ready to move into high gear, someone discovered that a salt mine a few miles away had lost 175,000 gallons of water used during the mining operation.

The water simply disappeared into the salt bed. Where did it go? The AEC wasn't sure but it concluded that if that much water could simply disappear, water from other sources could follow the same course and the salt bed was deemed not as safe as the AEC had thought.

Other geological problems also arose, the Project Salt Vault was abandoned, setting the AEC back several years in its waste storage program.

SCIENTISTS COMPLAIN

The AEC is now almost back where it started. It plans to build a huge "interim" storage facility, somewhere, and hold waste products there for centuries, if need be.

A number of scientists have complained that there are better ways of doing it, but they insist that the AEC is not listening.

"They don't even want to hear any other ideas," said one scientist who is closely associated with the problem.

He pointed out that the interim storage facility is expected to cost more than $300 million. The AEC's primary program aimed at exploring alternatives is now under way by Batelle Northwest Laboratories at a cost of around $200,000.

In the years ahead, the bulk of the radioactivity waste will be produced by commercial fuel reprocessing centers—probably at least half a dozen initially—scattered across the country.

Each center will be required to take care of its own waste for up to 10 years. This means they will be storing high-level liquid wastes in tanks for several years until the liquids can be converted to solids and transported to the AEC's proposed "interim" storage facility.

CALLED INSANE

Such a prospect sends chills through the veins of many experts, including UCLA's Dr. George Kennedy, an internationally known geologist who has worked with the AEC on its waste storage program.

"It's insane," Kennedy told The Times.

Kennedy, like others in his field, believes it is possible to store the wastes safely, but he concludes that the AEC is heading in a disasterous direction.

The answer, Kennedy insists, lies in permanent storage in a geological formation from which escape would be virtually impossible.

Such formations include former gas fields, which must have remained isolated for millions of years or the gas would not have formed. However, Kennedy believes salt still offers the most promising permanent repository, but he disagrees with the AEC's preference for salt beds.

Salt also occurs in giant domes, some of which are greater than 10 miles across and four or five miles deep. Salt beds generally run no more than a few hundred feet thick.

Kennedy believes the nation's nuclear waste products which will be generated during the next few centuries could be buried in a single salt dome. But he says the AEC is not moving in that direction because it is hung up on one requirement:

"Retrievability."

"They want to go around and pat it on the head each Sunday so they'll know everything's all right," Kennedy said. "You can't do that if you bury it in a geological formation."

"EMOTIONAL" ISSUE

Kennedy believes the issue of retrievability is an emotional one. It is a product of "fears

voiced by people with no geological insight," he said.

"My idea is to get this stuff out of the environment in some sort of safe, permanent storage. But it can't be both permanent and retrievable," he said. "You shouldn't even use both words in the same sentence."

Dr. Gary Higgins, a senior scientist at the University of California's Lawrence Radiation Laboratory in Livermore, agrees with Kennedy.

"It's (retrievability) the most illogical thing I've ever heard of," Higgins said.

Documents within the AEC indicate that retrievability is a prime concern. The commission emphasized the point in a Federal Repository Progress Report to the Joint Committee on Atomic Energy, dated December, 1972.

But by imposing that requirement, Kennedy maintains, the AEC automatically eliminated the safest form of storage—burial in geological formations.

Kennedy has conducted a one-man campaign to persuade the AEC to consider burying the material in a salt dome. He has accumulated vast files on the subject and hundreds of letters from AEC officials—many of which suggest that it sounds like a good idea and somebody ought to do something about it.

Not all of the letters have been friendly. He received one curt note from a top AEC official, suggesting bluntly that he mind his own business.

DOMES AVAILABLE

Kennedy argues that a salt dome—unlike a salt bed—is isolated from water, and has been for centuries or the salt would not be there. He estimates there are about 400 domes in this country, several of which could be used for storage.

He proposes that one site be selected, that all nuclear fuel reprocessing be done there and the commercial sites across the country closed. The waste products could be pumped immediately into the salt dome, thereby eliminating any need for temporary storage facilities.

Wastes, for example, could be put into metal cannisters and dropped down a mine shaft. They would generate considerable heat, melting the salt at the bottom of the shaft.

The cannisters would then automatically self-bury themselves, sinking all the way to the impervious rock layer below the dome. The salt above them would "refreeze."

Adjacent oil and gas fields, which are usually found bearing up against salt domes, would prevent radioactive materials from escaping, even if they somehow managed to get out of the dome itself, Kennedy maintains. Escape from salt domes would seem most unlikely, however, because horizontal motion through solid salt for several miles would be required, he said.

Nearby oil and gas fields could also provide a repository for radioactive gases generated during the fuel reprocessing cycle, thus eliminating the present need to release much of that gas into the atmosphere.

Kennedy said France has been disposing of radioactive wastes in salt domes for years and has had no serious problems.

"They can't understand what the problem is over here," Kennedy said.

The AEC's standard response is that salt domes are being studied, as well as other suggested disposal methods.

Higgins believes several methods are possible, taking advantage of various geological formations.

A salt dome might be the answer along the Gulf Coast, he said, but other methods might be more suitable for other areas of the country. For example, several huge underground caverns already have been created by atomic bombs. At least some of these appear to be tight. Why not experiment with using one of those caverns for waste disposal?

"They are going to have to be monitored for centuries anyway," Higgins said. "Why not try it?"

Kennedy disagrees with this concept because he believes the shock of the initial blast may have cracked the geological formations which overlie the cavern.

At any rate, both men agree that the problem can be solved, but both—like many others—believe the AEC is not moving in that direction.

The AEC's standard response is that suggestions such as these are being "studied."

MAJOR SOURCES FOR ARTICLE ON NUCLEAR WASTE

Principal sources for the accompanying story on radioactive waste products include:

Consultants to the Atomic Energy Commission; experts both inside and outside of the AEC, and one scientist who has been deeply involved in many of the AEC's major programs.

Personal correspondence between one consultant and numerous AEC officials.

A secret 1968 report (Observations Concerning the Management of High-level Radioactive Waste Material) to the Joint Committee on Atomic Energy by the U.S. Comptroller General.

A 1966 report by the National Academy of Sciences; plus numerous AEC publications and reports.

EXHIBIT 7

[From the Los Angeles Times, July 23, 1973]

RADIOACTIVE RIVER—NUCLEAR WASTES SEEPING INTO COLUMBIA

(By Lee Dye)

Practices by the Atomic Energy Commission have led to the deliberate contamination of the ground water beneath the AEC's Hanford Reservation in southeastern Washington and the National Reactor Testing Station near Idaho Falls, Idaho.

The operations have placed the AEC on a collision course with other government agencies and will lead to at least one lawsuit in the weeks ahead.

The Times disclosed July 5 that half a million gallons of highly radioactive liquid waste have leaked accidentally into the soil at Hanford. AEC officials contend the spilled materials will never reach the nearby Columbia River and their views were reported in the July 5 story.

But in addition, the AEC has been deliberately discharging low-level radioactive liquids into the soil at Hanford and in Idaho. As a result, some radionuclides have already entered the Columbia, and the ground water at both sites has been contaminated.

That practice came under fire three years ago by officials with the federal Water Quality Administration who were startled by the AEC's definition of pollution during an investigation of the Idaho Falls facility.

The investigators found that contamination of the ground water below some areas of the facility exceeded federal standards. However the AEC argued that no one was using the ground water beneath the reservation and said by the time the water reached the area where it would be used most of the contaminants would have been leeched out by the soil.

In a 1970 report on Waste Treatment and Disposal Operations at NRTS, the federal Water Quality Administration noted:

"(NRTS) defines pollution as the presence in the environment of substances in quantities which are injurious to human, plant, or animal life or to property, and operates under the policy that chemical waste can be discharged to the regional ground water supply to the extent that the receiving water quality, at the point of first use, does not exceed the recommended upper limit of the drinking water standards of the Public Health Service.

"Under this policy, a severe deterioration in ground water quality beneath the NRTS and a deterioration in water quality outside the NRTS could occur without being interpreted as water pollution."

QUOTE CONCERNS SCIENTISTS

The report noted that chemical contaminants in ground water below one area of the NRTS already exceeded Public Health Service standards for drinking water, but the AEC did not regard it as water pollution because "there is no injury to human, plant, or animal life or to property at this time."

The last three words of that quote—"at this time"—focus on the reason some scientists are concerned.

The movement of water beneath the surface is subject to subtle changes, sometimes prompted by events some distance away, such as natural flooding, irrigation projects or the construction of dams. In addition, changing population patterns may place greater drains on the water supply and could result in tapping the water at a different place, such as closer to the NRTS.

The AEC's practices in this area will result in a lawsuit which will be filed soon by the Natural Resources Defense Council, Inc., of Palo Alto. John E. Bryson, an attorney with NRDC, said the suit will deal mainly with the AEC's activities at Hanford, the sprawling reservation near Richland, Wash., where plutonium has been produced for three decades for use in construction of nuclear weapons.

Reactors used to produce the plutonium also produced hundreds of millions of gallons of radioactive and chemical waste products. Some of the materials are so hot from their own radioactivity that they boil for years and must be cooled to keep them from melting the steel and concrete tanks in which they are stored.

Many of the tanks have leaked in recent years, releasing half a million gallons of radioactive liquids into the soil.

In addition, the reactors produced millions of gallons of waste products of considerably lower radioactivity, called "low level" or "intermediate level" waste.

This material has been disposed of by dumping it into sumps, trenches or dugouts called "cribs."

Most of the radioactive materials in this category are relatively short-lived radioisotopes that decay before reaching the ground water. Isotopes that would remain dangerous for many years pose a greater threat, but they are held—mostly—within the soil.

LIMITS EXCEEDED

However, according to papers presented in international symposiums in Vienna in 1967 and 1970, some long-lived radionuclides have been found in the ground water beneath Hanford. The papers, presented by scientists directly associated with the operation, confirmed that in some cases the concentration exceeded public drinking water limits. One report stated:

"Eight long-lived radionuclides have been detected in the ground water underlying these disposal sites. They are strontium 90, cesium 137, cobalt 60, iodine 125, carbon 14, ruthenium 106, tritium, and technetium 99.

"Of the eight nuclides just listed, only ruthenium and tritium are routinely detectable in the ground water in concentrations exceeding the public drinking water limits. Concentrations of strontium 90 are occasionally detected above these limits beneath some of the cribs which have been removed from service."

The papers confirmed also that some of the radionuclides had reached the nearby Columbia River, but not in concentrations above drinking water standards.

The revelations caused some concern, even on an international level in the transcript of the symposium, a noted Russian scientist, V. I. Spitsyn, observed:

"I was interested in the results presented in this paper because the problem of the release of radionuclides at this site came up

at the Second Geneva Conference in 1958. At that time Soviet scientists expressed the view that radionuclides were bound to reach the ground water.

"Later on, at the 1959 Monaco Conference on the Disposal of Radioactive Wastes, it was reported that radionuclides had actually reached the ground water but that they were still a long way from the Columbia River.

"We have now heard that individual radionuclides have moved many kilometers away from the original site. While I don't suppose that this phenomenon represents any real hazard at the present time, there is no doubt that the radionuclides are moving and that this movement is not under control."

Spitsyn served for years as director of the Institute of Physical Chemistry, Academy of Sciences. USSR. He has specialized in radioactive elements in the soil and is a three-time winner of the Order of Lenin.

The American scientist presenting the paper, D. J. Brown, argued that details on radionuclides in the ground water were given at the earlier conferences, and that concentrations of nuclides entering the Columbia were "well below the drinking water limits."

The question of control, cited by Spitsyn also troubles many American scientists.

Robert C. Scott of the federal Environmental Protection Agency's San Francisco office was on a team of experts who examined the AEC's waste management program for the National Academy of Science. The team issued a report in 1966 which sharply criticized the AEC on many aspects of waste management.

Scott, who maintains that the AEC's safety procedures are better than most other governmental agencies, is concerned over dumping low and intermediate level wastes directly into the ground.

"The thing that troubles me is that they no longer have control over it," Scott told The Times.

As the liquid passes through the soil, some of the nuclides are trapped by relatively impermeable layers of rock at different levels between the surface and the water table. The phenomenon, called "perching," is beneficial in that it delays the material's travel toward the ground water, thus allowing more time for radioactive decay.

But what troubles Scott is the fact that springs are formed in a similar way. Water enters the ground at one level, travels along a relatively impermeable layer of rock underground, and eventually resurfaces somewhere else or feeds into another stream or river.

It is not inconceivable, Scott contends, that springs in the future could leech out the material which has been concentrated on the rocks beneath the cribs and carry it to the Columbia or into subterranean acquifiers which supply drinking water to communities in the Pacific Northwest.

The results could be significant, particularly in the case of some selected materials. When radionuclides reach the river they are extremely diluted, but in some cases they are reconcentrated later at various levels of the food chain.

Because of its chemical properties, cesium, for example, tends to concentrate in freshwater fish. Some authorities have said that the concentration may be as great as 1,000 times the level of contamination in the water itself.

The Columbia River is the home of one of the greatest salmon runs in the entire world, and the river's salmon turn up on dinner tables all around the globe.

In contrast to the accidental leakage of Hanford's high level storage tanks, the use of cribs, trenches and sumps for disposal of lower level waste has been deliberate.

And there have been instances when the cribs and sumps have been used for disposal of higher level wastes on an emergency basis.

One of the papers presented in the 1967 Vienna Conference notes that in 1964 a substantial amount of radiocative liquid was dumped into a Hanford "swamp" during an emergency. The liquid caused the water level in the swamp to fluctuate.

The paper stated: "At the edge of the swamp, fluctuation in water level periodically exposed contaminated mud which dried out and became airborne."

In other words, the wind blew it away.

The AEC has maintained that these problems are not serious.

The Natural Resources Defense Council disagrees and has asked the AEC to furnish an environmental impact statement on waste disposal at Hanford and elsewhere.

The AEC has declined, and the council expects to file suit soon in an effort to force the AEC to stop dumping the waste until the statement is filed.

EXHIBIT 8

[From the Charlotte Observer, Aug. 2, 1973]

IKE'S PLAN MAKES UNITED STATES A DUMP AREA FOR ATOMIC WASTE

(By Lee Dye)

Deadly radioactive waste products from nuclear reactors in foreign countries are being imported into the United States in spite of the fact that the United States has serious problems in storing its own radioactive wastes.

At this point, it appears that the United States is well on its way to becoming the storage area for radiocative waste for much of the world.

At the same time, United States Atomic Energy Commission officials conceded that the United States has not solved its own problems of waste disposal.

However, radiocative waste products are already in storage here from Japan, Canada and Italy, and many other countries will join that list soon.

American made nuclear power plants are going into service in many countries around the world. The American firms that build the reactors also hold contracts for reprocessing the fuel, the source for nearly all of the lethal radioactive waste products generated by nuclear reactors.

The fuel rods must be returned to this country for reprocessing, and the wastes remain here.

This predicament evolved from the Atoms For Peace Program which the late President Dwight D. Eisenhower laid before the United Nations on Dec. 8, 1953. In a dramatic speech, Eisenhower pledged "this nation to the peaceful exploitation of the atom on a worldwide basis."

He followed up on that theme two years later in a message to scientists from all over the world who had gathered in Geneva for the United Nations Conference on Peaceful Uses of Atomic Energy. Referring to his earlier speech, Eisenhower said:

"I stated then, and I reaffirm now, that the United States pledges its determination to help find ways by which the miraculous inventiveness of man shall not be dedicated to his death but consecrated to his life.

"This pledge which we gave 20 months ago has become the law of our land, written into our statutes by the American Congress and the new Atomic Energy Act of 1954. The new act states in forthright language that we recognize our responsibilities to share with others, in a spirit of cooperation, what we know of the peaceful atomic art."

That pledge led the United States into a worldwide program aimed at developing atomic energy. United States scientists were dispatched to foreign capitals to encourage the use of nuclear power, and foreign scientists and technicians were imported by the planeload so that they might learn from our experiences.

Over the years American industry moved to the forefront in the promotion of nuclear power. Today, companies such as General Electric and Westinghouse build nuclear reactors for foreign countries around the world.

But as Dr. Frank Pittman, director of waste management for the Atomic Energy Commission, noted in an interview with the Times, "more money is to be made in the fuel than in the reactors themselves."

"General Electric produces fuel for reactors they have sold around the world," Pittman said.

"The sales contracts require the buyer to purchase fuel from G.E."

That means that the fuel rods from the reactors must be removed from time to time and shipped back to the General Electric Reprocessing Center in Morris, Ill. Reusable uranium and other salable radioisotopes will be extracted from the fuel rods, leaving considerable amounts of extremely deadly radioactive waste.

Those waste products will remain in this country under what the AEC calls perpetual care.

EXHIBIT 9

[From Science magazine, Aug. 24, 1973]

RADIATION SPILL AT HANFORD: THE ANATOMY OF AN ACCIDENT

(By Robert Gillette)

For most of the 7000 workers at the Atomic Energy Commission's vast Hanford Reservation—and for most of the 26,000 citizens of Richland, Washington, Hanford's residential appendage—nuclear energy long ago lost its aura of mystery. They grew up with the atom in a way most American did not; they learned to live near, if not exactly to love, potentially hazardous sources of radiation, and they learned to take for granted the strange jargon and paraphernalia of the business—"radwaste," the film badges, the head-to-toe coveralls, the scintillation counters. If nuclear energy meant a mushroom cloud to most Americans, it means a way of life to those at Hanford.

Nestled in a crook of the Columbia River in a dry, almost empty corner of south-central Washington, the 570-square-mile reservation was the site of one of the three "atomic cities" that the Army built for the Manhattan project. During the war and for 25 years thereafter, great complexes of production reactors and chemical plants (there are nine reactors, all but one of which has been mothballed) turned out tens of thousands of kilograms of plutonium for the nation's swollen stockpiles of nuclear weapons. In the process, the chemical plants also turned out more than 70 million gallons of intensely radioactive liquid waste. The AEC has been slowly evaporating the waste down into solid cakes of salt and storing the cakes in steel tanks; 42 million gallons of the waste are still in liquid form, however. Either way, it remains an exotic legacy of the postwar arms buildup that will have to be guarded for centuries until radioactive decay renders it harmless.

The waste is also an aspect of nuclear energy that Hanfordians have learned to live with quite well. Perhaps because of this necessary accommodation with the atom, and perhaps because spills of radioactive waste are not all that unusual at Hanford, officials of the Atlantic Richfield Hanford Company—the AEC contractor in day-to-day charge of all this nuclear garbage—evinced no signs of urgency in June as hints appeared of yet another spill.

In fact, they kept the bad news to themselves for an entire working day. Having confirmed at a 9 a.m. meeting on Friday 8 June that some of the waste was missing, ARHCO officials waited until 4:25 that afternoon before telephoning the AEC's Richland office and relaying the news: One of the oldest and largest of 151 underground tanks of "high-level" waste was leaking.

No one knew how long tank 106-T had been leaking, or how much of its caustic, boiling contents had seeped into the sandy

soil near the center of the reservation. As a matter of fact, no one was certain how much liquid had been in the tank in the first place. Nevertheless, the AEC was advised that emergency pumping operations would begin late that night to salvage what remained in the 533,000-gallon tank.

It was only around noon on Saturday 9 June that federal authorities and ARHCO technicians began to grasp the magnitude of the problem. Picking through what recent records they could find of the leaking tank's contents (a month later, some records were still missing), technicians calculated that the seepage had begun "on or about" 20 April. For 51 days thereafter, roughly 2,500 gallons of liquid waste had dribbled out of the steel-and-concrete tank each day; the total loss is estimated at 115,000 gallons, containing 40,000 curies of cesium-137; 14,000 curies of strontium-90, 4 curies of plutonium, and smaller amounts of assorted fission byproducts.

The AEC has methodically and deliberately disposed of far larger amounts of radioactivity in Hanford's soil over the past 25 years, and quite safely, it insists. Other high-level waste tanks have also leaked. Between August 1958, and this June, an estimated 422,000 gallons containing more than half a million curies seeped out of 15 other tanks, all of which have since been "retired." But the leak in 106-T was something different. It was the largest single accidental release of radioactive waste in the commission's history, and easily its most embarrassing incident since Project Baneberry, a weapons test that went awry in Nevada in 1970, sending a puff of fallout all the way to the Canadian border.

Not surprisingly, Hanford's big leak has blossomed into one of the AEC's worst public relations disasters in years. Environmental groups have filed a flurry of lawsuits seeking to stop the flow of wastes from Hanford's two chemical reprocessing plants, and the spill has brought out a rash of frightened headlines up and down the West Coast. On the morning of 5 July, for instance, 22 days after the AEC at Richland issued a press release describing the accident, readers of the Los Angeles *Times* awoke to a six-column banner across the front page declaring "Nuclear Wastes Peril Thousands." Thomas A. Nemzek, the AEC's general manager at Hanford, has even been getting worried letters from his relatives. "They're wondering what's going on," he says. "Are we dropping into a hole, slipping into the sea?"

Whether anyone is actually imperiled is a matter of dispute. AEC commissioner Clarence E. Larson says that he's "distressed at implications that large masses of people are endangered"; as evidence to the contrary, he notes that radioactivity in the Columbia River, downstream from Hanford, is less than half that present naturally in the Potomac River. Nemzek, for his part, contends that no high-level waste has ever reached groundwater at Hanford, and he adds that, even if all the waste stored at Hanford did somehow escape and reach groundwater, radioactivity in the Columbia River would still remain within drinking water standards. In any case, the site's 7000 workers are going about their normal routines, and Richland, at last report, was calm.

More to this point is what the incident reveals about the keenness of the AEC's vigilance over the nation's vast and expanding store of nuclear processing wastes, 75 percent of which are stored at Hanford. Is the AEC really prepared to manage thousands of pounds of wastes that civilian nuclear power plants will be generating in the years ahead? And how, exactly, could it lose the equivalent of a railroad tank car full of radioactive liquid hot enough to boil itself for years on end and knock a Geiger counter off scale at a hundred paces?

The AEC has been asking itself such questions lately, and, with notable candor, is letting the public have a look at the answers. In response to lawsuits filed by the Natural Resources Defense Council and other environmental groups, the AEC has promised to write an environmental impact statement assessing the full range of its waste management programs; it is opening up nuclear waste information centers in five cities; and it is publishing a 1098-entry bibliography of research papers covering storage and disposal of wastes at Hanford from 1951 to the present.

The first real product of this open-window policy is a 129-page report on the causes of June's record leak. The report, written by a four-man committee appointed by Nemzek, attributes the accident partly to aging tanks and primitive monitoring technology, but mostly to managerial laxity and human error on the part of Atlantic Richfield. The report also contains a brief admission that the AEC's Richland operations office, which is supposed to supervise Hanford contractors, failed to detect flagrant deficiencies in management of Hanford's 13 waste storage tank "farms."

The bungling attributed to Atlantic Richfield (which has declined to comment on the report) would be unbecoming for a municipal sewage plant, to say nothing of the nation's main repository for nuclear waste. In practice, there are two ways of detecting a leaking tank. While neither method has changed much since the Manhattan Project, they both work passably well if everyone pays attention to his job. For one, tank farm operators were supposed to take weekly readings of fluid levels. Second, they were supposed to take weekly or monthly radiation readings at dry wells spotted around the tanks. If fluid levels sank and radiation in the wells rose, that meant a tank was leaking. Simple, but not fail-safe.

The problem, according to the report, was that the operators who took the readings did not know how to interpret them; and a day shift supervisor in charge of half of Hanford's tanks, who *did* know how to read the data, let 6 weeks worth of charts and graphs pile up on his desk, because of "the press of other duties," he said later, and never got around to reviewing them; and consequently a "process control" technician elsewhere at Hanford, who was supposed to be reviewing the tank readings for "long-term trends," received no data for more than a month. The technician, who was not identified, waited until 30 May to complain about the delays, but he nevertheless emerges as the hero in this dismal story. Fragmentary readings of fluid levels in 106-T arrived in his hands on Thursday 7 June, but it was enough to show that something was amiss. The technician pull out the alarm; the supervisor confirmed the leak the next morning after checking his records and promptly resigned.

All of this, the report says, led to the discovery of more far-reaching deficiencies that AEC officials had previously failed to notice or fully appreciate. Communications within the tank farm management were chronically poor; there was no "well-defined, formalized training program" for operators and no systematic checking of their qualifications; written and oral instructions to tank operators were neither "consistently applied nor completely understood"; nor was there evidence that supervisors were checking "the operator's knowledge of what he has learned"; no formal preventive maintenance program for monitoring equipment existed; and no evidence could be found that top-ranking ARHCO officials were paying much attention to the leaky tank farms, in spite of pressure from the AEC to tighten up monitoring procedures and in spite of a "growing number of radioactive leaks," as an ARHCO memorandum from September 1972 puts it.

For all its shortcomings, though, Atlantic Richfield did no more than make the worst of bad circumstances. Monitoring systems were so primitive that, even if everyone had performed up to expectations, between 27,000 and 38,000 gallons of waste would still have been lost. Moreover, the tanks were wearing out (106-T was built in 1943–44, and 108 others still in use are more than 20 years old) and the AEC knew it.

MULTIPLE WARNING

Indeed, as if periodic leaks were not sufficient warning, from 1953 to 1971 private consultants, the U.S. Geological Survey, and the Government Accounting Office (an investigative arm of Congress) all had warned the AEC that it was courting trouble by its continuing reliance on the technology of the 1940's to store the nuclear wastes of the '60's and '70's. In the face of this advice, the AEC stepped up its solidification program but turned down requests from Hanford contractors in 1959 and 1961 to build new tanks. (Since then the AEC has built six new tanks and has two more under construction, but has been forced to decommission 25 as confirmed or suspected "leakers.")

One of the first cautionary notes is found in a classified study of Hanford groundwater characteristics, prepared by the U.S.G.S. in 1953. Observing that tank-stored wastes and interconnecting pipelines had occasionally leaked, this report called the tanks a "potential hazard" and concluded that their "true structural life . . . [is] not entirely known." The U.S.G.S. report was declassified in 1960, but was not published in the open literature until this year (as Professional Paper 717).

Nevertheless, on 29 Jauary 1959, the then manager of Hanford chemical plants, Herbert M. Parker, told a congressional hearing on nuclear waste disposal that he confidently expected the storage tanks to remain serviceable for "decades" and possibly for as long as 500 years. Asked whether any had ever leaked, Parker replied that fluid levels in some had undergone "suspicious" oscillations, but that "we are persuaded that none has ever leaked."

A GAO report dated 29 May 1968 tells a rather different story, however. By then, ten tanks at Hansford had leaked 227,000 gallons of waste, all of which was said to be held in the soil beneath the tanks. The first major leak, of 35,000 gallons, occurred in August 1957, 6 months before Parker had testified. Later, the service life of remaining tanks had been reliably estimated at 10 to 20 years. The GAO said structural weaknesses and corrosion were "almost certainly present" in 14 tanks, 4 of which had previously leaked but were still in use. The AEC had apparently ignored the advice of consultants from the Illinois Institute of Technology, who said that some tanks were being stressed "well beyond accepted design limits" and that the wisdom of reusing such tanks was "debatable."

Waste managers at Hanford had little choice in the matter, however. Liquid wastes continued to pour from the reprocessing plants, but the only spare tanks on hand were those with known weaknesses. Between 1963 and 1965, the GAO said, the AEC had found itself in an even less tenable position, with no empty spares on hand. Thus, in November 1963, tank farm operators had watched helplessly from afar as tank 105-A—9 years old, with a capacity of 1 million gallons of high-level waste—sprang a small leak that was later traced to a cracked seam. In full knowledge of this weakness, Hanford continued to use 105-A for the simple reason that there was no other place to put its contents. Indeed, after the initial leak seemed to seal itself, Hanford's waste managers filled it even fuller than before, exceeding the tank's design capacity by 10 percent.

In January 1965 tank 105-A sustained further damage from a powerful internal steam explosion that shook the ground and battered tank instruments. But the tank held, and it remained in use until 1968.

The upshot of the GAO's investigation was an exhortation to the AEC to "devote more

vigorous attention" to its waste management problems. The GAO report was classified, stamped "secret" on every page, and remained under wraps until December 1970.* One month later, the GAO made public a follow-up report that cited some progress toward solidifying liquid wastes and phasing out the aging tanks. Taking note of several new leaks, however, the GAO cited an "increased possibility" of still more spills and urged an "increased . . . level of effort" in waste management programs.

AEC officials insist that these criticisms were taken to heart, not ignored. Partly in response, they say, waste solidification programs were stepped up, to immobilize the waste and eliminate the need for tank storage. Technological and funding problems, however, have impeded this effort. In 1968, the AEC expected to have caught up to current waste flows by 1974; now the target date is 1976, although the AEC is thinking about asking Congress for a supplemental appropriation to speed things along.

CIVILIAN WASTES ARE DIFFERENT

What does all this have to say about the AEC's ability to handle wastes from civilian power plants? Not much, the AEC says.

"It's an entirely different problem," commissioner Larson said in an interview. "The precautions we take to keep [civilian power plant wastes] from getting into the ground will be much greater than with the defense wastes at Hanford, and our margins of safety will be much greater."

The main difference is that commercial reprocessing plants will solidify reactor fuel wastes almost immediately, before sending them to the AEC for long-term storage.

In the meantime, the incident at Hanford has suggested to the AEC that its allowances for human error may be less than adequate. The commission is looking into waste management practices at its other storage sites, and Hanford claims a heightened vigilance over its troublesome tanks. Liquid levels are now read three times a day instead of weekly; a computerized, automated leak detection system is being rushed to completion; and there is said to have been a "realignment" of sleeping watchdogs in the local AEC office.

In spite of all precautions, though, more spills from Hanford's worn-out tanks are inevitable. Thomas Nemzek said so late in June, and sure enough, on 6 July, yet another one sprang a leak of high-level waste. This time, tank farm crews were alert: They held the loss to 1500 gallons.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

FURTHER CONTINUING APPROPRIATIONS, 1975

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of House Joint Resolution 1131, which the clerk will state by title.

The assistant legislative clerk read as follows:

A resolution (H.J. Res. 1131) making further continuing appropriations for the fiscal year 1975, and for other purposes.

The Senate continued with the consideration of the joint resolution.

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

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. What is the situation now with respect to time on amendments?

The PRESIDING OFFICER. Forty minutes, equally divided, on the Cranston amendment, and a like amount of time on the Kennedy amendment, which follows.

Mr. McCLELLAN. Those are the only amendments about which time agreements have been entered into?

The PRESIDING OFFICER. That is correct.

The pending question is the amendment of the Senator from California (Mr. CRANSTON).

Mr. CRANSTON. Mr. President, I know that the chairman of the committee will agree that this amendment is relevant to the continuing resolution and is not, like some other amendments, in the opinion of the chairman, more suitable for attachment to the foreign aid bill.

I know that the chairman also agrees with the philosophy that lies behind this amendment. That philosophy is one opposed to our making a practice of carrying on the business of the Nation under continuing resolutions instead of regular authorization and appropriations bills. The practice of relying on a continuing resolution for a program such as foreign and military assistance threatens to subvert our normal authorization and appropriations legislative processes.

I know, also, that the chairman wants a fast conference and that he is concerned that amendments will slow down the conference with the other body. However, I point out that, quite possibly, the House conferees will also approve of the philosophy behind this amendment. Perhaps they will accept this amendment without any delay in the conference.

The summary effect of this measure is to cut increasing amounts from the military and foreign assistance portions of this continuing resolution, amounts that would increase each month as long as we operate under the continuing resolution. The cuts would start with a 30 percent reduction in the authorized amount for the month of November, and 10 percentage points would be added to the amount cut each month. Spending authority for October would not be affected, so as to allow some leadtime for planning in the first month the cuts that would become effective thereafter. These monthly reductions will apply as long as Congress does not act on the foreign aid bill and continues to rely on a continuing resolution.

The reason for this amendment is this: Those who oppose the more restrictive provisions of the foreign aid bill apparently have deliberately decided to stall for time and to delay action on the bill. Apparently, they think that some Senators and Representatives will vote one way before the November election and a different way after the election. I think that that appraisal of the way Congress would work is a rather demeaning one. I believe that we should demonstrate our determination to vote in the same fashion before and after the election.

This amendment is designed to thwart this delay maneuver by placing increasing pressure on those opposed to the limiting provisions in the foreign aid bill, so as to induce them to come to grips with and resolve the issues in that bill. Many of those opposed to the foreign aid authorization bill as reported from committee want the foreign aid and military assistance programs to continue in a large-scale way.

The foreign aid bill will follow the pending continuing resolution on the floor of the Senate. The Senate should vote on that foreign aid bill, up or down, amended or not amended, as soon as possible. I believe that my amendment can only hasten that eventuality.

My amendment starts with a 30-percent spending cut in the month of November. This 30 percent takes account of the fact that August, September, and October will already have gone by. The amendment increases the rate of the cut by 10 percentage points each month after November.

If we pass the foreign aid bill in October, before the election, my amendment will cause no cut. If we pass it in November, after the election, my amendment will cause little or no cut.

In terms of dollars, the authorized monthly spending rate, as best we can determine it, for these programs—and it is almost impossible to get the experts to agree on one figure—would be $208 million. That figure is derived by dividing the annual amount authorized in the continuing resolution—$2.45 billion as best we can determine—by the 12 months in which it can be spent during fiscal 1975. Those figures would be slightly altered by whatever amendments are adopted which cut expenditures out of the continuing resolution.

The amendment would reduce authorized spending by $62.4 million in November. That is 30 percent of $208 million, the monthly rate of expenditure apparently authorized in the continuing resolution. In December, that would go up another 10 percentage points, another $20.8 million, to a 40-percent cut, or $83.2 million. This continuing resolution ends with the end of this session.

If we face demands for another continuing resolution for January and on into the next calendar year, and if we then apply the formula of my amendment to that continuing resolution, the end result will be that all spending authority—what is apparently the full monthly rate of $208 million—will be withdrawn for the month of June 1975,

* AEC officials say the report was classified not to avoid embarrassment but to protect information that could be used to calculate rates of U.S. plutonium production. The classification was lifted, officials say, after it was determined to have been "overly cautious."

the final month of the current fiscal year.

Over the next 9 months of this fiscal year, if foreign economic and military aid continues to rely on the continuing resolution, the amendment would result in a cut of $1.03 billion out of $1.837 billion which could be spent during those three quarters, assuming the accuracy of the total annual $2.45 billion figure.

If I may have the attention of the chairman for one moment, I should like to repeat something I stated earlier, when he had to leave the Chamber for a moment.

The philosophy behind this amendment, as the chairman well knows, is one opposed to our operating programs over long periods of time under continuing resolutions. I know that the chairman shares that philosophy. My purpose is to place pressure on those who might like to keep us on a continuing resolution by reducing funds available if we stay on a continuing resolution.

I know that the chairman wants a very fast conference, so that we do not tie up governmental agencies that are not authorized for expenditures without this continuing resolution. At the same time, both he and I support the philosophy of this amendment. I think it is quite possible that the House conferees will also support the amendment, and that they might accept it without any prolonged delays in the conference.

For that reason, I hope the chairman will give serious thought to accepting the amendment. I thank him for expressing his support for the basic philosophy behind it.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. I yield myself 5 minutes.

Mr. President, a few moments ago, prior to the distinguished Senator from California calling up his amendment, I had a brief discussion with him regarding the amendment, at which time I advised him of something I think he already knew—that for the past 20 years, I have voted against these foreign spending programs. So the amendment in no way contravenes my philosophy and the position I have taken in the past with respect to this foreign aid spending. I still feel the same about it.

If this amendment were before the Senate in a legislative bill, I would wholeheartedly support it. Under different circumstances, I probably would support it in an appropriation bill, even though there might be legislation thereon. I believe it is germane to this bill. I do not question that, as I told the Senator.

However, we are confronted here with a unique situation that I think has to be taken into account. In my opening remarks on this bill yesterday, I emphasized that it would be well to pass this bill in the Senate without controversial amendments, in the interest of attempting to get it enacted, so that appropriations would be available, funds would be available, for the programs and functions of Government for which regular appropriation bills have not been passed.

Now we are confronted with the situation in which I want the Senate to clearly understand that I am going to vote against this amendment; not because I oppose what it seeks to do. I am in favor of those objectives. But, Mr. President, we are dealing here with the problem that, as of this minute, there are no funds for the continuation of functions in the Department of Labor and the Department of Health, Education, and Welfare, and the Department of Agriculture, among others. There are no appropriated funds available at this minute for them to make expenditures for their payrolls, the salaries of their employees, for the financing and funding of any program or function under those departments. As of midnight last night, such appropriations ceased to be available.

There are other departments and agencies, Mr. President, that are also involved. I assume we shall pass this bill today and, within 2 or 3 days, as soon as the staff can do their work and get it in shape, we will go to conference. What we will be confronted with in conference, I am not prepared to say, but I do not think it is unreasonable to assume that we are going to be confronted with opposition to a number of amendments. If we attach numerous amendments here, we are going to be confronted with opposition, and possibly strong opposition, on the part of the House conferees.

This is not a one-way street. It is not a one-man operation. I do not get everything I want. The Senate does not get everything it wants; the House does not get everything it wants.

I say to my friend from California—and I wish it were possible to say it to each Senator—these amendments, even though they may be germane, if they are adopted and if they succeed, each of us must share at least the major responsibility for any consequences that ensue therefrom.

I ask the Senator what he would have us do as conferees. If this amendment and others, as they are offered, are adopted by the Senate, and we go to conference, if we find an obstinate position on the part of the House, an adamant position in opposition, shall the Senate immediately yield, or would the Senator have us decline to yield and prolong the conference while there are no funds available?

I should like guidance. If my colleagues are going to add these amendments, I should like some guidance as to how they would like us to behave in conference.

We can sit there, if that is the will of the Senate and of those who offer these amendments; I can be just about as stubborn as any Member of the House, I think. But is that what we want and will that prevent the consequences? It would not, in my judgment. It would contribute to undesirable consequences.

We can also do this, if that is the will of the Senate: We can go to conference and, if we meet pretty stubborn opposition, we can immediately yield and thus come out with a bill without the amendments in it.

I am just trying to get the Senator from California and my colleagues to take a position, to put themselves in our position for a little while, in the position of the conferees.

What would the Senator do? What would he have us do under these circumstances? Do we want to deadlock it, to withhold these funds, make no funds available for these functions? For the Departments of Labor and Health, Education, and Welfare and related agencies, there are approximately $30 billion annual rate of operations on a continuing resolution basis.

The foreign assistance programs and other activities funded under the foreign assistance appropriation bill, including the Peace Corps and the International Development Banks, have approximately $5 billion.

The military construction programs of the Department of Defense have to be funded in here.

There are many other activities not included in the regular bills which have been deferred pending authorization, for example, activities and programs which are not in the regular Labor-HEW bill, which is now in conference, I point out to the Senator, involve these programs as well as others.

Health manpower and resources—for training doctors, dentists, and so forth—approximately $465 million;

Mental health programs, approximately $15 million;

Health facilities and hospital construction programs, approximately $310 million;

Elementary and secondary education and other education programs, approximately $2.8 billion;

Rehabilitation services, approximately $41 million; and

Then there are the health services programs—we can go on and on. There is, at this hour, no money available to finance any of those programs, and if this bill is not passed, there will not be, I say, any funds available unless this continuing resolution in some form is passed.

I am willing to carry out the will of the Senate, Mr. President. If we want to deadlock this conference, I am ready. But I want those who make it necessary to do that, who make it compelling that we do it, if that is the will of the Senate, to realize what they are doing and to be willing to share the responsibility for the consequences thereof. I hope we can take the bill without these amendments and go to conference and get a bill.

A lot of these things, Mr. President, are not going by the board. They are subject to legislation. I should be proud to vote for this amendment on a legislative bill, as I would a number of others that are offered here. But do we want now to take the appropriation process in a critical situation like this, with these programs not funded, and obstruct the restoration of appropriations? I doubt the wisdom of doing it, Mr. President. But if that is the will of the Senate, I assure the Chair that the conferees will carry out their will.

However, if this is just something fine to talk about, and then the Senator expects us to go to the conference and recede right away, very well. But I should like to know the will of the Senate. We are the ones who have the difficult task of going down there and facing them.

I am willing to do that. I want to car-

ry out the will of the Senate if I can determine what it will be. For that reason, Mr. President, I shall vote against the amendment, because I know the complications that are going to arise and the potential consequences that can follow if this amendment and others are adopted.

Mr. YOUNG. Will the Senator yield?

Mr. McCLELLAN. I yield to the distinguished Senator from North Dakota.

Mr. YOUNG. Mr. President, I am in much the same position as the chairman of the committee with respect to this particular amendment. Ordinarily, I would agree to it, but we are adopting a terrible practice of trying to legislate on a continuing resolution. We may have gotten ourselves into deep trouble yesterday by the adoption of the Eagleton amendment. I understand that the President is going to veto the continuing resolution if the Eagleton amendment is sustained in the conference.

None of the sponsors of the amendments offered yesterday really knew how far reaching some were. This is no place to write foreign policy, and I do not think it is the place for major legislation. If the Senator would offer this on the foreign aid bill coming up soon, I might vote for it.

Also, we have another appropriation bill, the supplemental appropriation, where more time will be available for consideration of this amendment. We do not have the deadline that we have on this bill to get it through the Congress. I hope the Senator will not press for consideration of this amendment now, because I think he will gain much more support on one of these other bills.

Mr. CRANSTON. Mr. President, I want first to thank both the chairman and the ranking minority member of the Appropriations Committee for their very generous remarks about the main thrust of this amendment. I am delighted that they basically support its philosophy and purpose, even though the bottom line is that they both oppose the amendment for other reasons.

I would like to say that I share their viewpoint on the inappropriateness of placing amendments on continuing resolutions. It was not the choice of any one of us that we find the continuing resolution brought to the floor on the day on which the authorizations for expenditures were going to expire. I think it is a subversion of the authorization and appropriations process to have any forces working their will to delay the passage of formal authorization and appropriation measures, denying the Congress the opportunity to work in the proper way.

The foreign aid program has in the recent past been carried on for a whole year—fiscal year 1973—under a continuing resolution. There are efforts to improve that program in the bill now pending before us, as there have been in past bills pending before us. My purpose is simply to get us back on the proper legislative track by going through a process that will put pressure on those who oppose certain features of the pending reported foreign aid bill to bring that bill before us and let us vote up or down the various provisions and the final bill.

I believe this is the first time that I have ever offered an amendment to a continuing resolution. I agree that it is basically not a sound practice, but I think we are facing very unusual circumstances here, which justify this unusual and generally unsound approach.

I would be most reluctant to advise the chairman of the committee and the ranking minority member as to what they should do in regard to this amendment in conference. They will know the tone of that conference. They will know what give-and-take will be possible in the conference, and they have vast experience based upon many years of service on this committee and in the Senate. I have great confidence in their wisdom and fairness in representing the will of the Senate.

I cannot speak for the authors of other amendments that have been or may be attached to this measure, but I can say that I would not want this amendment unnecessarily to tie up the workings of the Government for any length of time. If it was found that a prolonged effort by the conferees would bring that about, I would certainly understand if the Senate conferees then gave in on this measure. But I am very hopeful that the philosophy and purpose underlying this proposal will be as acceptable in principle to the House conferees as it is acceptable in principle to the Senate conferees, and that it might well be accepted without any delay in the conference. I would hope for that reason it might be possible to take this amendment to conference.

I thank both Senators again for their understanding of what I am seeking to accomplish and why, and for their views expressed in support of my general purposes, even though they oppose the specific amendment.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I wish to take just 1 more minute to get the record straight about this foreign aid program. I do not want any onus cast upon the Appropriations Committee because of this bill being delayed and because there is no regular appropriation bill enacted.

This committee, the Appropriations Committee, had all of its hearings and its work finished in July. We have been ready ever since early in July to process out the regular foreign aid appropriation. But there is no authorization. The authorization committees—and I am not blaming them; they have their problems, just as we have ours—but unfortunately, the legislative process has not been able to finish its job so that the Appropriations Committee could make the required appropriations. That is why we are caught up in this continuing resolution process.

Mr. CRANSTON. Mr. President, if the Senator will yield——

Mr. McCLELLAN. Yes.

Mr. CRANSTON. I understand that fully. I think that the final reason for this circumstance developing on the very last day is that there are forces not represented on the Appropriations Committee who simply did not wish that foreign aid bill to be voted on at this time, and who wanted a situation where we would be confronted with the necessity of a continuing resolution.

My sole purpose is to get us off that continuing resolution as fast as possible. On with the business of enacting it as fast as possible, yes, and then off it as fast as possible, insofar as foreign aid is concerned.

Mr. McCLELLAN. As the Senator knows, the Appropriations Committee has further reduced the amount available under the continuing resolution for foreign assistance. I believe under the continuing appropriation we have reduced it by about $350 million this year.

Mr. CRANSTON. I do, too.

Mr. McCLELLAN. We are in sympathy, at least the chairman of the Appropriations Committee is very much in sympathy, with what the Senator would like to do, and would like to see it done. But I am put in a bind here, and the conferees are. If we go there and meet with adamant opposition, then what do we do? Do we surrender, or do we fight? And if we continue to fight, they are out of funds, and it may well cause, Mr. President, a chaotic condition in the Department of Health, Education, and Welfare, where we administer all of our social programs. I do not know what the impact will be, and I do not want to take the full responsibility for it. I am trying to find out what the will of the Senate is, and then to carry it out in conference.

Mr. CRANSTON. If the Senator will yield, I applaud the cuts made by the Appropriations Committee in the military assistance program, as I applaud the cuts the committee made in the Defense budget. I think the committee is doing fine work, and I am trying to work with them.

Mr. McCLELLAN. I thank the Senator.

Does anyone else wish time, Mr. President?

The PRESIDING OFFICER. Is all remaining time yielded back?

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

The PRESIDING OFFICER. On whose time?

Mr. McCLELLAN. On anyone's time. Mine, I do not care.

Mr. CRANSTON. If the Senator will yield——

Mr. McCLELLAN. Does the Senator want more time?

Mr. CRANSTON. I would like to ask for the yeas and nays at the appropriate time.

Mr. McCLELLAN. We had better get a quorum in order to do that.

Mr. President, I suggest the absence of a quorum so that we can get enough Senators present to ask for the yeas and nays.

The PRESIDING OFFICER. With the time charged equally to both sides; is that agreeable?

Mr. McCLELLAN. Yes.

Mr. CRANSTON. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Norvill Jones, John Ritch, and Richard Moose of the Foreign Relations Committee staff be permitted to remain on the floor during further consideration of the continuing resolution.

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

Who yields time?

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

The PRESIDING OFFICER. Under the same conditions as the other quorum call?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. All time on the amendment has expired. The yeas and nays have been ordered. The question is on the amendment of the Senator from California (Mr. CRANSTON).

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. CHILES), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. Moss), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), and the Senator from Wyoming (Mr. HANSEN), are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HANSEN) are not necessarily absent.

The result was announced—yeas 52, nays 31, as follows:

[No. 433 Leg.]

YEAS—52

Abourezk	Byrd, Robert C.	Ervin
Allen	Cannon	Fannin
Bentsen	Case	Fulbright
Bible	Church	Goldwater
Biden	Clark	Gurney
Burdick	Cranston	Hart
Byrd, Harry F., Jr.	Dole	Hartke
	Eagleton	Haskell
Helms	Metzenbaum	Roth
Hollings	Mondale	Schweiker
Johnston	Montoya	Scott, William L.
Kennedy	Nelson	Stevens
Long	Nunn	Symington
Magnuson	Pastore	Talmadge
Mansfield	Pell	Tunney
McClure	Proxmire	Weicker
McGovern	Randolph	Williams
Metcalf	Ribicoff	

NAYS—31

Aiken	Griffin	Muskie
Baker	Hathaway	Percy
Bartlett	Hruska	Scott, Hugh
Beall	Huddleston	Stafford
Bennett	Hughes	Stennis
Buckley	Humphrey	Taft
Cotton	Jackson	Thurmond
Curtis	Javits	Tower
Domenici	McClellan	Young
Eastland	McGee	
Fong	McIntyre	

NOT VOTING—17

Bayh	Dominick	Moss
Bellmon	Gravel	Packwood
Brock	Hansen	Pearson
Brooke	Hatfield	Sparkman
Chiles	Inouye	Stevenson
Cook	Mathias	

So Mr. CRANSTON's amendment was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHURCH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1934

Mr. KENNEDY. Mr. President, I call up my amendment No. 1934.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 3, after line 3, insert the following new section:

SEC. 6. Such joint resolution is amended by adding at the end thereof the following new section:

"SEC. 113. None of the funds made available under this joint resolution may be expended on or after the date of enactment of this section to provide military assistance (including security supporting assistance, sales, credit sales, or guaranties or the furnishing by any means of excess defense articles or items from stockpiles of the Department of Defense) to the Government of Chile.".

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

Mr. KENNEDY. I yield.

Mr. PELL. Mr. President, will the Senator permit me to be a cosponsor of his amendment, which I strongly support?

Mr. KENNEDY. I thank the Senator from Rhode Island.

Mr. President, I ask unanimous consent that the name of the Senator from Rhode Island (Mr. PELL) be added as a cosponsor of the amendment.

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

Mr. KENNEDY. Mr. President, this amendment is offered by myself, with Mr. HART, Mr. HASKELL, Mr. CRANSTON, Mr. ABOUREZK, Mr. STEVENSON, and Mr. PELL. It is a simple amendment.

The amendment would end all military assistance to Chile. The amendment in no way affects the humanitarian programs or any economic aid and assistance to Chile, but is solely related to the military program of aid and assistance to the Chilean Government.

There are a number of reasons for this. We can question, generally, the wisdom of military assistance programs to developing countries. But beyond that, and more deeply, this is an opportunity for the Senate to go on record in deploring the complete violation of human rights and human liberties which has been the record of the Chilean Military Government for the period since its overthrow of the Allende Government a year ago.

Our image, particularly in Latin America, has been hurt most recently by the disclosures that the CIA was deeply involved in fostering internal discord within Chile throughout the term of Salvadore Allende. Now, we learn that contrary to recent assertions that those funds were used to support free political parties and the news media; in fact they went largely to the groups which engaged in economic sabotage against the Allende Government and helped create conditions which led to the overthrow of his regime.

The background to the debate today over our military assistance to Chile is a background of covert U.S. support for groups pledged to the destruction of an elected and democratic government. It should be emphasized as well that while the figure of $8 million has been used as the total amount of CIA expenditures in Chile during Allende's regime, the black market exchange rate would have multiplied the impact of those dollars 6 to 8 times. Thus, it was closer to $50 million that the CIA expended in Chile during those 3 years. That action also not only contradicts our publicly stated adherence to a policy of nonintervention in the poltical affairs of Latin American nations, but it violates international standards of conduct as well.

An additional question which I have asked both the chairman of the Senate Foreign Relations Committee and the Senate Armed Services Committee to examine relates to the contradictions now embarrassingly obvious, between what the CIA was doing in Chile and what State Department representatives were telling many standing committees and subcommittees of the Congress they were doing.

However, the underlying reason for halting military assistance to Chile is based on other factors.

The current government in Chile is a military dictatorship which has abolished virtually all vestiges of the traditional Chilean constitutional democracy which existed before last September 11. That should be enough to call for a cutoff of military aid to Chile.

But there is more. For the recent history of Chile under the junta has been a history of flagrant and continuing violations of human rights.

Let me recount to my colleagues some of that history.

Shortly after the coup, the Senate Subcommittee on Refugees held a public

hearing into the condition of refugees and of human rights in Chile. Testimony at that hearing and subsequent reports of respected international groups disclosed the existence in Chile of summary executions, of torture, of mass arrests, of the deaths of two American citizens, and of continued threats to foreign nationals. Those reports prompted me to introduce an amendment to halt all military aid to Chile. That amendment to the fiscal year 1974 Foreign Aid Appropriations bill was adopted by the Senate on December 17, 1973. However, it was deleted in conference.

Unfortunately, in the months since that action, the situation in Chile has not seen a return to the traditional Chilean respect for and protection of human rights. In fact, a series of reports from respected international organizations such as the International Commission of Jurists and Amnesty International, as well as private contacts that I have had with both Chilean and third country individuals and agencies convince me that a systematic disregard for human rights continues today in Chile.

Amnesty International, in a letter to General Pinochet, stated:

> Contrary to some statements issued by Chilean governmental officials abroad, there is substantial evidence of a persistent and gross violation of the most fundamental human rights.

The report went on to charge continuation of summary executions and torture, not only during their November visit, but up to the time of their letter of December 31, 1973.

In February, an ad hoc group of U.S. union officials, professors, lawyers, and church officials traveled to Chile. It too, disclosed thousands of "politically motivated detentions," the absence of effective legal process, the continued use of torture, the use of economic sanctions against those suspected of being in sympathy with the previous government and other violations of human rights.

In March, following a lengthy debate by the Commission on Human Rights of the United Nations, a telegram was issued by the United Nations. It stated:

> The Commission on Human Rights, while considering the obligation of all states under the charter of the United Nations to promote universal respect and observance of human rights and fundamental freedoms, has considered with deep concern numerous reports from a wide variety of sources relating to gross and massive violations of human rights in Chile in contradiction with the universal declaration of human rights, and other relevant international instruments ratified by a great number of countries including Chile.
>
> The Commission on Human Rights, which has consistently deplored all violations of human rights, calls upon your Government for the immediate cessation of any kind of violations of human rights, committed contrary to the principles of the United Nations Charter and other international instruments including the international covenants on human rights.

In April, the International Commission of Jurists sent a delegation to Chile to inquire into the legal situation with regard to human rights. Its three-man delegation included Covey T. Oliver, former U.S. Ambassador to Colombia and former U.S. Assistant Secretary of State for Inter-American Affairs.

In May, the preliminary report of the delegation was released, expressing the "view that present judicial procedures and safeguards do not meet the minimum standards which Chile is bound to observe under Article 3 of the Geneva Conventions, 1949." The report also stated:

> We received most convincing evidence to support the declaration of the Catholic Bishops on April 24, 1974, that there are interrogations with physical and moral pressure. We believe that the various forms of ill-treatment, sometimes amounting to severe torture, are carried out systematically by some of those responsible for interrogation and not, as many people sought to persuade us, in isolated instances at the time of arrest.

A study mission of the Senate Refugee Subcommittee traveled in Chile in April as well. It included former U.S. Ambassador to Chile, Ralph A. Dungan, former State Department Latin American expert John N. Plank, and Mark L. Schneider of my staff.

They concluded—contrary to the continued assurances of the Chilean Government and its representatives—that there existed a systematic, flagrant, and continuing disregard for human rights in Chile. They found arbitrary arrest and indeterminate detention without charge. Some 6,000 persons, according to junta statistics, were under detention at the time of their trip. Other sources cited additional persons under detention at less permanent detention sites throughout the country. It is now estimated that some 7,000 persons are detained.

The study mission also noted that the Chilean habeas corpus protection had been suspended. Torture and mistreatment of prisoners continued. Some prisoners were held incommunicado for months. Others were permitted to see their families on a somewhat regular basis, but briefly. Most never had a chance to see a lawyer. Due process appeared limited in all instances; totally absent in some. Schools and colleges were under military control. Freedom of the press did not exist. Many thousands of individuals were fired arbitrarily for their political beliefs from public and private employment. Labor unions were barred from striking and restricted in their normal activities.

The study mission also noted that the Congress had been closed; the constitution abridged; political parties abolished or suspended; and the number of Chilean refugees in neighboring countries was rising.

In May, The Inter-American Commission on Human Rights of the Organization of American States sent a telegram to the junta in which it stated:

> During this session, the study of the present situation of human rights in Chile has taken a great part of our time. On the one hand, we have examined those individual cases clearly determinable, in which the violation of certain fundamental rights of one or several specified persons has been denounced. But, in addition, it has been necessary to analyze separately that which we might call a "general case," that is, the aggregation of charges from different sources according to which there is a policy in Chile which would imply, according to the claimants, the systematic disregard of fundamental human rights.

After some delay, the Commission was granted permission to visit Chile. Its recommendations were made public. They indicated the Commission had found evidence that torture is used in interrogations of political prisoners, that people detained without charges are required to do hard labor, that Chileans sometimes disappear for days or weeks after being seized by police or military intelligence services and that military courts have limited lawyers' access to their clients and tried people under wartime rules, for acts committed before the September 11 coup.

In June, other observers, including the former Attorney General of the United States, Ramsey Clark and New York City Criminal Court Judge William Booth, traveled to Chile. They visited the trials, now concluded, of former Air Force officers and several civilians who had held posts in the previous government of Salvadore Allende. The sentences included four death sentences which were later commuted to long prison terms. Even that action is inadequate, since the former Attorney General and Judge Booth described the proceedings as "show trials." They cited, along with other observers, the lack of due process in the military court martial proceedings which operate for military and civilian alike.

One attorney was thrown out of court for speaking "too warmly" of Allende. Another was reprimanded for reporting that his clients had been tortured. Virtually all defendants were prosecuted on the basis of "statements" given by others who were themselves under indictment or under detention. And many of these defendants had told their families and their visitors of the systematic torture used during interrogations to obtain those "statements."

Most recently, on August 30, the Catholic Archbishop of Chile, the Lutheran Bishop of Chile, the Methodist Bishop of Chile and the Grand Rabbi of the Chilean Jewish Community appealed for an end to the continuing torture and human rights violations.

On September 7, Amnesty International issued its final report on Chile stating:

> Repeated assurances from the government that human rights would be respected have proven to be totally unfounded. Torture is still being practised, while military tribunals continue to try persons charged with the retroactive offense of cooperating with President Allende's constitutional government prior to the coup.

And in recent days, we have learned of weekend roundups of persons in working-class neighborhoods and the steady increase in the number of detainees, reaching now to approximately 7,000.

Despite this unrefuted testimony from numerous respected international organizations and knowledgeable individuals, the attitude of the U.S. Government has been one of "business as usual." Last fall, an amendment I introduced was passed

and signed into law. It stated the sense of Congress that—

> The President should request the Government of Chile to protect the human rights of all individuals, Chilean and foreign, as provided in the Universal Declaration of Human Rights, The Convention and Protocol Relating the Status of Refugees, and other relevant international legal instruments guaranteeing the granting of asylum, safe conduct, and the humane treatment or release of prisoners.

There is little evidence of forceful U.S. Government action in support of those human rights. In fact, news reports, which have not been denied by the Department of State, reveal that the Ambassador to Chile was specifically told not to link our approval of military aid to human rights relief. He was directed by the Secretary of State not to lecture the Chilean junta on the matter. This shows that the argument that military aid should be maintained as a lever to obtain alleviation of human rights violations is an argument without basis. Congress only option is to cut off military aid.

Nor has the administration chosen to adopt a low profile policy in its relations with the current Chilean regime.

In international agencies, particularly the Inter-American Development Bank—IDB—pressure from the United States in support of the Chilean regime has been evident. It was widely reported that intervention of U.S. Government officials produced an unusual speedup in the IDB process in order to assure a loan announcement in Santiago at the opening of the IDB meeting last spring.

The administration also has proposed for fiscal year 1975 the first new development loans to Chile since 1967, some $25 million, and an increase in grant assistance to more than $1 million, compared to $330,000 in fiscal year 1974. While in the last full year of the Allende government, fiscal year 1973 the administration felt the food needs of the country required only $2.5 million in food-for-peace assistance, it now proposes food-for-peace grants and loans of $37 million. In addition, a month after the coup, a commodity credit loan of $24 million was extended and a month later, an additional commodity loan of $28 million was extended.

Some of these programs are clearly humanitarian in nature. But it is difficult to understand why the humanitarian rationale that the administration is putting forward today was not equally relevant prior to the overthrow of the previous government, when Chile was denied similar programs.

There is, however, no humanitarian justification to support military aid to Chile.

The administration has requested a near doubling of its fiscal year 1974 budget proposal for military assistance to Chile. Originally, a $10 million military credit sales program for fiscal year 1974 was recommended. Following the coup, that figure was increased to $15 million, a 50-percent hike. In its budget request for fiscal year 1975, the administration recommended another substantial increase, to $20.5 million for credit sales and another $800,000 to support the training of Chilean military officers.

With a virtually unchallenged verdict of respected international organizations and respected jurists and scholars of a continuing pattern of gross violations of human rights in Chile, I believe the proposal for additional military aid to Chile to be unjustifiable and unacceptable. It contrasts with the announcements of Britain and France to withhold military equipment and it signifies a disturbing lack of commitment to basic human rights on the part of the administration.

For these reasons, I have submitted this amendment, to halt all military aid to Chile. I urge its adoption.

Mr. President, the administration's position has been that it is important that we continue the military assistance program because we want to be able to maintain some influence within the Chilean Government, to be a force to perhaps gain some additional respect for human rights and human liberties in Chile. Yet, this policy has been going on for more than a year; and with certain important exceptions, involving a very few individuals, there continues to be a wholesale policy of political repression, political prisoners, tortures of the most incredible design known to man.

I am going to make a part of the RECORD some excerpts from each of these reports which I think are the most compelling. I mention at this time a recent story, published in the Washington Post, by Mr. Joseph Nevitski, who was in Santiago, Chile, on September 2 of this year. The story deals with two men who were arrested 2 weeks earlier in a small Chilean town near Santiago. They were detained, and each was found with a bullet in his head, according to the records of the Santiago Court of Appeals. The story describes how they were picked up in the morning, were questioned for a period of hours, and were shot. Their families were notified. When their families inspected them in the morgue, it was found that the men had been tortured during the few hours they had been detained. They were both activists who had been opposed to the coup but who never had been charged with any offense for their political views.

We can name instance after instance where this has taken place.

It seems to me that it is time for the United States to be willing to stand up on this particular issue. Great Britain has cut off the military program that they had sustained for Chile. France has done the same, for the identical reasons. It seems to me that it is time that the United States should be willing to stand up on this particular issue.

There will be those, I am sure, who will say that we cannot interfere in the internal affairs of another country, that there are things that happen in various nations which we deplore, and that we cannot dictate to them a respect for human rights and human liberties. Yet it is clear from the revelations of CIA involvement in Chile that that argument against halting military aid is rather superficial. We are intervening presumably merely by our decision to send military aid to the country. We are intervening, if that argument is to be accepted, whenever we decide that it is or is not in our interest to provide a nation with military aid. When we put a halt to military aid to a country that is practicing widespread violations of human rights, we are saying that we do not believe it is in our interests for the United States to be identified with such practices. We are saying that we deplore and oppose torture and repression and I do not know a more effective way of making that position clear.

We certainly have not seen any important movement by the Chilean Government for the past year while we have been maintaining a steady supply of military aid to that country. I think it is time that we act.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

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

Mr. McCLELLAN. I yield 5 minutes to the distinguished Senator.

Mr. McGEE. Mr. President, I rise to address myself to the Senator's proposal with considerable reluctance because the problem of the regime in Chile is, indeed, a major difficulty for all of us. However, I believe that the Senator's proposal, addressed to this continuing resolution at this time, is ill advised as a matter of policy.

What we are suddenly making out of this simple continuing resolution that runs to the adjournment of this particular Congress is a policy vehicle in the foreign relations field. A continuing resolution is not designed as the mechanism of Congress in exercising its responsibility in foreign policy. Thus, I feel compelled to oppose the Senator's proposal on this vehicle. It does not belong here, and it comes at a time when this ought to be weighed very carefully in the larger context; in terms of what the Senate is doing; in terms of what our policy people are deeply involved in at the present time.

All of us seem to be playing Secretary of State on the floor of the Senate at a moment when these questions are deeply involved in diplomacy, in the conversations behind the scenes, in the armtwisting and pressuring that can be exchanged; factors that ought to give pause to every Member of this body who is trying to inject us into the Office of the Secretary of State without having to take the consequences.

That is the reason I say I am reluctant. I think there is a great deal in the issue which the Senator raises; it is the way in which we are proceeding on this continuing resolution to which I would have to take exception.

For a long time, we have been concerned about the role of the Senate in foreign policy. It seems to me that we are threatening to undermine the role of the Senate by tactics like these.

We have a role that we must play; a role we must insist on, that we will assert and are asserting, in our proper responsibilities in this body. But to come up with a series of proposals such as these on a continuing resolution that runs to the end of this Congress is not the responsible way for this body to hold up its image to the country and say, "See, we know how to make the foreign policy of the land."

We have a partnership responsibility in

that, but not without coordinating it, in the mechanism of the Committee on Foreign Relations and the other efforts that Congress can undertake through its various processes. Here is a continuing resolution and nothing more.

I must say, if I may put on my other hat, I happen to be on the Committee on Appropriations in this particular area. But on the Committee on Foreign Relations, I am chairman of the Western Hemisphere Subcommittee. We have been holding hearings; we have been holding executive sessions; we have been seeking to stay on top of the Chile question, also.

The problem, of course, is far more complex. As the Senator will recall, even in that role on the Committee on Foreign Relations, we were able to have some small hand, I suspect from all that we are told, in deferring the execution of a number of those who have been held in prison, through actions that were taken quietly in the committee at the time. That is a process that is available to Congress for action, rather than riding pell-mell over a continuing resolution.

Therefore, my plea, Mr. President, is that we act responsibly as the Senate of the United States in the foreign policy decisionmaking processes of our Government. We have the capability for doing so.

I wish to inject another one of the complications for the Secretary of State, if I may add this, Mr. President. While the question of the internal workings of the Chilean Government is a very serious one, and it was a shock to us all, the way in which they took over, the hope, for most of us, I am sure, was that the constitutional process would follow——

The PRESIDING OFFICER (Mr. HUDDLESTON). The Senator's time has expired.

Mr. McGEE. May I have 3 more minutes?

Mr. McCLELLAN. I yield to the Senator.

Mr. McGEE. Our hope was that the constitutional process would follow out to its natural course, with the test of the next constitutional incident for electing a new government in Chile.

We have long since discovered that the United States cannot decree those things, that Republicans or Democrats are not shrewd enough or wise enough or almighty enough to determine the pace of events in other nations of the world. The question then becomes, what do we achieve toward that goal of restoring elections in Chile by cutting off military assistance in this continuing resolution? The military assistance is very small, indeed, but that is beside the point. What we do achieve is the threat to unbalance a rather delicate military question as it exists now between Peru and Chile.

This has caused no small amount of apprehension among policy people all over the world, lest there be another fracturing of borders and the integrity of sovereignty in South America at this time. The historic rivalry between Peru and Chile is not inconsequential, as they have fought wars over their boundaries in the past. In taking an action that is aimed at an obviously undemocratic, in many ways an unprincipled government, we are, at the same moment, taking a step at jeopardizing the status of international relations on the common borders between Chile and Peru.

How we solve that one, I am not sure, Mr. President. I wish we had better answers than we have. We ought to learn that one way not to do it is to try to shoot from the hip on the floor of the Senate, as we attempt to assume the role of the Secretary of State.

The Senator from North Dakota wanted some time. I yield the floor.

Mr. McCLELLAN. I yield to the distinguished Senator from North Dakota.

How much time have we consumed?

The PRESIDING OFFICER. The Senator has used 8 minutes of his time.

Mr. McCLELLAN. I yield such time as the Senator from North Dakota may desire.

Mr. YOUNG. Mr. President, this is another example of legislating foreign policy on the floor of the Senate. In this case, we would cut off aid to Chile. Maybe in a month or two from now, Chile will have the kind of government that even the sponsors of this amendment would want.

What would happen then? Would Congress have to reverse itself through special legislation to repeal this amendment? It is very far-reaching and positive.

Yesterday, the Eagleton amendment was passed, and I do not think anyone knew exactly what all was in it. The President says he will veto this continuing resolution if the Eagleton amendment is contained in it.

Mr. President, I ask unanimous consent to have inserted as part of my remarks a message from the President of the United States.

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

THE WHITE HOUSE—STATEMENT OF THE PRESIDENT

Last night the Eagleton Amendment to the continuing resolution authority was passed by the Senate. Today the continuing resolution itself will be brought to a Senate vote.

It is my conviction that approval of the continuing resolution, containing the Eagleton Amendment or similar language, would destroy any hope for the success of the initiatives the United States has already taken or may take in the future to contribute to a just settlement of the Cyprus dispute. This view is shared by Secretary of State Kissinger, who is now in New York where he is making a major effort in his talks with Greek and Turkish representatives to bring about progress.

If the Eagleton Amendment or similar language is adopted by the Congress, the United States will have lost its negotiating flexibility and influence. It thus hurts the very countries and objectives it purports to help.

It is my intention, therefore, to withhold my consent to any continuing resolution which reaches my desk containing language such as that found in the Eagleton Amendment. I can, however, accept, and indeed endorse, the language relating to military assistance to Turkey contained in the continuing resolution as reported to the full Senate by the Senate Appropriations Committee.

I deeply appreciate the constructive efforts of the Democratic and Republican leadership in both the Senate and House of Representatives in their support for an amendment which would assist the diplomatic efforts of Secretary Kissinger in seeking an equitable solution to the Cyprus question. I hope a majority of the Senate will respond to this bipartisan leadership effort.

Mr. YOUNG. The New York Times, this morning, has an interesting observation. I ask unanimous consent that the entire article be placed in the RECORD as part of my remarks.

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

(See exhibit 1.)

Mr. YOUNG. Mr. President, I shall read two paragraphs:

The amendment, adopted by a vote of 57 to 20, would prohibit aid to any country employing United States weapons in violation of the laws governing their use, but it was clearly aimed at Turkey for her use of American arms on Cyprus.

The amendment, proposed by Senator Thomas F. Eagleton, was framed in such a way that it could also apply to Israel's attacks on her Arab neighbors or to Arab incursions into Israel.

This was never thought of on the floor yesterday. It is one of the problems we have of trying to write foreign policy in a bill such as this.

Mr. President, I certainly hope that the amendment is not approved.

EXHIBIT 1

[From the New York Times, Oct. 1, 1974]

SENATE, 57 TO 20, VOTES TO CUT OFF U.S. AID TO TURKEY

(By Leslie H. Gelb)

WASHINGTON, September 30.—The Senate voted tonight to cut off military aid to Turkey.

The amendment, adopted by a vote of 57 to 20, would prohibit aid to any country employing United States weapons in violation of the laws governing their use, but it was clearly aimed at Turkey for her use of American arms on Cyprus.

The amendment, proposed by Senator Thomas F. Eagleton, was framed in such a way that it could also apply to Israel's attacks on her Arab neighbors or to Arab incursions into Israel.

The Senate rejected a move to stop American aid to oil producing countries until the President certified that they were making good-faith moves to reduce oil prices substantially. Proposed by Senator Frank Church, Democrat of Idaho, this amendment was defeated 46 to 33.

RESOLUTION UNDER DEBATE

The votes came as the Senate began consideration of a resolution that would continue foreign aid on the basis of last year's legislation. The House of Representatives adopted a similar resolution last week with an amendment that would make an aid cutoff to Turkey a virtual certainty.

The Senate is expected to complete action tomorrow on the resolution, which would continue foreign aid at a level of about $2.5-billion a year.

Debate has focused on this continuing resolution rather than on a new foreign aid bill because the Administration is seeking to delay consideration of a new bill that would restrict the President's freedom of action.

The amendment to cease aid to nations in violation of American laws was a substitute for weaker language drafted by the State Department and proposed by the Senate Appropriations Committee.

Speaking against the amendment, Mike Mansfield, the Majority Leader contended that it would not bring about Turkey's withdrawal from Cyprus and that it would undermine Secretary of State Kissinger's negotiating efforts.

Mr. Mansfield warned against emotional

responses and "quick fix" solutions to complex diplomatic circumstances and said that this was "a time for statesmanship."

RESPONSE BY EAGLETON

* * * in an almost full and attentive Senate chamber, said it was "time for the rule of law and that is the best form of statesmanship."

Pressed by Senators to clarify whether the amendment could apply to Israel, Mr. Eagleton said there would be no violation if a nation used American arms aid for defense. There is no language in the amendment specifying who is to determine a violation.

Depending on who has this authority, Mr. Eagleton's statement could be read as either stronger or weaker than the language adopted by the House. The House version called on the President to certify that Turkey was making "substantial progress" toward a peace settlement in Cyprus.

The undoing of Mr. Church's amendment aimed at the Arab oil producers came when the Senator conceded that the only country that would be seriously affected was Indonesia. The major Arab oil states and Iran do not receive American aid.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes on this matter.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KENNEDY. Mr. President, I have yet, in listening to the responses from those who have responsibility for this bill, to understand their reluctance to withhold the $15 million in military assistance continued under this resolution.

There still will be economic aid and assistance, and that should be more than enough to maintain whatever influence we feel is essential there.

I want to point out what the International Commission of Jurists stated to be their conclusions about interrogation and torture:

From information we received from sources we consider wholly reliable, the following picture emerges.

When people are arrested they are usually taken first to a military barracks or a police station or to one of the special interrogation centres established by the intelligence services. They may be held there for weeks or even months. "Pressure", often amounting to severe physical or psychological torture, is frequently applied during this period of interrogation. The Conference of Roman Catholic Bishops in their Declaration of April 24, 1974, specifically referred, among other abuses taking place, to "interrogation procedures which employ physical or moral pressure". Methods of torture employed have included electric shock, blows, beatings, burning with acid or cigarettes, prolonged standing, prolonged hooding and isolation in solitary confinement, extraction of nails, crushing of testicles, sexual assaults, immersion in water, hanging, simulated executions, insults, threats, and compelling attendance at the torture of others. A number of people have died under torture and others have suffered permanent mental and nervous disabilities.

That is not only this group that has gone down there, Mr. President. That same conclusion has been reached by the International Commission on Human Rights, the United Nations Commission on Human Rights, Amnesty International, and our own Subcommittee on Refugees.

Why do we object to expending approximately $15 million of American taxpayers' funds on this particular program? We deplore it because it perpetuates the system of repression that has continued for over a year, and I have not heard one word on the floor of the Senate that that system no longer exists. There is no one who can say that there are no politcal prisoners because there are. There is no one who can say that torture has ceased because it has not.

If there are those who say $15 million is insignificant let me tell them what we could do with those funds here at home. We could provide hot meals, 5 days a week for 30,000 senior citizens for 1 year as part of the nutrition for the elderly program. We could provide employment for our senior citizens, some 6,000 of them, for a period of more than a year.

We only provided in our right-to-read program, $12 million last year to try to end illiteracy among our people.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. KENNEDY. I yield myself 3 more minutes.

So, Mr. President, it just seems to me that, barring any jusification from the administration for maintaining a military assistance program which is being used by the Chilean junta to continue the repression of their own people, I strongly urge the passage of this amendment. Chile has fundamentally violated every basic human right which we and they as signatories of the United Nations declaration have sworn to protect. It just seems to me that there has to be a better justification than saying we ought to give the Secretary of State a little more time to see what he can do to try and remedy this situation.

The violations are continuing, ongoing, as recent as the last few weeks. The documentation of it is clear and compelling. It seems to me other countries of the world have led the way, and that the United States, in this, which I think is an extremely modest way, should indicate that we are at least attaching an importance to human rights and liberties of people in Chile and throughout the world greater than that which we attach to the continuation of military aid and support to a dictatorial regime.

Mr. President, I would like to have a vote on this amendment. I am prepared to yield back the remainder of my time, but I want a vote, so I suggest the absence of a quorum.

Mr. McCLELLAN. Mr. President, I am willing to help the Senator get a vote. There are some other remarks to be made. I assume the Senator would want a rollcall vote.

Mr. KENNEDY. That is correct.

Mr. McCLELLAN. I am willing to help him get it.

Mr. McGEE. Mr. President, I wonder if we can get the staff people to get out and round up some Senators, so we might have enough for a rollcall, and while they do that, if I may have a couple of minutes, I think it is important that we write the record out here, so that we can proceed from it.

Mr. President, we are mindful very much of what has happened to human rights in Chile, and none of us makes any case for the present circumstances. For that reason, we are not entitled, it seems to me, to let that take first place over the larger considerations and political problems on a very broad front.

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

Mr. McGEE. I yield.

Mr. McCLELLAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McGEE. Which is what we find ourselves doing now, in these last couple of days.

We are all deeply concerned, and Cyprus is an illustration, that somehow they restore stability and equity. The way we can best do that is for the United States to become a mediator, with clout on both sides, because they trust us to be fair in that. But we find the Members of this body voting, instead, to take a side, and virtually rule out a settlement.

That is an illustration, I repeat, Mr. President, of how not to make foreign policy, or how to downgrade the role of the Senate in being responsible for foreign policy decisions.

Now, in this particular case, in the case of Chile, it seems to me that much ought to be done, and must be done, in achieving a new balance in human rights everywhere and anywhere, but we have to be careful of the device that we employ as we weigh our policy, and the consequences.

These pressures are on now. We are not going to change the inner workings of Chile overnight, even with this act. What we may do, as a consequence, is harden the position of the group that is in power now and seeking to survive, and delay still longer the process of a constitutional change.

To be sure, not too much has happened in 1 year. They have not made enough progress in directions we would all like to see, and particularly with the historical experience of Chile, which was the most promising of all the democracies in the hemisphere for so long.

The tragedy of the last year is deep with all of us. I simply raise serious doubts about this as the technique for bringing about a change.

We must be careful not to discourage it, rather than help it along. We have many ways to keep the process going. I gave the Senate an illustration a moment ago about one of the important results, achieved quietly, without any fanfare, without any stress, in inducing them to defer a decision to execute some of the prisoners. This happened during the course of the committee's consideration of the new foreign assistance money for military equipment.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. McGEE. One more minute.

I go back to the basic position, Mr. President, that this is not the way for us to be trying to participate in making the foreign policy of the United States. This is injecting very understandable emotional elements that move us all, but they leave us with an imbalance in the total consequences on the much broader major foreign policy considerations that we have to weigh very carefully.

How many times do we set out the chances on what we might do with that amount of money in this country? We could do what we will with our money in this country. It is a question of the priorities.

But history is a ruthless force upon us all. It does not suspend the problems of international tensions while we solve our domestic difficulties here at home, and we cannot put one aside as we attack the other. We have to address as much of a balance of judgment as we can.

When we rifle-shot Turkey and Chile in the ways that we have been doing in the last couple of days here, all we are proving is that the Senate of the United States should have a lesser role than it has under the Constitution for responsibility in foreign policy.

We are being reckless, Mr. President. We are being irresponsible. We are demeaning the role of this body in projecting a policy for the United States that can have an impact and gain respect all over the world, not among lobbying groups, not among petitioners who have deep feelings—and every place that we have a crisis in the world they will all be here telling us how to do it—but that is why it is important that our country try to pull together the strings of responsibility, and that is why we have a Secretary of State and a President, and why I thought we had a Senate until I find the Senate preempting the prerogatives of those who ought to take the executive responsibility for projecting the public image of our country overseas.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 5 minutes. The Senator from Massachusetts has 4 minutes.

Mr. McCLELLAN. Mr. President, were it on the basis of the merits of this amendment under a legislative proceeding which is on a legislative bill, I might very well support it. I would take the same position as the distinguished Senator from Wyoming has taken with respect to the bill needing hearings, and we ought to have the facts as related by the distinguished Senator from Massachusetts, and we ought to have it before the committee, either the Appropriations Committee or a legislative committee, so that a proper record would be made of it or considered.

I shall oppose the amendment primarily because of the position I took in the beginning of the consideration of this continuing resolution. I have stated repeatedly if the Senate wants to load it down with amendments and go to conference and encounter a conference deadlock, and thus delay continuing appropriations for the agencies that are involved, that is the Senate's business and, as a member of the conferees, I am chairman of the Appropriations Committee, if that is what the Senate wants I will give them every bit of support I can.

I am assuming that the members of the Appropriations Committee who have so vigorously supported these amendments on the floor, and probably will support this one, will likewise make as vigorous a fight in conference as they have voted with enthusiasm for these amendments here on the floor and, if so, we are going to have a pretty good scrap in conference unless the House immediately capitulates. I want the Senate to understand that fact.

Also, we are running the risk of a veto of the bill. On these things, many of these things, as I pointed out, I am not someone converted lately to the evils of this foreign spending. I have been voting against it for 20 years. If my colleagues had been doing that, we would not have this problem that this amendment here seeks to remedy today. I have been against it all the time. I am still against it. I would like to vote for this amendment.

But the Senator is putting us in a position here where we are placing in jeopardy the continued funding of these programs among other: Health resources and manpower, doctors, dentists, and other health personnel, approximately $465 million; mental health programs, approximately $15 million; health facilities and hospital construction programs, $310 million; elementary and secondary education and other education programs, $2.8 billion; health services and rehabilitation services, and others.

Mr. President, at this moment these programs have no appropriations to continue to fund them. I do not know, maybe the House will just topple over. Maybe the conferees there will say, "Oh, yes, we will take all of these amendments." I do not know. If they do, of course, we are going to have a veto of the bill.

What I am saying to the Senate is with these procedures and with the adoption of these amendments we are not only incurring the risk but I think making certain of a long delay in appropriation for these essential services. If the Senate wants to do that, OK, I will go into a conference. I fight for what the Senate wants, and I will fight for this. But I want the Senate to know that those who sponsor these amendments and who vote for them on this bill must take the initial responsibility for whatever consequences ensue.

With that understanding, Mr. President, I will vote against the amendment, not because I am opposed to the fundamental principle that may be involved—I would like to be well-informed about it—but I am opposed to the foreign aid, to start with.

I would be opposed certainly to financing any situation that condoned conditions which the Senator described, but I am also under the compelling duty here of trying to get a bill enacted to get appropriations to carry on these essential functions that I have enumerated.

I may say there is the responsibility on the legislative committees to come in here with bills, bring them in here; they have a responsibility in this field, too. It is not alone on the Appropriations Committee.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. I would be hopeful that the Senate would act on these amendments in a more orderly fashion under the procedures and practices established by the rules.

Mr. KENNEDY. Mr. President, I yield myself from the remaining time 2½ minutes, with the remainder to the Senator from Iowa (Mr. HUGHES).

We understand from the Senator from Arkansas and the Senator from Mississippi and the other Members that this may very well be the foreign aid bill given the position on the administration on that measure. That is why this is brought up at this time. Also, we already had a voice vote last year on the foreign aid appropriations bill to cut off military assistance and it was one of the first things that was dropped in the conference. Finally, I have submitted to both Appropriations Committees, correspondence supporting an end to all military assistance, so this is not a new matter.

I reject the voice which I hear this afternoon that says, "Well, we are going in to risk this bill with a possibility of a veto or we are getting a stalemate with the House of Representatives on a minor issue." Either we feel the issue of human rights is important or it is not.

Why is it always the human rights issues that get lost or are put aside? Why is it always the refugees in Bangladesh who suffered because we wanted to continue a military assistance program for Pakistan so that we could have some influence on Pakistan. We saw the results on that policy. We saw massive numbers of individuals die and others made homeless by that policy.

We said, "Well, we have to maintain our influence with Pakistan, and there is no sense in the Senate of the United States interfering with the Secretary of State on that."

In issue after issue, it is always the human beings who are getting the short end of our foreign policy bill.

We have an opportunity here today to say that the U.S. Senate feels that it is important to go on record saying that what happens to individual human beings in a country that is part of this Western Hemisphere and is receiving military assistance, assistance that is paid for by the taxpayers of Arkansas and Massachusetts, is important, that we do not want the violation of human rights to continue, that we do not want to be identified with such actions.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I say this is the appropriate time that we do it.

I yield the remaining time to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HUGHES. Mr. President, I first want to compliment the Senator from Massachusetts for presenting this amendment and giving us an opportunity on this particular legislation at this particular time to express the will of the Senate.

Without dealing with the legislative technicalities or the protocol of why, when or what, it should be presented.

I am a little bit astounded in the last few days of debate in the Senate with respect to the degrees of morality of life and death and dealing with the toppling of governments or even with the right of a Senator to evade the morality of an issue in providing military aid to a government that is torturing its citizens, executing its citizens, and using every

facility it has to deprive them of their civil rights.

Now, we go on constantly trying to determine the foreign policy of a nation while we continue year in and year out to support those governments that are dictatorships in one area of the world, to oppose them in another area of the world, to attempt to topple them by undercover activities in another area of the world, and then attempt on the floor of the Senate to deprive—not deprive but to prevent the passage of legislation that could in any way limit our assistance in a military capacity to those governments that are certainly destroying and killing.

Perhaps there is a risk to some public health programs; perhaps there is a risk to some feeding programs. But ultimately we are called upon to make a stand for life or death in the responsibility of using military assistance that we provide to these individual countries.

The evidence is abundantly clear. The record has been spread of what this Government has done and is continuing to do; and, regardless of behind-the-scenes protocol that may have saved the lives of a few from execution—and many of us have been involved who are not members of the Foreign Relations Committee in trying to save those lives.

Mr. CRANSTON. Mr. President, I strongly support the amendment offered by the distinguished Senator from Massachusetts (Mr. KENNEDY) and am pleased to cosponsor it.

Existing law declares it the sense of the Congress that the President should deny American aid to any government which interns or imprisons its own citizens for political purposes.

One of the worst offenders in that respect is the military government of Chile. The military junta which overthrew the legally constituted government of Salvador Allende has consistently trampled upon the basic human rights of the people of Chile.

Reports of torture, and imprisonment of political opposition to the regime are regular reading in our newspapers.

I think its time for the Congress to put its own directive into action. By continuing to provide military assistance to the Government of Chile, we very clearly continue to aid in the repression of the Chilean people.

Military aid—in the Chilean case—and I fear in other cases—serves little purpose other than strengthening the hand of the generals who now rule Chile with such a repressive hand.

I believe it is time we stand up for our own congressional directive with regard to Chile, by eliminating military assistance to the Pinochet regime.

Mr. President, I would like to share with the Senate, a letter to Secretary of State Kissinger, initiated by Representative DONALD FRASER of Minnesota, the distinguished chairman of the Subcommittee on International Organizations and Movements, of the House Committee on Foreign Affairs.

That letter, signed by a great many Members of Congress, eloquently expresses some of the principles which I believe should guide American foreign policy.

The letter reads as follows:

To the Secretary of State:

The undersigned have supported legislation in recent years providing economic and military assistance to other nations. We are troubled, however, about continued American assistance to a number of foreign governments which are increasingly indifferent to internationally recognized human rights and deal with their own people in an increasingly oppressive manner.

We recognize that a large number of countries are ruled by governments which restrict the full observance of political rights as we know them, including one-party and authoritarian states. It may not be realistic to expect strict observance of political, civil and other human rights by these governments while their political systems are still evolving. Nevertheless, even within such countries, the observance of certain fundamental human rights is practicable, including freedom from torture, arbitrary arrest and detention, and arbitrary curtailment of existing political rights.

In the absence of extraordinary circumstances, we do not believe that long-term U.S. foreign policy interests are served by maintaining supportive relationships with oppressive governments, especially in the military field, since military power is directly associated with the exercise of governmental control over the civilian population.

Unless U.S. foreign aid policies—especially military assistance policies—more accurately reflect the traditional commitment of the American people to promote human rights, we will find it increasingly difficult to justify support for foreign aid legislation to our constituents. We cannot, in good conscience, associate ourselves with policies which lack active concern about the fate of people living under oppressive governments. While it may be beyond our power to alleviate the plight of those people, we can refuse to be identified with their oppressors.

That is what we would do, Mr. President, by prohibiting further military assistance to Chile:

We would refuse to continue to identify the Government of the United States with the ongoing repression of the people of Chile.

We would take a step toward translating words into action, and putting principle into practice.

The PRESIDING OFFICER. All time has expired. The question now is on agreeing to the amendment of the Senator from Massachusetts. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. Moss), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

The result was announced—yeas 47, nays 41, as follows:

[No. 434 Leg.]

YEAS—47

Abourezk	Hart	Metzenbaum
Allen	Hartke	Mondale
Bentsen	Haskell	Muskie
Bible	Hatfield	Nelson
Biden	Hathaway	Pastore
Burdick	Huddleston	Pell
Byrd, Robert C.	Hughes	Proxmire
Cannon	Humphrey	Randolph
Case	Jackson	Ribicoff
Chiles	Javits	Schweiker
Church	Johnston	Stevenson
Clark	Kennedy	Symington
Cranston	Magnuson	Tunney
Dole	Mansfield	Weicker
Eagleton	McGovern	Williams
Fulbright	Metcalf	

NAYS—41

Aiken	Fong	Percy
Baker	Goldwater	Roth
Bartlett	Griffin	Scott, Hugh
Beall	Gurney	Scott, William L.
Bennett	Hansen	Stafford
Brock	Helms	Stennis
Buckley	Hollings	Stevens
Byrd, Harry F., Jr.	Hruska	Taft
Cotton	Long	Talmadge
Curtis	McClellan	Thurmond
Domenici	McClure	Tower
Eastland	McGee	Young
Ervin	McIntyre	
Fannin	Montoya	
	Nunn	

NOT VOTING—12

Bayh	Dominick	Moss
Bellmon	Gravel	Packwood
Brooke	Inouye	Pearson
Cook	Mathias	Sparkman

So Mr. KENNEDY's amendment was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. McCLELLAN. Mr. President, let us have order.

Mr. CLARK. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Will the Senator withhold until the Senate is in order?

The amendment will be stated.

The legislative clerk read as follows:

Add a new section at the end of the resolution:

SEC. 6. Such joint resolution is amended by adding at the end thereof the following new section:

"SEC. 113. Notwithstanding any other provision of this joint resolution or any other Act, not to exceed $85,000,000 of the funds made available for foreign assistance by this joint resolution may be obligated to procure fertilizers for, and to provide fertilizers to, South Vietnam."

Mr. MANSFIELD. Mr. President, will the Senator yield momentarily without losing his right to the floor?

Mr. CLARK. I yield.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TUNNEY. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, if the Senator from Iowa will yield, I ask unanimous consent that there be a 20-minute limitation on the Clark amendment, the time to be equally divided under the usual circumstances, 10 minutes to the sponsor of the amendment and 10 minutes to the manager of the bill; that there be 40 minutes on the Mondale amendment, on the same basis, that the Mondale amendment to follow the Clark amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HUGH SCOTT. Mr. President, reserving the right to object—and I shall not object—we simply want to be protected with respect to the opportunity to offer a motion to recommit the bill with instructions at a later date; and I would not be prepared to do that until after the conference of the Members on our side, which will end about 2:15 or 2:30.

I should say, if Senators are not aware of it, that the President has released a message that he will veto the continuing resolution if it contains the Eagleton amendment, as it may well have the effect of bringing down on our heads some very disastrous consequences.

I have no objection to the unanimous-consent request.

Mr. ABOUREZK. Mr. President——

Mr. MANSFIELD. Mr. President, if the Senator wants to object, he should note an objection. He cannot just say he is reserving the right to object.

Mr. ABOUREZK. I am not objecting. I merely want to ask the distinguished majority leader a question.

Mr. MANSFIELD. Yes.

Mr. ABOUREZK. Will the foreign aid bill be brought up as soon as this measure is disposed of?

Mr. MANSFIELD. It will.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished Republican leader, he can rest assured that his right to offer a motion to recommit will be honored. I would hope, though, that we could reach third reading first, and then if the Republicans are in their annual conference——

Mr. HUGH SCOTT. Weekly. [Laughter.] Spelled "w-e-e-k-l-y." [Laughter.]

Mr. MANSFIELD. If it means that we have third reading just after the Republicans start their lunch, we will try to have the vote on the motion to recommit at 2 p.m., with the permission of the chairman of the committee and the distinguished ranking minority member, who will be at the luncheon, I assume. In the meantime, we would get started on the foreign aid bill.

Mr. FULBRIGHT. Mr. President, reserving the right to object—

Mr. MANSFIELD. I made no request.

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

Mr. MANSFIELD. I yield.

Mr. McCLELLAN. We are discussing what is going to happen during the further proceedings on this measure. I would like to have some understanding about debate on the motion to recommit. Are we going to have any debate on it? If so, we ought to agree on a time now.

Mr. HUGH SCOTT. There will be debate.

Mr. MANSFIELD. There will be debate.

Mr. McCLELLAN. Do we want it unlimited?

Mr. MANSFIELD. I think the issue will be clear. Why do we not agree on a half hour of debate on the motion to recommit?

Mr. HUGH SCOTT. I think we will need a little more time.

Mr. MANSFIELD. An hour?

Mr. HUGH SCOTT. Could we start the debate at 2 p.m.?

Mr. MANSFIELD. All right. And vote at 3 p.m.?

Mr. HUGH SCOTT. And vote at 3 p.m. on the motion to recommit.

Mr. McCLELLAN. I have no objection. I just want to get it settled.

Mr. FULBRIGHT. Mr. President, reserving the right to object, I have an amendment at the desk, which I will offer. I need very little time—10 minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a limitation of 10 minutes on the Fulbright amendment, to follow the Mondale amendment, under the same conditions as stated earlier.

Mr. McCLELLAN. Mr. President, is that 10 minutes for each side or 10 minutes divded?

Mr. MANSFIELD. Ten minutes divided, the Senator from Arkansas has indicated.

The PRESIDING OFFICER. The Chair does not understand the unanimous-consent request.

Mr. MANSFIELD. Ten minutes altogether; 5 minutes to a side.

Mr. GRIFFIN. Mr. President, reserving the right to object, has any provision been made, with respect to any of these agreements, for possible amendments to the amendment?

Mr. HUGH SCOTT. The distinguished majority leader said it would be subject to the usual arrangements.

Mr. MANSFIELD. That is correct. The way it stands now, it would be the same amount of time on amendments to amendments or appeals as for the amendment itself.

The PRESIDING OFFICER. Is the Senator making that a unanimous-consent request?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. HUGH SCOTT. Mr. President, reserving the right to object—and I do it simply to clarify—we are about to have a conference where we will discuss, I hope, these questions of foreign assistance. If we are to be interrupted continually between now and 2 o'clock by votes, I do not see how we can dispose of the conference.

Can we vote on one of these amendments, presumably at 12:30? Can we withhold the votes on the others until 2 o'clock, back to back, and then take an hour debate on the motion to recommit? That will give us a chance to conduct our conference. Is that satisfactory?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is that a unanimous-consent request?

Mr. MANSFIELD. Yes.

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

Mr. McCLELLAN. Mr. President, I have an amendment to offer. It is a technical amendment.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. MANSFIELD. The time is not applying against the Senator from Iowa. I am sure that with a technical amendment, the Senator will have no trouble.

Mr. McCLELLAN. Someone might object. I do not know what is going to happen, and I would like to have at least 10 minutes on that.

Mr. MANSFIELD. I make that request, Mr. President, if it is needed. It is a technical amendment.

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

Mr. McCLELLAN. I think it is technical. Someone else might think otherwise.

Mr. CLARK. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, since this continuing resolution is the functional equivalent of a foreign aid appropriations bill at the present time, and since it may well be our only foreign aid bill this year, I believe it is important for the Congress to act promptly to correct an unacceptable trend in our overseas food programs.

We all know about the perversion of our food-for-peace program into a means of financing continuing warfare in Indochina. This year the United States has sent a full 49 percent of its worldwide food-for-peace shipment to South Vietnam: $502 million worth of food to feed 0.8 percent of the world's population.

But only lately have we become aware that the same "Indochina-first" mentality pervades our fertilizer assistance programs.

Two years ago, Vietnam got 45 percent of the money we spent to buy and ship fertilizer overseas. Last year, Vietnam's share jumped to 62 percent, well over half of all the fertilizer that this country sends overseas, to that country with less than 1 percent of the population.

The program presented to Congress last spring showed a reduction of Vietnam's share to just under 50 percent. But in fact, the obligations so far this fiscal year—and this is the central point to this amendment—the obligations so far this fiscal year have gone overwhelmingly to Vietnam, nearly twice as much to Saigon as to all other countries of the world combined. Because that is the substance of the amendment, let me repeat it: The obligations so far this fiscal year have gone overwhelmingly to Vietnam. Nearly twice as much has gone to Vietnam as to all of the other countries combined.

In the months ahead, even more fer-

tilizer may go to Vietnam unless we turn off the tap.

Mr. BIBLE. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. HATHAWAY). The Senate will be in order.

The Senator may proceed.

Mr. CLARK. Mr. President, my amendment would halt further fertilizer purchases for Vietnam by limiting the funds available for such activities to the amount already obligated—$85 million.

Senator HUGHES and Senator HART and I had planned to offer such an amendment to the foreign aid bill, but the uncertainties surrounding that legislation make action now imperative.

Unless we stop these purchases today, there is nothing to prevent the executive branch from moving ahead in the next few weeks to commit even larger amounts to Vietnam, at the expense of all of the other countries of the world that need this fertilizer.

No doubt Vietnam needs fertilizer supplies. We have already contracted for 219,000 tons of fertilizer, which is almost two-thirds of what that nation received last year.

But we have to keep in mind some crucial facts:

Fertilizer, at home and abroad, is in short supply this year.

Fertilizer is crucial to increased food production. The United Nations Food and Agriculture Organization has estimated that the developing nations will lose approximately 20 million tons of grain production because of a 2 million ton short-fall in fertilizer supplies.

The immediate need is clearly greater in countries on the verge of famine, such as in Africa, Bangladesh and India. Widespread starvation will occur in these countries on the verge of famine unless they receive adequate supplies of fertilizer.

America's commitments to help alleviate the world's food crisis will not be honored if we channel the bulk of our limited supplies to one small nation.

Earlier this year, the Agency for International Development requested $250 million to provide some 700,000 tons of fertilizer to other nations. But of the 70,000 tons planned for Bangladesh, only 40,000 have been purchased so far. Less than half of the 100,000 tons slated for Pakistan has been purchased. None has been purchased for India, which was supposed to get 130,000 tons, because none went to India last year and none is allowed under the continuing resolution.

Perhaps the clearest example of our "Indochina first" approach is that Cambodia has already received 7,000 tons more than the Congress was requested to provide, while the drought-plagued nation in Africa's Sahel are 7,000 tons short of their allotment.

In short, our fertilizer has been going where the troops were, rather than where the hungry are.

There are other problems with our fertilizer aid to Vietnam, in testimony before the foreign relations committee, AID Administrator Daniel Parker admitted that the Saigon government was being pressed to change its distribution system so that farmers could actually get their supplies. He noted reports that some merchants were withholding supplies in order to make more than the allowable profit.

It is indefensible for the Government to be sending these quantities of fertilizer to Vietnam when many of our own farmers can not obtain it, and when those who can obtain it are having to pay an exorbitant premium.

No one can accuse us of not fulfilling whatever obligations we have to Vietnam with regard to such materials. We have already sent them massive quantities of fertilizer—and the record indicates that here, as in so many other instances, the Vietnamese Government has simply used these shipments as yet another opportunity to engage in profiteering at our and its own citizens' expense.

Until we are sure that these abuses have been corrected, it is foolish and wasteful to continue to ship thousands of tons of this precious commodity to Saigon middlemen.

This amendment would allow our limited fertilizer supplies to go where they are most needed, rather than as a further payment for an unending war.

In summary, I offer this amendment because two-thirds of all our overseas assistance of fertilizer for this year has already been contracted for Vietnam, and we must at least save the meager share that remains for the remainder of the world—India, Bangladesh, Africa, and Asia.

The PRESIDING OFFICER. Who yields time?

Mr. YOUNG. Will the Senator yield?

Mr. CLARK. I yield.

Mr. YOUNG. Mr. President, I have no objection to this amendment. In fact, it is the only good one that has been offered. I am going to vote for it.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, in checking around——

The PRESIDING OFFICER. Who yields time for the Senator from Wyoming?

Mr. CLARK. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. CLARK. I am happy to yield a minute.

Mr. McGEE. There is no objection to this amendment. There is no intention of going over the $85 million. I simply do not know the best way to expedite this.

I think it is, again, questionable that the amendment belongs on this kind of vehicle, but nobody has any objection to it; it is a very widely based position, though how to proceed because of the continuing resolution is the difficulty that it poses. The principle is already agreed upon.

Mr. McCLELLAN. Mr. President, I am glad to yield the Senator further time if he wishes.

Mr. President, again, I have no objection to this amendment, the effect of it, or what it will accomplish. I shall probably support it. But I have taken the position from the beginning that we ought to try to keep a pretty clean bill with respect to this continuing resolution, and I am going consistently to maintain that position, notwithstanding what the Senate may do.

When we go to conference, I want to advise my colleagues again, I am going to try to stand like the Rock of Gibraltar for the Senate's position. I am not going to march up the hill and then march right back down again. I think that if we wish to stand there and deadlock this bill if the House will not agree, to let us see what happens, that is the one way to do it. This is another way to do it. If this is the way we want to do it, we ought to do it this way, but I do not see any point in wasting all this time putting amendments on this bill that really belong on a legislative bill; then spend all that time with the House conferees and yield on it, and be back where we started.

Let us be firm on it. Let us mean what we are doing and go down there and stand for it. Let us hope that the House will yield. If it does not, let us stand firm and see what happens.

I would vote for a number of these amendments if it were not for the fact that I am trying my best to get a bill that will immediately provide for the funding of these functions of government that, at this hour, have no funding. If we cannot get a clean bill, if we have to take all these amendments, let us vote for them and take them down there and stand for them and fight for them.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. McGEE. I want to make sure that the RECORD shows my position to be clear. With all due respect, we are all agreed on the importance of this proposal, and it is going to be followed out. There is nobody who is going to contest its being carried through.

I feel that the principle here likewise is important, and I am going to vote no, because it is on this continuing resolution. I do not want that to reflect in the volume of mail I am going to get if I am accused of cutting off fertilizer for American agriculture.

I do not think we ought to be accused of cutting this off for agriculture at a time when it is so desperately needed.

It really puts us in a bind, if I may say so, to my colleague from Iowa, in terms of what is really going to be done here. That is to limit the amount of fertilizer. It is going to be limited. Yet it comes up against the contradiction with the continuing resolution principle of our committee. I wanted to make sure that it is clear.

I heartily support the idea. It will be carried out. But I must vote "nay" because of the continuing resolution.

The PRESIDING OFFICER. Who yields time?

Mr. CLARK. Mr. President, I yield my colleague from Iowa such time as he may require.

Mr. HUGHES. Mr. President, I appreciate my colleague's yielding.

In offering this amendment, we are interested in correcting only what has been an imbalance in the utilization of fertilizer in this country and abroad in the

last few years, and is seemingly about to be perpetuated this year.

I am glad to hear the opinions of my colleagues who have spoken on this floor that they agree with the purpose of this amendment, and have expressed the intention to see that its purpose is carried out. I am glad to hear that. I am sure that in voting on this matter and expressing the will of the Senate, those Senators will be able to explain to their constituents that they are voting against the procedures on this bill, rather than not supporting the objective.

I would urge Senators to vote for this amendment, to help make sure that somewhere between the step and the half-step we do not continue to send a disproportionate amount of fertilizer to countries where it is not needed, and continue to send very little to countries facing absolute starvation on a massive scale.

I congratulate my colleague from Iowa, the Senator from Michigan (Mr. HART), and all those who are interested in this matter, because the imbalance of fertilizer supplies in the world is one of the most difficult issues we face both in this country and abroad, and I think it is exceedingly important that the Senate go on record on this issue today.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. I yield the distinguished Senator from Vermont such time as he may require.

Mr. AIKEN. Mr. President, I understand the purpose of the Senator from Iowa, and it is a very good purpose. I think I should explain, however, that the South Vietnamese budget calls for a $85 million contribution from us for fertilizer purposes, which was for the construction of a fertilizer plant, so that they could make their own over there instead of depending on us all the time.

The drawback seems to be that it takes quite a lot of oil to manufacture fertilizer, and that is something that we have to consider, where they will get their oil from. Maybe the big Chinese industry will be developed by that time, but we do not know.

I think we should make it clear, however, that the $85 million which they requested for fertilizer was for the construction of a plant.

The PRESIDING OFFICER. Who yields time?

Mr. CLARK. Mr. President, let me summarize by saying that the continuing resolution——

The PRESIDING OFFICER. The Chair would inform the Senator from Iowa that his time has expired.

Mr. McCLELLAN. Mr. President, if I have any time remaining, I am glad to yield it to the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. McCLELLAN. I yield the Senator such portion of that as he may require.

Mr. CLARK. I thank the Senator. I shall require only about 20 seconds.

The purpose of this amendment is not to block the building of a fertilizer plant in South Vietnam. It is simply to restrict the amount of additional fertilizer that could be contracted for and sent to Vietnam. In short, what the amendment does is say that since we have already given two-thirds of our total world commitment to Vietnam in this fiscal year, we stop at this point and divide the remaining one-third between the rest of the countries of the world.

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

Mr. CLARK. I yield.

Mr. McCLELLAN. Would this not be an appropriate amendment on the regular foreign aid bill?

Mr. CLARK. Yes. In fact, we intended to offer it there, but it was withdrawn, and I think we will have no assurance that it will be put on again.

Mr. McCLELLAN. The foreign aid bill will be the next bill considered by the Senate. It seems to me that it would be a proper amendment on that.

Irrespective of the disposition here, I hope that the Senator will offer it to that bill. I intend to vote for it. I vote against it here only because of the parliamentary situation, and because of this continuing resolution being used as a vehicle, when I think we have another vehicle immediately available in the foreign aid bill, which will come before us following the present bill.

I want to vote for it, but I want to vote for it on the proper vehicle. I am trying, without much success, to prevent this bill from being loaded down with amendments that will cause difficulty in conference.

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

Mr. McCLELLAN. I yield.

Mr. AIKEN. I want to make it clear that I am not disagreeing with the amendment of the Senator from Iowa, but I believe it is being offered in the wrong place.

Mr. McCLELLAN. Yes; I intend to vote for it on the foreign aid bill.

Mr. STENNIS. Mr. President, as a Member of this body, I feel compelled to protest as vigorously as I know how the overdose of amendments here on a continuing resolution.

We are in a situation where the Government is about to default on its payroll and other obligations, and this continuing resolution is merely a legislative vehicle that was invented not too many years ago to meet genuine emergency situations, recognizing that the Government has to continue and that we have not gotten to the appropriation bills for one reason or another, and this will permit the Government to function.

I, in my present state of mind and as I understand the facts, am going to vote against any motion to recommit. The Senate has expressed its will and put on some amendments that I oppose, but that is the Senate's position, and I think we ought to fight it out in conference on that ground. Otherwise, we will come back here and have the same thing over and over, while we get into default on our payments of many different kinds.

So I think we ought to call a halt. With all deference to the objectives of these amendments, we ought to stop now, close down, and pass this resolution. I hope this amendment as well as others, unless they are technical amendments, will be rejected.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. THURMOND. Mr. President, I am opposed to the amendment offered by Senator CLARK of Iowa. This amendment would, in effect, cut in half the administration's request for fertilizer shipments for South Vietnam. South Vietnam has been devastated by the recent war. This war was fought mainly on South Vietnamese soil. As a result the landscape is devastated. This fertilizer is badly needed to restore the land to its previous state of productivity.

In addition, Mr. President, this amendment is being offered to a continuing resolution. A continuing resolution is an emergency measure used when there is a gap in appropriations because Congress has not acted on a particular appropriations bill. This type amendment should not be added to such a resolution. The proper place for this amendment is on the foreign aid bill, which I understand will be taken up following the continuing *resolution*. Mr. President, I do not think the adoption of this amendment would be wise at this time.

The PRESIDING OFFICER (Mr. HATHAWAY). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Iowa (Mr. CLARK). 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 Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. Moss), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Kansas (Mr. PACKWOOD), and the Senator from Kansas (Mr. PEARSON), are necessarily absent.

The result was announced—yeas 59, nays 31, as follows:

[No. 435 Leg.]

YEAS—59

Abourezk	Hart	McIntyre
Allen	Hartke	Metcalf
Bartlett	Haskell	Metzenbaum
Bentsen	Hatfield	Mondale
Bible	Hathaway	Montoya
Biden	Helms	Muskie
Burdick	Hollings	Nelson
Byrd, Robert C.	Hruska	Pastore
Cannon	Huddleston	Proxmire
Case	Hughes	Randolph
Church	Humphrey	Ribicoff
Clark	Jackson	Schweiker
Cranston	Javits	Scott, Hugh
Curtis	Johnston	Scott, William L.
Dole	Kennedy	Stevenson
Domenici	Magnuson	Symington
Eagleton	Mansfield	Tunney
Fulbright	Mathias	Williams
Griffin	McClure	Young
Gurney	McGovern	

NAYS—31

Aiken	Eastland	Percy
Baker	Ervin	Roth
Beall	Fannin	Stafford
Bennett	Fong	Stennis
Brock	Goldwater	Stevens
Brooke	Hansen	Taft
Buckley	Long	Talmadge
Byrd, Harry F., Jr.	McClellan	Thurmond
	McGee	Tower
Chiles	Nunn	Weicker
Cotton	Pell	

NOT VOTING—10

Bayh	Gravel	Pearson
Bellmon	Inouye	Sparkman
Cook	Moss	
Dominick	Packwood	

So Mr. CLARK's amendment was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the Mondale amendment.

Mr. MONDALE. Mr. President, I call up my unprinted amendment and ask unanimous consent that the reading be dispensed with.

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

The amendment is as follows:

At the end of the joint resolution, add the following new section:

SEC. 6. The fourth unnumbered clause of section 101(b) of such joint resolution is amended by adding immediately before the semicolon at the end thereof a colon and the following: "*Provided*, That in computing the current rate of operations of security supporting assistance, there shall be included an additional $200,000,000 which shall be available for Israel only and that in computing the current rate of military assistance there shall be included an additional $100,000,000 which shall be available for Israel only;"

Mr. MONDALE. I ask unanimous consent that my colleague from Minnesota (Mr. HUMPHREY) be added as a cosponsor.

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

Mr. MONDALE. Mr. President, the purpose of this amendment is to enable the Israel Government to receive urgently needed assistance at the rate recently approved by the Committee on Foreign Relations.

Last year's authorization provided for Israel to receive $50 million in supporting assistance. The new authorization which we hope to take up soon will provide $250 million in supporting assistance and will convert $100 million in military credit to a grant.

What we are doing, in shorthand form, with this amendment is taking the language recommended to be adopted as found in the pending foreign aid bill and including it as an amendment to the pending continuing resolution.

In no way do we change the recommendations of the Senate Foreign Relations Committee by making this amendment to the continuing resolution. We simply hope to expedite it and get much-needed help on its way. This is essential because this money is urgently needed by the Israel Government.

The October war of last year cost Israel a year's gross national product. If we translated the cost of the last war to Israel to the equivalent cost to the United States, it would have cost $1 trillion. It is an utterly incredible debt which the Government of Israel and people of that country must repay. Based on that, I think it becomes easier to realize the state that their economy is in and the suffering that they are undergoing in assuming such cost.

In many ways the situation is worse for the Israel economy, being smaller and less flexible, has suffered even greater damage. Already, Mr. President, the Israel tax rate is the highest in the industrialized world. I am told the tax rate is something like 60 percent of the average Israeli's income.

No other country imposes a tax at such a tremendous rate.

Sixty-seven percent of its gross national product is returned to the Government in taxes; compared, for example, to the United States, where I think our Federal expenditure is roughly equivalent to 20 percent of the gross national product.

Moreover, the Israeli balance-of-payments deficit this year is projected at $3.28 billion, or almost half of Israel's gross national product.

This assistance which is provided by my admendment is modest, given the need, but is nonetheless vitally needed by the Israeli Government.

Mr. President, I support the foreign aid bill that has been reported out of the Committee on Foreign Relations and I hope that this session of Congress will adopt it. I would have much preferred had we simply acted on the foreign aid bill itself and not resorted to this continuing resolution which is now before the Senate. I think one of the key reasons that strategy was pursued, at least according to widely reported stories, is that the administration objected to the restrictions on Vietnam spending found in the foreign aid bill and thought by passing a continuing resolution they could get all the money they needed to pursue their policies in Vietnam over the objections of Congress, through the device of continuing resolution, and then they could resist adoption of the foreign aid bill in the form that Congress obviously intends to adopt.

Not knowing what the administration finally intends to do, it seemed to me essential that we move immediately to deal with the profound economic problems which face Israel during the difficult times.

For that reason, I hope that my amendment, reconciling the pending foreign aid bill with the continuing resolution, will be adopted.

I do not believe that the Israeli economy should be held hostage to the politics surrounding the foreign aid bill continuing resolution dispute to which I have just referred.

I think the Senate and the Congress repeatedly expressed, as clearly as it could be expressed, that this Nation intends to do what it reasonably can to assist Israel to survive as a viable economy within defensible borders.

We all pray for peace. We hope a negotiated settlement can be reached. But we recognize the realities of the situation are such that Israel must depend almost exclusively upon the United States for essential credits and for essential opportunities to buy armaments needed to defend herself, and that we must do so on a basis that those objectives are clear and are beyond doubt.

That is why I think the action that I request today is so important.

While failure to adopt this amendment would mean that the role of the United States toward Israel was in doubt, in the meantime, and without any question, the Soviet Union is arming Syria to the eyeballs. As a matter of fact, it is estimated that the Soviet Union has pumped over $2 billion worth of military assistance into Syria alone since the last war. Latest news reports show that the Soviet Union has now begun to resupply Egypt.

In addition to that, the oil-producing Arab countries, with their fantastic accumulation of American dollars and other stable currencies, are continuing to effectively subsidize the economies of the states which border Israel and, therefore, do not need outside assistance.

Of course, the drain of continued terrorist actions against the Israeli populations goes on.

For this reason, I believe the continuing resolution should be amended to provide the Israeli Government assistance at the new, higher and yet modest rates approved by the Committee on Foreign Relations on the basis of an amendment proposed in the committee by my colleague (Mr. HUMPHREY) and adopted by that committee.

Mr. President, I believe this is a prudent measure, meeting a demonstrable need to meet and protect the security of a nation vital to our national interest, and I hope that it will be adopted.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. I will yield such time as the Senator from New York requires.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, I think the distinguished Senator from Minnesota has stated the pressures upon the small State of Israel with which our country has been concerned in such a profound and such a sympathetic way for so long. I think it is very highly deserved in our own national interests and in the interests of world justice, as well as tranquility.

I would like to add that we did, in the Committee on Foreign Relations, and in the aid bill which is going to be up, try to work out a very balanced package. That is, a balanced package which included Egypt and Israel in equal amounts in terms of the economic side, and try to give some special recognition to the urgent military necessity of Israel.

One must always bear in mind that what Senator MONDALE is seeking to do here is an interim measure on a short-term resolution. It is done strictly because of the urgency and emergency which affects this small country whose life could have been snuffed out in the Yom Kippur war, showing that you cannot fight sophisticated weaponry with brave breasts alone.

Second, on the military side, there is no limit, literally no limit—we have had adequate testimony on that—as to what the Soviet Union has poured into the Arab countries, which represents a very direct threat to Israel, Egypt, Syria, Iraq, and other countries.

So the case for this amendment, which I think is a very strong one from my own knowledge of it, is strictly limited to the frame of reference of a continuing resolution in a situation of the utmost urgency, and where, in a more permanent bill, to wit, the foreign aid bill, we

have spelled out a balancing of the equities through the intercession of the Committee on Foreign Relations.

To try to transpose that concept to this would negate what this is, which is a short-term proposition, a few months, and the peculiar financial stringency, which is very grave, under which Israel finds itself.

For all those reasons, without in any way abandoning the principle but, on the contrary, standing by the principle, espoused by the Foreign Relations Committee in its foreign aid bill, I would hope very much that the Senate could see its way clear to go along with the Mondale amendment.

Mr. MONDALE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficent second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Does anyone else wish to speak?

Mr. MONDALE. I would like to yield to my colleague.

Mr. HUMPHREY. I shall be very brief.

I commend my colleague, the senior Senator from Minnesota, for this timely motion and his amendment. It is necessary, and it has the supporting evidence of action in the committee. I believe that our action in the committee was overwhelming. I do not recall the exact vote.

As has been said here by the Senator from New York, in the bill that we will be taking up following the continuing resolution, the Foreign Assistance Act of 1974, S. 3394, we will bring into consideration the balance between the assistance to Israel and the assistance to other nations in the Middle East.

Without any regard to what assistance is needed to other nations in the Middle East, particularly in this instance Egypt, the facts are that Israel's serious economic situation justifies this additional assistance.

I think we have to keep in mind that unless the State of Israel is kept as a viable economic military force in the Middle East, there is very little hope of any settlement of the long disputes and antagonisms which prevail there.

Furthermore, I want to add this: Israel feels very much alone today. The oil embargo imposed by the Arab states upon all nations, and particularly upon the nations of Western Europe and Japan, necessitated many of those nations to capitulate in their foreign relations toward Israel. In other words, a country like Japan, that had a very friendly relationship with Israel, had to, in a very real sense, repudiate its relationship because of the necessity of needing the oil.

She was at a point in her industrial life where she had to make a choice between coming around to the Arab point of view on the Middle East dispute and thereby leaving her old friend, Israel, alone, and out in the cold, or getting no oil, and having herself, Japan, be literally out in the cold.

So what the senior Senator from Minnesota has done here is not only a matter of sound international policy and international economics, but I think a very important psychological development. Israel needs to know that in this body, the Senate, we have not forsaken her; that she has a strong friend in the United States, and that she has many friends in the elected representatives of the people of the United States.

So the amendment proposed by the Senator from Minnesota—and I am proud to be a cosponsor and I thank him for letting me join as a cosponsor—I believe will do a tremendous amount of good for the poeple of Israel. It will do a tremendous amount of good for our policy of reconciliation in the Middle East.

It is, as has been pointed out, an interim measure. Hopefully, we can pass the Foreign Assistance Act, because I believe it is much better than the continuing resolution. I want to say right here again that the bill that we will take up, the Foreign Assistance Act of 1974, is a far superior bill to the one that we developed last year, even though the one last year was better than the ones that we had before.

We have been living on continuing resolutions in foreign assistance for 3 years. It was last year that we started to put some priorities on food and nutrition, education, health, family planning, and technical assistance.

We put the emphasis on the needy nations of the world, and particularly upon agricultural development.

In the bill that we will take up, hopefully, and which we will be able to pass, hopefully, we not only put the emphasis upon the development of food and adequate nutrition for people in the developing countries, but also we sharply cut military assistance.

I offered the amendment that reduced that from $985 million down to $500 million.We put ceilings on the amount of aid that can go to any country. Of course, it is for some of these very reasons that certain voices in the administration, as was said, were raised against the bill that we will take up, and voices were raised to have the continuing resolution.

I would hope that my colleagues, after we are through with the continuing resolution—whatever may be its disposition, whatever amendments may be added—will keep in mind that months of work went into the Foreign Assistance Act of 1974.

There are specific guidelines and indeed specific requirements in our assistance all over the world. For the first time we get a handle on what is going on.

We provide that we demand that there be economic planning. We have not had economic planning in other countries. When we have thrown in our foreign aid it has gone into buying commodities, primarily military assistance. There has been very little or no economic development or reconstruction in many of these areas. But in this instance of Israel, I think it can be said, and it ought to be said, that no country to which we have given aid has made better use of it.

No country has had better economic planning. No country has shown a more fierce desire to defend its own territory. No country has done a better job, without taint of corruption, without any evidence at all of mismanagement of our economic or military assistance. I think that, in itself, speaks well for the host country for the aid, in this instance the State of Israel. She needs to be told now—and we have been generous—that in that generosity, the aid that has been received has been well used, and it has produced an amazing result in the terms of development of the economy.

Mr. MONDALE. Mr. President, I thank my distinguished colleague for a most useful contribution. I agree completely with his comments.

I would have much preferred that we had not had a continuing resolution. I think the way to have dealt with this was to take up the foreign aid bill which was reported by the Committee on Foreign Relations, act on it expeditiously, and get it to the President for signature. That is the way to handle it.

I think that underlying this current parliamentary situation may be a lesson to the administration to take the legislative process more seriously and to accept the conclusions reached by Congress after due deliberation, rather than trying to find different ways of avoiding and frustrating the legislative will.

I hope this amendment will be adopted. I think the argument made by the Senator from New York and my colleague from Minnesota makes the case very clearly.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, does anyone wish time on this amendment? If not, I yield myself one minute.

I am not opposed to the objectives of this amendment, just as I have not been opposed to the objectives of a number of other amendments. On its merits, I probably would support it. But I have taken the position of trying to keep this measure clear of amendments other than those that might be technical and necessary. For that reason, I will vote against this amendment. If it is offered on the foreign aid bill, I probably will support the amount sought here for expenditures.

Mr. President, do I have 20 minutes in opposition?

The PRESIDING OFFICER. The Senator has 18 minutes remaining.

Mr. McCLELLAN. I would like to utilize 3 or 4 minutes of that time to offer an amendment.

I ask unanimous consent that the Mondale amendment be set aside temporarily, so that I may offer a technical amendment and have it adopted while we are waiting.

Mr. MONDALE. I have no objection.

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

Mr. McCLELLAN. Mr. President, I send to the desk a technical amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 1, line 3, immediately after "That", insert "(a)".

One page 1, between lines 7 and 8, insert the following:

(b) Clause (a) of such section is amended by inserting immediately after "joint resolution" the following: "or, in the case of the United States Information Agency, enactment of authorizations of appropriations for fiscal year 1975 for that agency".

Mr. McCLELLAN. Mr. President, I offer this amendment on behalf of the Committee on Appropriations. The reasons for this amendment are as follows:

Section 101(a)(1) of Public Law 93-324—approved June 30, 1974—the continuing resolution, provided for continued funding for the U.S. Information Agency, after June 30, 1974, until the regular fiscal year 1975 appropriation bill for the Department of State, Justice, and Commerce, the Judiciary and related agencies—including USIA was enacted. The Senate approved the conference report on this bill on September 25, 1974, and it is now at the White House. Ordinarily adoption of this act would obviate the need to continue to include USIA in the pending continuing resolution.

However, the technical amendment I am proposing is necessary because of section 701 of the U.S. Information and Exchange Act of 1948 as amended, provides that not withstanding any other law, no appropriation shall be available for obligation unless authorizing legislation has been enacted. The authorizing bill for USIA for fiscal year 1975—S. 3473—is in conference. If the amendment proposed is not included in the pending measure, USIA will be prohibited from continuing to obligate funds from midnight last night, when the present resolution expired until the enactment of authorizing legislation which could even be delayed until the Congress returns after the recess.

Mr. President, I ask for immediate consideration of the amendment.

The PRESIDING OFFICER. Do Senators yield back their time on the amendment?

Mr. McCLELLAN. I yield back my time on the amendment.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. Who yields time on the amendment of the Senator from Minnesota?

Mr. McCLELLAN. Mr. President, I reserve the remainder of my time. I do not know that anyone else desires to speak. I have said all I care to say about it.

The PRESIDING OFFICER. The proponent of the amendment has 3 minutes; the opponent has 18 minutes.

Mr. MONDALE. Mr. President, I reserve the remainder of my time.

Mr. McCLELLAN. I reserve the remainder of my time.

Mr. MONDALE. I am prepared to yield my time, if the Senator wishes to do so, or reserve it.

Mr. McCLELLAN. I do not know of anyone else who desires to speak against the amendment. I yield back the remainder of my time.

Mr. MONDALE. I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, the yeas and nays have already been ordered.

The PRESIDING OFFICER. The Senator is correct. That was the unanimous-consent agreement. There will be no rollcall votes between now and 2 p.m.

All time has been yielded back on the Mondale amendment.

Mr. FULBRIGHT. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the joint resolution, add the following:

SEC. 6. (a) The fourth unnumbered clause of section 101(b) of such joint resolution is amended by inserting immediately after "activities", the following: "(other than those authorized by the Foreign Assistance Act of 1961 and the Foreign Military Sales Act)".

(b) Section 101 of such joint resolution is amended by adding at the end thereof the following:

"(i) Such amounts as may be necessary to continue to pay the salaries of personnel carrying out the Foreign Assistance Act of 1961 and the Foreign Military Sales Act on the date of enactment of this subsection, and essential expenses related thereto, and such amounts shall be available notwithstanding section 10 of Public Law 91-672 and section 655(c) of such Foreign Assistance Act of 1961. The provision of this subsection or subsection (b) of this section shall not be construed to provide appropriations to commence or continue any program, project, or activity under either such Act."

Mr. FULBRIGHT. Mr. President, in the last 3 years, the Senate has defeated two foreign aid authorization bills. Congress did not approve a foreign aid authorization or appropriation bill for the 1973 fiscal year. This highly controversial program was kept alive for the entire fiscal year by a continuing resolution. Although a foreign aid authorization bill was enacted for the last fiscal year, the conference report on it squeaked through the Senate by a vote of 44 to 41, and only after considerable arm twisting by the administration.

The outlook for the foreign aid authorization bill awaiting action by the Senate is highly uncertain. To the administration, it contains too many restrictions and not enough money. To many Members of the Senate, it does not contain enough restrictions and carries too much money. There is a good chance that it will be rejected by this body. But even if it is finally enacted into law, no one can predict how much Congress will ultimately appropriate for the various foreign aid categories.

Despite this uncertain outlook, the foreign aid program is being continued on a "business as usual" basis by the continuing resolution.

Throughout the land Americans are tightening their belts as a result of inflation. But Congress has not tightened the belt on foreign aid.

President Ford calls for budget cuts in domestic programs, but not in foreign aid.

The executive branch is getting out of Congress what it wants—money. But it is getting that money without the policy restraints that Congress normally imposes through foreign aid bills. Congress, in allowing full scale spending for foreign aid through a continuing resolution, is letting the executive branch have its cake and eat it too. And there are strong indications that executive branch officials are hoping to end up with a continuing resolution for the entire fiscal year, as happened in 1973.

The only way to make the executive branch bargain seriously on foreign aid bills is for Congress to refuse to allow any new program money in the continuing resolution for the Foreign Assistance Act and Military Sales Act programs, but allow only money for salaries and essential expenses. As of June 30 there was some $4.6 billion in the foreign aid pipeline and cutting off new program money will certainly not end the flow of foreign aid, and it would not affect military aid to South Vietnam which is funded out of the Defense budget.

If the executive branch gets all of the money for foreign aid it wants through the continuing resolution, there will be no incentive for it to seek passage of authorizing and appropriations bills. It is quite possible that the end result will be extending the life of this highly controversial program by congressional default. I hope the Senate will close the door to that possibility.

My amendment will limit the funds allowed in the continuing resolution for foreign aid to salaries and necessary expenses. The Senate adopted a similar amendment to the continuing resolution last year.

I hope that the Senate will reaffirm its action of a year ago and approve the amendment.

We have already seen that this continuing resolution has been loaded down with a number of amendments which are highly controversial, too, so I think that the simplest way is to continue this resolution with expenses and salaries only.

The PRESIDING OFFICER. Who yields time?

Does the Senator from Arkansas yield time?

Mr. JAVITS. Is there time in opposition?

The PRESIDING OFFICER. The time in opposition is controlled by the senior Senator from Arkansas.

Mr. McCLELLAN. Is the Senator in opposition?

Mr. JAVITS. Yes.

Mr. McCLELLAN. I shall make this brief statement; then I shall yield to the Senator for such time as he wishes.

How much time is there, Mr. President?

The PRESIDING OFFICER. There are 5 minutes remaining.

Mr. McCLELLAN. Mr. President, this amendment may have considerable merit. I am not contesting the merit of it. I shall vote against the amendment, as I have voted against others, because I hope that we can have a pretty clean bill to go into conference.

I am glad, now, to yield to the distinguished Senator from New York, since he is opposed to the amendment.

Mr. JAVITS. I thank the distinguished Senator.

Mr. President, my appearance here is quite a happenstance, since I did not intend to be in charge of the amendment on the minority side.

I think this amendment is an important one. I regret very much that it comes during the Republican luncheon caucus.

I oppose this amendment. I hope it will be defeated, because I believe that there is no reason for there to be any difference in governmental policy between any other part of the policy of the United States and the foreign policy of the United States. We can do anything we please about foreign aid in this continuing resolution on an appropriate amendment, including cutting it out altogether. But to do that on the theory that if we do not, the continuing resolution will be resorted to to take over is simply denying our own authority.

We can call up a foreign aid bill, and we will, this very afternoon. We shall deal with it as we choose, or we may decide not to do anything with it. The alternative may very well be to have the continuing resolution, but that is our right. There is nothing tricky about that.

If we decide that we do not want to join issue on the foreign aid bill and the issues which it raises, then we simply keep the continuing resolution. That is only effective, not for the fiscal year, but until the adjournment of this session of Congress, which undoubtedly means the end of the year.

Congress may prefer to go that route. Why cut it off? I never believed in manacling our own hands because we do not know how to handle various alternatives. This is a proper alternative. It is a policy which is fully equated with the policy which is now contained in this bill on continuing many other programs. There is no reason why we should deny ourselves, in this summary way, any other alternative than the one of going ahead with the authorization for foreign aid.

The other point is that the authorization for foreign aid will still require an appropriation. That appropriation cannot possibly be timely, because it is long past the beginning of this fiscal year, and there may be—I cannot say, standing on one foot in a 5-minute debate—things which many of us would not wish to cut off summarily. Yet we will have cut them off as of last night, when the previous continuing resolution expired. I think that is highly improvident.

If I were dead set against foreign aid, I suppose I should take this route. I am not. I think that even those who are lukewarm about the subject ought at least to retain their options. Just to cut its throat summarily as the tag end of a continuing resolution I do not think is statesmanlike or wise, in legislative terms.

For all of those reasons, Mr. President, I oppose this resolution. As to whether or not I choose to move to table it depends very much on the managers of this bill on our side, of which I am unaware. Therefore, when the time expires, I shall seek a quorum, a live quorum if necessary, Mr. President, until there is an opportunity to determine exactly what should be the way of deciding this issue.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. I yield back the time.

Mr. JAVITS. Mr. President, I yield myself another half-minute.

Senator YOUNG, who is managing the bill on this side, has come in late. He may wish to use whatever minutes remain. I most respectfully ask unanimous consent for a very brief quorum so that I may at least brief him as to what has occurred.

Mr. MANSFIELD. Mr. President, I shall have to object, because I think the Senator from North Dakota knows fully what it is about. He is aware of the position of his colleague, the manager of the bill, who is against the amendment. I happen to be for it.

I hope that we will, in line with the intent of the agreements which were made, reach a conclusion and that the distinguished Senator may have the rest of the time from this side—I am sure that the Senator from Arkansas will give it to him—and what the Senator from New York has remaining. That must be 4 or 5 minutes.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. MANSFIELD. I ask unanimous consent that the Senator may have not to exceed 3 minutes.

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

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

Mr. MANSFIELD. Will the Senator withhold?

Mr. JAVITS. I withhold.

Mr. MANSFIELD. All time is up now. It is my intention to make the request that the Senate stand in recess until the hour of 10 minutes to 2. I know of no further amendments to be offered, and the agreement was that the vote would be at 2 o'clock, in view of the Republican caucus to discuss matters of importance.

Mr. JAVITS. May I make a parliamentary inquiry, reserving the right to object?

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. JAVITS. Is the right to move to table this amendment, cut off the recess if the recess is agreed to?

The PRESIDING OFFICER. No, the recess will not cut off the motion.

Mr. JAVITS. That right will be observed when we reassemble?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. But the Fulbright amendment will have to follow the disposal of the Mondale amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. So after the vote on the Mondale amendment, the vote will then be taken on the Fulbright amendment.

The PRESIDING OFFICER. The Senator is correct.

RECESS UNTIL 1:50 P.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 1:50 p.m.

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

Thereupon, at 1:20 p.m., the Senate took a recess until 1:50 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HATHAWAY).

FURTHER CONTINUING APPROPRIATIONS, 1975

The Senate continued with the consideration of the joint resolution (H.J. Res. 1131) making further continuing appropriations for the fiscal year 1975, and for other purposes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, the question is on agreeing to the Mondale amendment. 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 Indiana (Mr. BAYH), the Senator from Hawaii (Mr. INOUYE), and the Senator from Utah (Mr. Moss), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I also announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. PACKWOOD) would vote "yea."

The result was announced—yeas 65, nays 26, as follows:

[No. 436 Leg.]

YEAS—65

Allen	Gravel	Muskie
Baker	Griffin	Nelson
Beall	Hart	Pastore
Bentsen	Hartke	Pearson
Bible	Hathaway	Pell
Biden	Hollings	Proxmire
Brock	Hruska	Randolph
Brooke	Huddleston	Ribicoff
Buckley	Humphrey	Roth
Byrd, Robert C.	Jackson	Schweiker
Cannon	Javits	Scott, Hugh
Case	Johnston	Stevens
Chiles	Kennedy	Stevenson
Church	Long	Symington
Clark	Magnuson	Taft
Cotton	Mathias	Thurmond
Cranston	McGee	Tower
Dole	McGovern	Tunney
Domenici	McIntyre	Weicker
Eagleton	Metzenbaum	Williams
Fong	Mondale	Young
Goldwater	Montoya	

NAYS—26

Abourezk	Fannin	McClure
Aiken	Fulbright	Metcalf
Bartlett	Gurney	Nunn
Bennett	Hansen	Scott, William L.
Burdick	Haskell	Stafford
Byrd, Harry F., Jr.	Hatfield	Stennis
Curtis	Helms	Talmadge
Eastland	Hughes	
Ervin	Mansfield	
	McClellan	

NOT VOTING—9

Bayh	Dominick	Packwood
Bellmon	Inouye	Percy
Cook	Moss	Sparkman

So Mr. MONDALE's amendment was agreed to.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. 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 time limitation of 10 minutes on the next amendment.

The PRESIDING OFFICER (Mr. MCCLURE). Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, will the Chair tell us, what is the next vote?

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from Arkansas (Mr. FULBRIGHT).

Mr. HUMPHREY. Mr. President, am I correct that that amendment relates to only permitting expenses and salaries to be paid?

The PRESIDING OFFICER. The Chair cannot advise the Senator concerning the content.

Mr. HUMPHREY. Is there any time left on the amendment?

The PRESIDING OFFICER. There is no time remaining.

Mr. HUMPHREY. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota to lay on the table the amendment of the Senator from Arkansas. 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 Indiana (Mr. BAYH), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. MOSS), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I also announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 63, nays 28, as follows:

[No. 437 Leg.]

YEAS—63

Aiken	Chiles	Hartke
Baker	Cranston	Hathaway
Bartlett	Curtis	Hollings
Beall	Dole	Hruska
Bennett	Domenici	Hughes
Bentsen	Eagleton	Humphrey
Biden	Fannin	Jackson
Brock	Fong	Javits
Brooke	Goldwater	Johnston
Buckley	Griffin	Kennedy
Cannon	Hansen	Magnuson
Case	Hart	Mathias
McGee	Pearson	Stevenson
McGovern	Pell	Symington
McIntyre	Randolph	Taft
Metzenbaum	Ribicoff	Thurmond
Mondale	Roth	Tower
Montoya	Schweiker	Tunney
Muskie	Scott, Hugh	Weicker
Nelson	Stafford	Williams
Pastore	Stevens	Young

NAYS—28

Abourezk	Eastland	Mansfield
Allen	Ervin	McClellan
Bible	Fulbright	McClure
Burdick	Gravel	Metcalf
Byrd, Harry F., Jr.	Gurney	Nunn
Byrd, Robert C.	Haskell	Proxmire
Church	Hatfield	Scott, William L.
Clark	Helms	Stennis
Cotton	Huddleston	Talmadge
	Long	

NOT VOTING—9

Bayh	Dominick	Packwood
Bellmon	Inouye	Percy
Cook	Moss	Sparkman

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 1131) was read the third time.

Mr. HUGH SCOTT. Mr. President, I move to recommit House Joint Resolution 1131, making further continuing appropriations for fiscal year 1975, to the Committee on Appropriations with instructions to delete section 3 as amended.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Mr. President, I move to recommit House Joint Resolution 1131, making further continuing appropriations for fiscal year 1975, to the Committee on Appropriations with instructions to delete section 3, as amended.

The PRESIDING OFFICER. On this motion there is a time limit of 1 hour to be equally divided.

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. HUGH SCOTT. I would be glad to yield.

THE PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. JAVITS. Mr. President, is that motion amendable?

The PRESIDING OFFICER. It would be amendable to add additional instructions.

Mr. JAVITS. I thank the Senator.

Mr. HUGH SCOTT. Mr. President, I yield myself 5 minutes.

Mr. BIBLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend until there is order.

Mr. BENNETT. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. HUGH SCOTT. I am glad to.

The PRESIDING OFFICER. The Senator will state it.

Mr. BENNETT. If the motion is amended, must the discussion on the amendment follow within the hour?

The PRESIDING OFFICER. There is a specific agreement on this motion which would include the amendment to the motion.

Mr. BENNETT. So we can count on a vote taking place no later than 1 hour from the present time?

The PRESIDING OFFICER. Under the present agreement.

Mr. BENNETT. I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HUGH SCOTT. Mr. President, the President of the United States has made a statement referring to the present condition of the continuing resolution, and he states:

It is my conviction that approval of the continuing resolution, containing the Eagleton Amendment or similar language, would destroy any hope for the success of the initiative the United States has already taken or may take in the future to contribute to a just settlement of the Cyprus dispute.

I am sorry I am unable to proceed, Mr. President.

The PRESIDING OFFICER. The Senator will suspend until there is order.

The Senator may proceed.

Mr. HUGH SCOTT. I regret that my efforts always seem to stimulate additional conversation.

The President goes on:

This view is shared by Secretary of State Kissinger, who is now in New York where he is making a major effort in his talks with Greek and Turkish representatives to bring about progress.

I may add that if this continuing resolution remains in this form, I personally see no reason why Secretary Kissinger should continue the negotiations since Congress, in making its own foreign policy, will have deprived the Secretary of the only tools with which he can negotiate, and unless the whole Congress wishes to move to New York to negotiate with Greece, Turkey, and Cyprus, I fail to see how we are going to be able effectively to serve as mediators.

If the Eagleton Amendment or similar language is adopted by the Congress, the United States will have lost its negotiating flexibility and influence. It thus hurts the very countries and objectives it purports to help.

It is my intention, therefore, to withhold my consent to any continuing resolution which reaches my desk containing language such as that found in the Eagleton Amendment. I can, however, accept, and indeed endorse, the language relating to military assistance to Turkey contained in the continuing resolution as reported to the full Senate by the Senate Appropriations Committee.

I deeply appreciate the constructive efforts of the Democratic and Republican leadership in both the Senate and House of Representatives in their support for an amendment which would assist the diplomatic efforts of Secretary Kissinger in seeking an equitable solution to the Cypress question. I hope a majority of the Senate will respond to this bipartisan leadership effort.

Mr. President, I ask unanimous consent that the statement by the President may be included at the end of my remarks.

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

(See exhibit 1.)

Mr. HUGH SCOTT. The most cogent

argument against this section of the bill, as amended, was made by the distinguished majority leader yesterday, as he said at the beginning of his speech:

Mr. President, there seems to be a madness throughout the land. We are looking for short answers, quick answers. We think that by doing certain things, we can establish a quick fix to a problem which will take a long time to heal.

Then he speaks of the change in the Greek Government for the better, and the overreaction of Turkey, in the hope that we can look at the broad picture in that area.

He makes the point that the adoption of this amendment is not going to force the Turks out of Cyprus, in whole or in part, but it is going to undermine the efforts of Secretary Kissinger, if called upon to do so, to act as mediator. He makes very strong arguments throughout against this amendment.

Now, as the New York Times pointed out this morning, and I quote from today's——

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. HUGH SCOTT. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HUGH SCOTT. First, I ask unanimous consent to modify my motion to recommit by adding the words "and to report back forthwith."

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

Mr. HUGH SCOTT. The New York Times states:

The amendment proposed by Senator THOMAS F. EAGLETON was framed in such a way that it could also apply to Israel's attacks on her Arab neighbors or to Arab incursions into Israel.

We have had conversations this morning with the General Counsel of the Department of State and have been advised that there do exist very definite legal questions as to the application of this amendment to the possibility of Israel being in violation, because this amendment uses the phrase, in prohibiting aid, "against nations which are in violation." The present law says "in substantial violation," and it has been possible to interpret the present law that various incursions across national boundaries were not in substantial violation.

This amendment gives us no leeway at all, and denies aid to any country which uses such defense articles or services in violation of the cited acts.

Therefore, it is quite reasonable to assume that what we are doing here is to add $200 million to Israel in the amendment, and then make sure that Israel does not get it by virtue of the fact that they, too, are alleged to be in violation.

Now, we always do this. We always add aid to Israel in order to make it possible for someone to pass some favorite project, usually having nothing whatever to do with Israel, and then nearly everybody votes for aid to Israel; and in this case we have perpetrated a very sad and unfortunate hoax, because we have said, "We will give you $200 million, we know the President is going to veto the bill. We will put the onus on his back and we will blame the President for not giving you the $200 million."

Whereas, at the same time, we have so constructed the legislation that Israel could be in violation of it and could not get it.

That is hardly the way to legislate, any more than it is right and proper for us to negotiate between countries or changes in foreign policy on the floor of the Senate.

I regret it very much and I am very sorry to see it happen.

We are all here good friends of Turkey and of Greece.

I do not suppose anybody in this room has any more reason to regard himself as a good friend of Greece. I have been twice honored by decorations from that country. I hope it will not see fit to hold a public ceremony and strip my medals because I feel I must take a position which is in their interest, whether they agree or not, because I am certain that by removing the tools for negotiation between Greece and Turkey by the United States as a mediator, we have deprived the Karamanlis government of any means by which negotiation can be furthered.

At the same time, we have shaken the structure of the Government of Turkey and the Government of Greece. I do not think that is any way to legislate and I hope the motion to recommit will carry.

If it does not, our people in the programs will not be paid, the authority to pay them expires today, the resolution will be vetoed if not properly worked out in conference, and I do not know when we will get another continuing resolution, probably at midnight on October 11 at a time when everyone wishes they were somewhere else but here.

I reserve the remainder of my time.

EXHIBIT 1

STATEMENT BY THE PRESIDENT

Last night the Eagleton Amendment to the continuing resolution authority was passed by the Senate. Today the continuing resolution itself will be brought to a Senate vote.

It is my conviction that approval of the continuing resolution, containing the Eagleton Amendment or similar language, would destroy any hope for the success of the initiatives the United States has already taken or may take in the future to contribute to a just settlement of the Cyprus dispute. This view is shared by Secretary of State Kissinger, who is now in New York where he is making a major effort in his talks with Greek and Turkish representatives to bring about progress.

If the Eagleton Amendment or similar language is adopted by the Congress, the United States will have lost its negotiating flexibility and influence. It thus hurts the very countries and objectives it purports to help.

It is my intention, therefore, to withhold my consent to any continuing resolution which reaches my desk containing language such as that found in the Eagleton Amendment. I can, however, accept, and indeed endorse, the language relating to military assistance to Turkey contained in the continuing resolution as reported to the full Senate by the Senate Appropriations Committee.

I deeply appreciate the constructive efforts of the Democratic and Republican leadership in both the Senate and House of Representatives in their support for an amendment which would assist the diplomatic efforts of Secretary Kissinger in seeking an equitable solution to the Cyprus question. I hope a majority of the Senate will respond to this bipartisan leadership effort.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. EAGLETON. Is there a time limit on this motion to recommit?

The PRESIDING OFFICER. There is a time limit of 1 hour equally divided.

Mr. EAGLETON. And who has control of the time on the respective sides?

The PRESIDING OFFICER. The Senator from Pennsylvania (Mr. HUGH SCOTT) and the Senator from Arkansas (Mr. MCCLELLAN).

Mr. EAGLETON. May I address a question?

Mr. McCLELLAN. I am glad to yield. How much time does the Senator wish?

Mr. EAGLETON. I would like to have 10 minutes at this time.

May I ask the Senator from Arkansas, is it his position to support the motion to recommit?

Mr. McCLELLAN. Well, I have not fully decided. I am very much so inclined, but I am happy to yield such time in opposition as the Senator wishes, or let him dispense the time.

Mr. EAGLETON. Whatever would be more convenient to the Senator from Arkansas.

Do I take it I will have control of the time?

Mr. McCLELLAN. Well, as to this amendment. I do not think the Senator should have control of all the time.

Mr. EAGLETON. No.

Mr. McCLELLAN. But I am going to give the Senator such time as he wants on his amendment.

Mr. EAGLETON. Mr. President, I ask unanimous consent that I may be privileged to speak on this motion at this time and if I speak once again, same will not be construed as a second speech.

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

Mr. EAGLETON. Mr. President, I always enjoy listening to my good friend, the Senator from Pennsylvania. He is able, he is articulate, and he can be, when he is at his best, obfuscating. Among his eloquent remarks was the fact that he has been in close touch within the last 24 hours with the lawyers of the U.S. State Department.

This is marvelous, Mr. President. For well over a month I have been trying to get in close touch with the lawyers for the State Department to ask them to reduce to writing the advice they have already given verbally to the Secretary of State, Mr. Kissinger, to wit:

Dr. Kissinger, you are in violation of the law, you are in violation of the law by continuing to authorize further military aid to Turkey when Turkey has used that foreign aid in violation of existing U.S. statutes.

As the Senator from Pennsylvania well knows, that advice has been given to the Secretary of State by his own lawyers. Yet the Secretary of State has steadfastly refused to release that legal advice from his own lawyers. He has informed Members of the Senate that he has re-

ceived such advice, but he will not give us the written legal document.

Yet the minority leader—when he wants some hurried-up, hastily concocted legal opinion from the State Department—has immediate access and gets his desired answers promptly.

Well, I say to those nameless attorneys in the State Department who have advised Senator SCOTT that they are wrong—dead wrong in their interpretation of the Eagleton amendment with respect to Israel.

The Eagleton amendment does not for one whit curtail continued military aid to Israel under the existing circumstances in the Middle East. Senator SCOTT's argument is, to use the words of President Truman, a "red herring," a diversionary ploy that is sometimes used to obfuscate the real issue. Israel is not an aggressor nation, despite the arguments of the Senator from Pennsylvania.

Surely Israel would not be subject to an aid cutoff as a result of enactment of this legislation. Clearly Israel has not been the aggressor in its military conflict with the Arabs. And that is the U.S. policy interpretation of this matter.

In the 6-day war, Israel exercised its rights as a belligerent because Egypt had blocked the Straits of Tiran—a causi belli in international law. In the Yom Kippur war there can be no question as to who was the aggressor. I think that it should be made clear that in acting in its defense, and fighting for its survival, Israel was not the aggressor and would not be subject to a denial of U.S. aid.

Mr. President, the only nation which clearly and specifically is in violation of the Foreign Assistance Act is Turkey. It is normally exceedingly difficult to legally define the term "aggression," but in the case of Turkey vis-a-vis Cyprus, we have a statement by a President of the United States making that definition for us. I am, of course, referring to the 1964 letter from President Johnson to the Prime Minister of Turkey.

The main thrust of the remarks of the Senator is that we feeble-minded 100 U.S. Senators should not have anything to say about the foreign policy of the United States.

Mr. President, how many times since 1964 have we heard that same advice on this floor from a succession of Presidents beginning with Lyndon Johnson, continuing with Richard Nixon, and now with Gerald Ford?

We in the Senate were told during that dreadful era of Vietnam to keep our noses out of that war. We were told: Johnson knows best; Rusk knows best; McNamara knows best; and we have no role to play in it—we were simply to appropriate the money and send some more men to die. That was, as the executive branch viewed it, our only role.

When Richard Nixon came to office, that same kind of "father-knows-best" advice was given us, and for 4½ years under Nixon the Congress of the United States marched to that terrible and uncertain tune.

But finally, our consciences got the best of us and the dissatisfaction of the peoples got the best of us, and we said, "Enough."

We did exercise some clout in foreign policy on the floor of the Senate. In the summer of 1973 we attached to an appropriation bill an amendment cutting off bombing in Cambodia. We said, "No more, Richard Nixon, we will not bomb there any longer."

The Senator from Pennsylvania wanted to continue to bomb, and others did as well, but we said "no" to the President. Then President, Richard Nixon, threatened, "I will bring this Government to a halt if you put that amendment on. I will veto the bill."

And he did veto one and finally a compromise was worked out. I think it was a misbegotten compromise. I think it was an unholy compromise. But the 45-day Cambodian bombing compromise was worked out and, finally, as offered by the distinguished Senator from Arkansas (Mr. FULBRIGHT), an amendment was passed terminating American bombing of Cambodia on August 15, 1973.

Yes, we intervened in foreign policy. We would have been less than human and less than decent if we had not. Were we to sit here and let the war go on and take its awful toll? I think it was one of the proudest days in the Senate's history that we had the guts to stop that carnage.

Now, to the present situation, using the same logic that the Senator from Pennsylvania has enunciated, are we to stand blandly by and permit a law that has been on the books of this country for 2 decades to be specifically ignored by President Ford and our omniscent, "father-knows-best" Secretary of State?

They are subject to the law just as every Member of this body is subject to the law. There is no one in this country of 212 million people that is above the law. We are all under it. We are a Nation of laws and not of men. This law, the Foreign Military Sales Act, has been on the books and it has been enforced.

In 1964, under analogous circumstances, when Turkey then threatened to invade Cyprus, then President Lyndon Johnson said to the Turkish Government:

> Beware, if you move to invade Cyprus, I will invoke the law that is on the books and I will forthwith terminate aid to the government of Turkey.

The documents are available on that exchange between the Turkish Government and President Johnson.

The upshot was that President Johnson did two things. First, he showed that he had imagination. Second, he relied on the rule of law. The result was that Turkey did not invade Cyprus.

Now, 10 years later, there has been no great imagination with respect to our Cyprus policy. We are told to ignore the law, we are told that Henry does not like the law; that Henry will have his hands tied, just as Henry said we would tie his hands if we terminated the Cambodian bombing. Remember that, Mr. President, "You will tie my hands if you deny me the authority to bomb."

And do you not remember during Dean Rusk's time, whenever an event took place in Congress with respect to the Vietnam war, Rusk would say "Do not do that; you will tie my hands?"

The essence of statesmanship is legality. Statesmanship is not just an artifice, a clever exchange of words between diplomats. The backbone of any foreign policy has to be rule under law. It applies to Cyprus. It applies to Chile.

In this bill that the Senator from Pennsylvania wants recommitted is the Kennedy amendment that cuts off aid to Chile.

Are we very proud of that clever bit of diplomacy, that clever act of statesmanship, which resulted in the accession of the Chilean junta to power? What a great day for humanitarianism in that our "destabilization" policy brought into power a bunch of torture artists. What a "proud" day for America.

The rule of law, Mr. President, is more than something that young law students learn in their 3 years in law school. It is a guidepost by which civilized men live; it is a guidepost by which a civilized nation flourishes; it is a guidepost by which a civilized nation conducts its foreign policy.

By asserting ourselves in foreign policy, we are not intervening in the private life or the private preserve of Henry Kissinger. All we are saying is, "Dr. Kissinger, wherever you are, and whatever you are thinking, all we ask of you, good Doctor, is to obey the rule of law. All we ask of you, good Doctor, is that you obey the law that all of us are obliged to obey, and conduct your negotiations within the framework of law."

The Government of Turkey, Mr. President, knows this law.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. EAGLETON. I yield myself an additional 5 minutes.

The Government of Turkey knows this law. They know it full well.

Mr. McCLELLAN. Mr. President, I yield the Senator from Missouri an additional 5 minutes.

Mr. EAGLETON. I thank the Senator from Arkansas.

The Government of Turkey knows this law full well. It is no surprise to Turkey that, first, this debate is taking place, and second, aid may be and should be terminated. It will be no shock, no surprise to Turkey. They were so informed at the time they signed their original bilateral agreement with the United States in 1947, 27 years ago. As part of that agreement, the Turkish Government agreed not to use military aid for aggressive purposes against neutral or third nations.

On this point, Mr. President, I ask unanimous consent that two speeches that I gave on September 5 and on September 18 of this year, relating to the legal questions involved, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibits 1 and 2.)

Mr. EAGLETON. Turkey knew what the law was in 1947 when they signed the bilateral agreement. Turkey knew what the law was in 1964 when President Johnson told them they had better obey the law or they were going to have their aid discontinued.

Since when can enforcing the law be dangerous foreign policy?

Should we tell Turkey we believe in the rule of law or should we tell them that we sometimes subvert governments in Guatemala, we sometimes have secret wars in Laos, we sometimes destabilize governments in Chile, and we sometimes spend many months in the Dominican Republic rescuing American citizens?

Finally, I turn to the point raised yesterday by the distinguished majority leader and reiterated today by the distinguished minority leader. It is alleged by both of these distinguished men that this act of terminating military aid to Turkey will weaken the Karamanlis government. Or, to put it another way, that Mr. Karamanlis is on his knees every night, in a political, quasi-novena praying that more U.S. aid be given to Turkey because that will keep his government in power and make things peaceful and serene on Cyprus.

Mr. President, that argument is illogical on its face. It is, per se, inconsistent. The strength of the Karamanlis government does not depend on how much stronger we make the Turkish Government by more military aid with which they can further oppress the Cypriots. Poppycock. The Karamanlis government will be threatened inevitably, Mr. President, if we continue in violation of law to pump more and more American armaments into Turkey for their ultimate use on Cyprus.

Yes, then the Karamanlis government will be truly in jeopardy, and Greece will have but two alternatives: they can go far right or far left. They can go back to another junta. How about Chile? We seem to be rather cordial with them, and perhaps that is our silent preference, back to more oppression of the far right. Or, alternatively if Karamanlis cannot hold on, they can go far left and go Communist. That certainly is not our preference. It should not be our preference to drive Greece either left or right.

I assure you that the Greek Government knows this law. If we continue in violation of American law and in violation of the American-Turk bilateral agreement to continue to tilt toward Turkey, we will, as surely as we are debating this issue here today, Mr. President, be undermining the strength of the Karamanlis government.

I say in conclusion, Mr. President, our distinguished Secretary of State is famous for his tilts. He tilts toward the junta in Chile. He tilts toward Thieu in Vietnam. His most famous tilt was his pro-Pakistan tilt. His current tilt, his Turkey tilt, is no wiser than the other tilts.

If we are to shrink from our responsibility in the face of law, then, Mr. President, we become witting handmaidens in this tragedy in the Aegean Sea.

We have but one honorable role to play. That role is to speak our minds, to vote our consciences, and to enforce our laws.

EXHIBIT 1

STATEMENT OF THOMAS F. EAGLETON

Mr. President, throughout our history Congress in fulfilling its constitutional responsibilities has sought to provide the Executive with maximum flexibility in the conduct of foreign affairs. It was, of course, the intention of the Framers that the President be allowed to negotiate with foreign governments with as little statutory restriction as was deemed by Congress to be in the national interest. This schema has served the United States well even in this era of "foreign entanglements."

But one area where Congress felt that the national interest *was* best served by restrictive legislation . . . by keeping the Executive on a short leash . . . was the area of military assistance. Recognizing the inherent danger of providing arms to foreign governments by grants or sales, Congress passed legislation carefully circumscribing the use of those arms. And we carefully limited the President's discretion in continuing military assistance to a recipient nation when that nation is in violation of the applicable statutes.

For the past month the Government of Turkey has been in violation of the provisions of Section 505 of the Foreign Assistance Act and Chapter 1, Section 4 of the Foreign Military Sales Act. Whether or not it suits the policy of the Executive Branch at this time, these laws state categorically that a violating nation "shall be *immediately ineligible*" for further assistance.

It seems apparent that the law is either being ignored or openly abridged in order to accommodate an ill-perceived short-range gain—ill-perceived because we have gained nothing and lost much in our "tilt" toward Turkey.

Section 505, subsection (a)(1)(C) states in part:

". . . no defense articles shall be furnished to any country on a grant basis unless it shall have agreed that . . . it will not, without the consent of the President, use or permit the use of such articles for purposes other than those for which furnished . . ."

Mr. President, Turkey did consent to that carefully drawn condition in a bilateral agreement with the United States signed in July 1947. Article IV of that agreement requires Turkey to obtain U.S. approval for the use of American arms for purposes other than those for which such assistance was furnished.

In a June 1964 letter to the Prime Minister of Turkey, President Johnson warned of the consequences of using American arms for an invasion of Cyprus. The President referred to the 1947 military aid agreement and said:

"I must tell you in all candor that the United States cannot agree to the use of any United States supplied military equipment for a Turkish intervention in Cyprus."

Later in his letter, President Johnson said: "You have your responsibilities as Chief of the Government of Turkey; I also have mine as President of the United States." The President knew full well when he sent that letter that his statutory responsibility was to declare Turkey immediately ineligible for military assistance if Turkey went ahead with its plan to intervene in Cyprus.

What are the purposes for which we furnish a nation with weapons under military assistance programs? Subsection (b) of Section 505 of the Foreign Assistance Act addresses that question directly when it requires the President to determine that each of the four following conditions be met:

"(1) that such country conforms to the purposes and principles of the Charter of the United Nations;

"(2) that such defense articles will be utilized by such country for the maintenance of its own defensive strength, or the defensive strength of the free world;

"(3) that such country is taking all reasonable measures, consistent with its political and economic stability, which may be needed to develop its defense capacities; and

"(4) that the increased ability of such country to defend itself is important to the security of the United States."

Mr. President, the words "immediately ineligible" strongly imply that the President must make an expeditious determination that these four conditions have been met. Now, more than a month after the invasion of Cyprus, it is obvious that Turkey has clearly violated conditions one and two. It cannot, in my opinion, legitimately be argued that the Administration has acted in good faith to expeditiously implement the provisions of this law.

The Foreign Military Sales Act is equally specific in defining the purposes for which military sales are authorized. Section 4 reads as follows:

"Sec. 4. Purposes for Which Military Sales by the United States Are Authorized.—Defense articles and defense services shall be sold by the United States Government under this Act to friendly countries solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security, or for the purpose of enabling foreign military forces in less developed friendly countries to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries."

Mr. President, even the wildest imagination could not construe the Turkish invasion of Cyprus as conforming to the purposes and principles of the UN Charter. Turkish troops have actually engaged UN peacekeeping forces on Cyprus. Certainly the aggressive actions of Turkey cannot be interpreted as "legitimate self-defense" . . . or "internal security" . . . or "public works" . . . or "helpful to the economic and social development" of Cyprus.

It is clear, therefore, that the action of Turkey is in direct violation of the 1947 bilateral agreement, and consequently, in violation of the legal authority under which that country receives military aid. The President in this rare instance has virtually no discretion under the law—he must determine that Turkey is immediately ineligible for military grant assistance and military sales.

In a press conference on August 19, Secretary of State Henry Kissinger stated that he would seek a legal opinion on the issues I have discussed today. He also strongly implied that it would not be in our interests to terminate military aid to Turkey at this time.

Mr. President, it is always in the interest of the United States to assure that our laws are faithfully executed. I would rather believe that the delay in receiving a legal opinion on military assistance to Turkey is unrelated to the State Department's perception of the best policy to follow in the Cyprus matter. Yet, the implication is inescapable. There is no excuse for the failure to implement what is a clear requirement of law.

It is my personal belief that a cutoff of military aid to Turkey would indeed serve to inspire accommodation among the warring factions on Cyprus. If such action is taken immediately, as is required, it will present a tangible expression of concern to Greece—an expression which might save U.S. bases in that country and hopefully stem the tide of anti-Americanism. And it may demonstrate to Turkey that, although it has won a military victory, that victory cannot be sustained over time unless it is transformed into political accommodation.

Mr. President, we have just emerged from a trying period of American history—a period when laws were winked at and rationalized to fit the concept of policy-makers. By and large, we have learned that policies created in ignorance of or in spite of the law are doomed to failure.

I am sure that it is not President Ford's intention to ignore the law in this instance.

I have greatly admired his efforts to restore confidence in the law during his brief tenure as President. But it is my belief that he is being ill-advised or being kept uninformed of the legal ramifications of his inaction in the Cyprus matter in order to protect erroneous policy judgments made by the foreign affairs bureaucracy.

I call upon the President to make the inescapable determination he is required to make under the statutes I have cited today. He has no choice but to declare Turkey ineligible to receive further military assistance. Such action will not only conform the Administration's actions with the law, it will begin to correct the grievous errors our government has made in sacrificing relations with Greece in favor of a nation which has committed aggression.

EXHIBIT 2

STATEMENT OF SENATOR THOMAS F. EAGLETON

Mr. President, the amendment I propose today is intended to demonstrate that the rule of law in this nation must prevail over the policies of men. The law governing the use of American military assistance is not subject to varying interpretations . . . it is not a complicated statute . . . and it contains virtually no discretionary authority. The pertinent sections of the Foreign Assistance Act and the Foreign Military Sales Act explicitly state the requirement:

"Any country which hereafter uses defense articles or defense services furnished such country under this Act . . . in substantial violation of the provisions of this (Act) or any agreement entered into pursuant to (this Act) shall be immediately ineligible for further assistance."

Since July 20, 1974, the Executive Branch has tried—unsuccessfully—to look the other way while American arms are used by Turkey against the nation of Cyprus. The State Department wants President Ford to overlook the legal requirement to stop military aid to Turkey for misusing our weapons. It is a painful irony in this post-Watergate era that individuals at the highest levels of government persist in trying to undercut the law in favor of their own perceptions of what is best for America and the world.

Mr. President, what are the provisions and purposes of the acts which authorize military assistance? According to a legal memorandum prepared by the Library of Congress, "U.S. military aid is intended for the sole and exclusive purpose of permitting recipients to defend themselves against aggression . . ." The Library concluded its memorandum with the following statement:

"Use of articles and services for other than defensive purposes, i.e. for aggressive purposes, is barred by law."

The dictionary definition of the word aggression is "the violation by one country of the territorial integrity of another." If we use this definition, there can be no doubt that Turkey committed an aggressive act in violating the territorial integrity of the nation of Cyprus. Even with no further guidance from precedent or legislative history, Turkey is clearly guilty of using American arms in violation of the provisions of our military assistance programs.

But in this instance we need not depend upon dictionary definitions. In 1964 the President of the United States warned the Prime Minister of Turkey that using American arms "for a Turkish interventior. in Cyprus" would violate our bilateral arms agreement with that country. Documents on hand in the Executive Branch—prepared for President Johnson in support of the 1964 letter—indicate that the President knew full well that it would have been his statutory responsibility to cut off military aid to Turkey had that nation moved on Cyprus.

The July 1947 bilateral agreement between the United States and Turkey requires Turkey to obtain the approval of the United States for the use of American defense articles for any purpose other than for the defensive purposes for which our arms are furnished. American law requires Presidents to consummate such agreements before the United States can offer military assistance.

In the Turkish invasion and occupation of Cyprus, our agreement with Turkey is being openly and substantially violated. Turkey has not asked our permission to use American arms on Cyprus. And in violating their agreement with the United States, the Turks have become ineligible to receive any further American assistance.

Mr. President, we do not give arms to nations so that they can be used against the friends and allies of the United States. The preamble of Title II of the Foreign Assistance Act emphasizes the control we place over American weapons:

"It remains the policy of the United States to continue to exert maximum efforts to control weapons . . . under adequate safeguards to protect complying countries against violation and evasion."

If this principle of statutory control is to be preserved, then our government cannot ignore violations of this type. The world must know that American law is applied equitably and that policy considerations, however well-intentioned, must always be consonant with the requirements of our domestic law.

Mr. President, the State Department has apparently decided that its policy must prevail to the exclusion of other considerations. But let us not be mistaken, American law is already a part of the complicated Cyprus equation. Turkey and Greece both understand what the President's legal obligation is, and if the President fails to fulfill that obligation to cut off aid to Turkey, it will no longer be even arguable that our policy is even-handed.

If the United States continues on its present course, in spite of the law, we risk the total loss of Greece as a NATO ally. And if Greece withdraws from NATO, the American naval presence in the eastern Mediterranean will be severely crippled.

Our ports in mainland Greece and in Crete are vital if we are to match the Soviet navy in that area. It would be a serious miscalculation if we were to encourage the Caramanlis government to close our ports by attempting to circumvent a clear requirement to penalize Turkey's aggression.

It would be equally improper to recommend to President Ford that he pardon Turkey for its misuse of American arms.

The President can waive the provisions of the Foreign Assistance Act if he determines that it is "important to the security of the United States."

But because we risk losing our ports in Greece, it is inconceivable that a waiver would in fact enhance our security posture.

According to the law, the President, before granting a waiver, must make a determination that the purposes for which the United States gives military assistance are furthered by his action. The law is explicit on this point—our military assistance cannot be used for aggression. Using the waiver clause to advance such a negative cause would violate the letter and the spirit of the law. The military intervention by Turkey cannot, therefore, be pardoned, nor should it be.

Despite the State Department's most recent plea for kingly powers in the realm of foreign affairs, Congress has a constitutional responsibility to enact statutory controls over programs and policies when it perceives such controls to be in the national interest. Congress long ago recognized the potential dangers of military assistance and enacted laws strictly controlling the use of American weaponry by recipient nations. It is this principle of control which is at stake in the Administration's ongoing refusal to properly execute the law.

The United States was universally admired some weeks ago when the rule of law prevailed providing a smooth transition of executive power. Would our nation be any less respected, even by Turkey, if we were to subordinate a policy advanced by a few men to the law which governs all men?

I urge my colleagues to vote for the rule of law and to voice the displeasure of the Senate over the State Department's extra-legal Cyprus policy. Much is at stake in the vote we cast today. Our refusal to tolerate the accession of policy perceptions over legal obligations could go far in putting our nation back on the course set by the framers of our constitution.

Mr. HUGH SCOTT. Mr. President, I yield 5 minutes to the distinguished senior Senator from Wyoming (Mr. McGEE).

Mr. McGEE. Mr. President, I have listened with great interest to my colleague from Missouri on the principles of his petition of the matter before us. I have listened with great interest, read with the greatest of care, and felt with the deepest of emotions the hundreds and hundreds of telegrams and letters that I have received from the Greek community all over the land, and from my home State of Wyoming.

I try very carefully to understand—and I think we all do.

The real point of it, it seems to me, is how are we going to be able to do the best for the people of Cyprus, until recently completely independent? How are we going to try to roll the present situation back so that the interests of the Greek Cypriots, and those in the Greek nation that are concerned about their well-being, have the best chance to reachieve the kind of equity that they enjoyed not very long ago?

I would submit, Mr. President, that the best way to make sure they do not get it back is to follow through on the proposal of my distinguished friend from Missouri. All this can do is to harden the present status quo, rather than loosen its base and make possible doing something in the best interest of Greece and in the best interest of the Greek Cypriots at the same time.

It is simply another illustration, if I may say so, that we are ill-advised to try to make this kind of foreign policy on the floor of the Senate in this way, with this haste. That is not what the Senate was created to do.

We in this body have rightfully been concerned about the prestige of the Senate, about the role of the Senate, in foreign policy. Then we blow it in 2 days on the floor of the Senate by holding up our image to the rest of the country as men who are impetuous, as men who are in a hurry and impatient and hot-headed. Those are the very ingredients we have no reason bringing into play on foreign policy at a time like this.

God knows, it is tough in the eastern Mediterranean right now, but for a lot of reasons. Cyprus is only one. The historic Greek-Turkish rivalry there, which goes back a great many decades, was not invented now. You have a heritage there of deep and abiding mistrust and hatreds. But our task is to try to reestablish equity, if we can.

Our hand is stronger if we can be trusted by both sides. We have little else

we are going to do, unless we are going to mobilize our armies and democratize the world, whether they like it or not. I submit that that is not the American role, either.

So I say to my colleagues that two things are at stake here: One is, how do we have the best chance to restore equity to the Greek Cypriots and the Greek nation? Two, how can we expedite public confidence in the integrity and the sober judgment of the Senate of the United States, which would like to play a more important role in foreign policy with the executive branch?

I say that we answer both of those questions in a significant way if we turn down the amendment of the Senator from Missouri, which is now a part of this measure. It has no place in a process in which it does not belong.

If we are going to raise the dignity of this body and its role in foreign policy, we had better tend to our knitting in the ways we go about it. We all want to help the restoration of equity to the Greeks, and the Greeks in this land must understand that. But that is not going to be done in the way proposed. It is going to damage the Greeks. The Greek interests in this country ought to understand that basic principle.

That is the reason why it is important that we stand up here, as Senators, rather than count the letters and the telegrams. It is important that the national interests and the interests of other countries be weighed in the balance with the wisest judgments we can command.

Mr. HUGH SCOTT. I thank the Senator.

Does the Senator from Arkansas wish to yield time?

Mr. McCLELLAN. Does the Senator from North Dakota (Mr. YOUNG) desire time?

Mr. YOUNG. Yes.

Mr. McCLELLAN. I yield 2 minutes to the Senator.

Mr. YOUNG. Mr. President, the motion by the distinguished minority leader, Mr. SCOTT, would recommit this joint resolution and eliminate the Eagleton amendment, an amendment which I strongly opposed yesterday on the floor of the Senate.

This involves foreign policy of a very complicated nature, the kind of foreign policy we have no business trying to legislate on the floor of the Senate. I deplore the efforts of those who try to discount the great accomplishments of Secretary Kissinger in world affairs. No one in the history of this Nation has done more for peace in the world than has Dr. Kissinger.

To leave the Eagleton amendment in this measure would not only jeopardize our efforts to try to bring about peace in the Middle East but also would have the effect of holding up money badly needed by other branches of Government.

If we went to conference with all the Senate amendments, with the conferees obligated to support the Senate amendments, and these amendments were adopted, the matter would go to the President and would be vetoed, and we would have to start all over again. In the meantime, many agencies of the Government will be without money.

Mr. President, there is time for this amendment on the bill which will come up next, the legislative bill of the Committee on Foreign Relations—that would be more appropriate—or even on a supplemental appropriations bill which will be coming up soon.

Mr. HUGH SCOTT. Mr. President, before yielding to the distinguished Senator from Texas, I wish to take 1 minute to praise the Senator from Missouri for having used the old prosecutor's tactic. He and I both are former prosecutors. When you have a weak case, you try everything else. He tried me. He tried the Secretary of State. He tried Guatemala. He tried everything except the facts.

The facts are that the veto of this measure would take aid away from Greece, whom we are all trying to help. It deprives the Greeks of aid as well as the Turks. It deprives everybody in the continuing resolution of any relief whatever. That is what it does.

Later, I will read some legal considerations which I have received from the State Department. But at this time I yield 3 minutes to the distinguished Senator from Texas.

Mr. TOWER. I thank the distinguished Senator from Pennsylvania. I should like to associate myself with what has been said by the distinguished Senator from Wyoming and the distinguished Senator from Pennsylvania.

The Senator from Missouri says that we are obfuscating the matter when we bring in the question of whether or not Israel is liable under the terms of the Eagleton amendment as currently couched. I do not think it is obfuscation at all.

Yesterday, on the floor of the Senate, the Senator from Missouri said that his was a generic amendment. If, indeed, it is a generic amendment, as he claims it is, then we have to discuss its impact on other countries as well as Turkey. I would add Greece, as the Senator from Pennsylvania has done, because the Greek Government supplied the arms to the Cypriot revolutionaries who overturned the established government of Cyprus and sent Makarios into exile. Therefore, the provisions of the Eagleton amendment, make no mistake, apply to Greece as well.

If the Senator is going to be insistent on the enforcement of the rule of law, observation of the rule of law, then he must admit that we must apply it equally, as indeed the law should be applied. Therefore, it will apply to Israel, which has already been in violation; it will apply to Greece, which has already been in violation. So let us make no mistake about the scope of the effect and the impact of the amendment that has been proposed by the Senator from Missouri and has been adopted.

Further, I reject his contention that the United States of America is engaged in international banditry. I do not think we have done so. We have been trying to establish the rule of law in this world. But the rule is not very well established, nor is the interest of a democracy served, when a Communist infrastructure in a Latin American country can influence the outcome of the elections in that country in a way contrary to the free operation of the democratic process.

I do not see why we should remove aid from Chile because they threw out a Communist government. It does not seem to me to make good sense. If there is something terrible about right-wing dictatorships and something wonderful and lovely about left-wing dictatorships, or authoritarian systems, then we should think in terms of those who have been critical of the government of the Greek colonels in Greece that perpetrated this action in Cyprus in the first place. I do not think we should damage the prospects for the survival of the modern government of Karamanlis by destroying the ability of the United States to try to help negotiate a settlement.

Mr. HUGH SCOTT. I yield myself 2 minutes.

Mr. President, the Senator from Missouri is advocating a rule of law. I am advocating that we abide by the law as presently on the statute books. The Senator seeks to change that law and then abide by it. But he seeks to change it in such a cavalier and sweeping and inconsiderate fashion as to render his own purposes nugatory. There is a good word for you. Nugatory to you. [Laughter.]

The Senator is my good friend, and he tolerates this sort of thing.

It could well render it nugatory, because what he is doing is denying aid to Greece. What he is doing is interfering with the foreign policy of the United States, without hearings and without careful consideration. What he is doing is participating in this madness that sweeps the world, as has been said, in order for the Senate to get into an act which it does not understand and rush to center stage and upset the entire cast and program, while a very delicate series of maneuvers are going on in an effort to bring peace between these two embattled nations.

That is what is trying to be done. He can make all the references he wants to the personal life of Secretary Kissinger, as he said. I, of course, think that Secretary Kissinger's personal life is extraordinarily attractive to most Americans. He is married to a lovely lady, he is a faithful husband, and he is a devoted Secretary of State.

Beyond that, fun has been made of the fact that he is peripatetic. His job requires him to be peripatetic, and if he were not peripatetic, he would not have been able to go to China. If he were not peripatetic, he could not have gone to Russia and achieved those things for our Government which were achieved.

I am glad that he is peripatetic, and I want him to "peripatete" some more, if necessary, to bring peace in the Middle East, if he can.

These are the legal considerations. I have asked for an unofficial opinion from the State Department, because we do not want to make final judgments against any country.

Informally, I am told that the Eagleton amendment would establish new conditions for U.S. assistance and sales, not contained in existing law. Each foreign country would be required to inter-

pret and apply U.S. statutes with the risk that any violation, whether intended or unintended, substantial or minimal, could result in a suspension of arms deliveries.

The existing language, section 505(d), speaks of "substantial violation," whereas the Eagleton provisions refer to "uses in violation."

Further, once a violation has occurred, the Eagleton amendment would prohibit a resumption of arms shipments with these funds, even though a country had taken steps to restore its eligibility under existing law.

That is how ill-considered this amendment is. It is a rush toward the electorate, rather than even a rush to judgment. Everyone knows that this amendment would not have a chance if this were not an election period, and we are getting close to November. We have a nervous constituency and a nervous reaction. We are nervous in the service.

The unintended effect of the application to other countries is uncertain indeed; as, for example, Israel, where we conceivably could be required either to condemn or endorse air attacks upon neighboring countries, Israel versus other nations or other nations versus Israel.

This is a highly mischievous piece of business which we ought not to be engaged in.

I reserve the remainder of my time.

Mr. McCLELLAN. Mr. President, I yield 2 minutes to the distinguished Senator from Indiana.

Mr. HARTKE. I thank the Senator.

Mr. President, I commend the Senator from Missouri for his outstanding leadership in his amendment, and for his persistence in this matter. I think that perhaps, to some extent, we have lost sight of exactly what we are doing here.

We are not trying to tell Mr. Kissinger or anyone else how to conduct foreign policy.

What we are saying is that whenever a nation takes money from the United States for one purpose—that is, to defend itself—and uses that money as an aggressor nation against another nation, we are going to stop giving them money. That is a rather simple proposition.

There are some deep underlying considerations. As I listened to the deputy foreign minister today, Mr. Mavros, as he spoke to the National Press Club, the question was asked specifically of him, since he had met with Mr. Kissinger last night, if there are negotiations going on at the present time. He stated definitely, without any equivocation, that no negotiations are going on.

Therefore, to say very simply in this body that by taking away what is right and proper and legal in the Eagleton amendment, this somehow will interfere with negotiations, appears to be somewhat of a misleading statement. Either Mr. Mavros knows what is going on—he is the deputy foreign minister—or otherwise there are negotiations which are going on with the Turkish people as a one-sided proposition.

It is a two-sided proposition. The Senator from Texas spoke about the aggression started by Greece. Let me point out that if the same policy were followed by those who oppose the Eagleton amendment today, if that same policy had been followed in relation to the Greek junta by those of us who did speak up against the Greek junta, those of us who said we did not approve of giving military assistance to a nation and its using it for purposes other than to defend its own territory, then we would not have a democracy in Greece today.

Let us make it possible for a democracy to succeed, and make it possible for Turkey to find some way out of its self-created difficulties. They started the mess. Let them get themselves out of it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. Mr. President I yield 2 minutes to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, this morning, I was concerned, and I still am concerned, about the delay and about the amendments, even though they are relevant. Most of them, as I see it, are out of order on a continuing resolution. We cannot make a continuing resolution over into a review of foreign policy and domestic policy and all the subjects of government. The continuing resolution was invented, as I said this morning, to carry out some legislative delays, restore some omission, where we failed in getting these bills passed.

I said then that, under the facts as I saw them, I would withhold the motion to recommit. However, the situation is altogether different now. This has developed into a leadership movement of the two floor leaders and the chairman of the Committee on Appropriations and the ranking minority member of the Committee on Appropriations, with instructions, or, in effect, if it carries, there will be a forthwith report. So there will not be any delay involved.

As I said this morning, I shall support the motion to recommit.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. McCLELLAN. Does anyone else wish time in opposition to the motion?

Mr. EAGLETON. May I have 2 minutes?

Mr. McCLELLAN. I yield 2 minutes to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I have said, in substance, all that I intended to say in my opening remarks. The law is still the law. The law is clear and it should be obeyed. But we have gotten into a bit of semantics. I do want to clarify the record with my distinguished friend from Pennsylvania.

I had no intention of referring to my colleague as being nugatory. He is, as I discussed, rather dilatory.

If I misspoke with respect to the Secretary of State, I did not mean to refer to his policy on Cyprus as being peripatetic. I said his policy on Cyprus is pathetic, and I wish the record to show that if I did misspeak, I wish it rectified.

As I say, I enjoy my colleague from Pennsylvania. When it is difficult to support the law, the Senator from Pennsylvania is very good at limericks. But this business, Mr. President, is too serious for semantics, for lyrics, for limericks or for ancient Chinese art.

What we are talking about is war and peace. What we are talking about is the rule of law. The Congress of the United States should always be on the side of the rule of law. I hope we express that principle by our vote today.

Mr. HUGH SCOTT. Mr. President, I yield myself 1 minute, simply to deplore with tears in my eyes the characterization by the Senator from Missouri of the efforts of the Secretary of State in Cyprus.

Evidently the Senator from Missouri is not aware of the fact that there is a line of demarcation, that the slaughter or killing has ended, that the activities of the Secretary are to keep it that way and to move from that toward an ultimate and peaceful solution.

The primary power involved in Cyprus, of course, has been the United Kingdom, but our associated mediation has been welcomed by all of the parties to this tragic situation.

The Secretary has done an excellent job, and I have argued only that we do not remove from him the tools of negotiation, that we do not say to the Secretary of State, "There is no use of your being in Cyprus, because we are not going to let you talk about anything, we are not going to let you offer anything to either side, we are not going to let you promote anything."

All we say is, we have made a judgment, and no American assistance under this bill or previous legislation affected by it will go either to Turkey or to Greece, and under what appears to be the likely legal situation, to Israel.

So I would say that a vote against recomittal is a vote to risk the aid to Israel, a vote to risk the aid to Greece and a vote to terminate the aid to a friendly NATO ally, Turkey.

I believe this is the first time that we have decided officially here to slap in the face one of our NATO allies, and say we can do without them.

That is reckless. That is why I say it is mischievous. That is why I say it is hard to lay down, and that is why I am certain we would not do it if we were not within a month of an election.

Being faced with an election, there is a tendency to attempt to pacify everyone who seeks to tell us where our way lies.

Our way lies amidst difficult places. Our way lies through thorny and stony paths. Our way lies in doing the right thing, if we can find the right thing to do.

I am certainly one of the staunchest friends Greece ever had in the Senate, who has supported her over the years in every way I could, and I support Greece now, as I support Turkey, and as I support Israel, all of them under my obligations as an American and as a Senator to see that justice is done.

Justice will not be done under the amendment. Injustice will be perpetrated by statute, that will require a veto, and we will have unraveled everything we sought to do, because all we have to do is wait half an hour and put the same amendment on the foreign assistance bill, and see what the other body does about it.

I say to Senators, if you cannot wait a half hour, go ahead and destroy the diplomatic maneuvers because you are in a hurry.

My fellow Senators, I say wait half an hour, recommit this bill with instructions, pass this resolution, and then, if you want to wreak mischief, wreak it on the other bill, which at least will go to the other body, in the hope that they will see it more clearly and with eyes less confused following election day.

If there are no more requests for time, I am willing to yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, how much time remains?

The PRESIDING OFFICER. All time of the Senator from Pennsylvania has expired. The Senator for Arkansas has 8 minutes remaining.

Mr. MANSFIELD. I would like some time.

Mr. McCLELLAN. Does anyone else wish to speak in opposition to the amendment? Does the Senator from Montana wish to speak in opposition to the amendment?

Mr. MANSFIELD. No, I wish to speak for the amendment.

Mr. McCLELLAN. If no one else wishes to speak in opposition to the amendment, I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I know of no Member of this body who is not very favorably inclined toward Greece. I know of no enemies of Greece in this body. But there are differences of opinion as to how we should face up, in our capacity as an outsider, to the situation which has developed in the Aegean, centering around the island of Cyprus.

The statement has been made that there have been no negotiations. I wish to assure the Senate that there have been talks, that the Secretary of State has carried on discussions with both the Greeks and the Turks, and that in his opinion, if he is allowed a little leeway, a little flexibility, the outlook as far as Greece is concerned is much better than it would be with the amendment which has been passed by the Senate already by a vote of 3 to 1, and which is now before us again in the form of a motion to recommit.

I would like to emphasize that in my opinion Secretary Kissinger's attitude and activity toward and in relation to the Cyprus situation has not been pathetic, nor, for that matter, has it been peripatetic. What he has tried to do is stay clear, to allow the original signatories to the treaty of 1960, the United Kingdom—which still has troops on Cyprus, incidentally, and has had since 1960—Greece, and Turkey, those three, to see if some way could not be worked out to bring about a solution as satisfactory as possible to all concerned.

I commend the Secretary of State for finally, in one instance, not advocating interference or intervention. Maybe out of that has come a lesson which will stand us in good stead in the future, if we stick with it, if we stay out of other people's business, tend to our own, render our good offices, and do what we can, through negotiations, to bring about as reasonable a solution as possible.

We are not talking of war and peace in the abstract; we have been talking of war in reality, and the casualty figures, the dead and the wounded, will suffice to prove that statement.

What we are seeking now is peace on Cyprus. What we want to do is bring about a withdrawal of the Turkish forces from the island. Under the present situation they will withdraw neither in part nor in whole.

What we want to do is try to give some stability, some understanding, some prestige to the Karamanlis government, which I think has the unanimous support of the 100 Members of the U.S. Senate and the Government of the United States as well. We think Karamanlis is a great man, but we think he needs a chance to reestablish democracy in Greece, and in so doing, we have to recognize that he is being buffeted on the one hand by the right and on the other hand by the left.

So those of us—and I think this applies to all Senators, regardless of whether or not they voted for the Eagleton amendment—do have the best interests of Greece at heart, and we would like to see it restored and become once again the country it was before it was taken over by the military dictatorship.

Greece has withdrawn from NATO, to what extent I cannot say. Turkey may well withdraw from NATO if the present situation continues. But I would point out again, as I did on yesterday, that there are four factors we ought to keep in consideration in relation to the situation which might develop if this amendment holds, and if the reaction is as I anticipate it will be.

For, one, any possibility of mediation, negotiation, or talk to and among the three parties by Secretary of State Kissinger would well be negated.

Two, we find that the Turks have a thousand-mile frontier with the Soviet Union and, instead of tilting toward us, as they have for so many years, one result of this might be a tilt in the direction of their ancient adversary to the north.

Three, there is the question of a Mohammedan people, a Moslem people—that is the religion of the Turks—taking a more active interest in the situation in the Middle East and, thereby, making it more difficult for us, for Secretary Kissinger, to arrive at a peaceful understanding of the situation there and between the nations in that area. That is a most difficult, a most delicate, and a most dangerous situation still today, one which may erupt if we are not careful and do not play our cards correctly.

Then we have to consider the overall possibility, No. 4, that, as a result of this, Turkey might withdraw from NATO, and in Turkey and in Greece we have U.S. installations. What would be the effect of a double withdrawal from NATO by Greece, on the one hand, and Turkey, on the other? The effect would be to weaken the strongest link in NATO because both Greece and Turkey, if my memory is correct, have fulfilled their obligations to the hilt, and they have maintained the necessary forces on that flank to achieve security in that area.

As I have indicated, I am a friend of NATO, but I am not a friend of having so many U.S. troops and military dependents 30 years after the war still stationed on the Continent.

So what we are doing here in offering this motion to recommit is, in my opinion, in a true sense we are doing it as a friend of Greece. We want to see Greece survive and grow. We want to see her prestige restored. We want to see Karamanlis retained, and we want to give the Greeks a chance to bring about some degree of recuperation from that which they have suffered because of the Cyprus incident in the first place.

The PRESIDING OFFICER. All time has expired.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania (Mr. HUGH SCOTT) to recommit with instructions. 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 for Indiana (Mr. BAYH), the Senator from North Carolina (Mr. ERVIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. Moss), and the Senator from Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), and the Senator from Oregon (Mr. PACKWOOD), are necessarily absent.

I also announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 29, nays 59, as follows:

[No. 438 Leg.]

YEAS—29

Aiken	Gurney	Pearson
Baker	Hansen	Scott, Hugh
Bartlett	Haskell	Stafford
Buckley	Hruska	Stennis
Case	Mansfield	Stevens
Cotton	McClellan	Taft
Curtis	McClure	Thurmond
Eastland	McGee	Tower
Fong	Metzenbaum	Young
Griffin	Nunn	

NAYS—59

Abourezk	Goldwater	Mondale
Allen	Gravel	Montoya
Beall	Hart	Muskie
Bentsen	Hartke	Nelson
Bible	Hatfield	Pastore
Biden	Hathaway	Pell
Brooke	Helms	Proxmire
Burdick	Hollings	Randolph
Byrd, Harry F., Jr.	Huddleston	Ribicoff
Byrd, Robert C.	Hughes	Roth
Cannon	Humphrey	Schweiker
Chiles	Jackson	Scott, William L.
Church	Javits	Stevenson
Clark	Johnston	Symington
Cranston	Kennedy	Talmadge
Dole	Long	Tunney
Domenici	Magnuson	Weicker
Eagleton	Mathias	Williams
Fannin	McGovern	
Fulbright	McIntyre	
	Metcalf	

NOT VOTING—12

Bayh	Cook	Moss
Bellmon	Dominick	Packwood
Bennett	Ervin	Percy
Brock	Inouye	Sparkman

So the motion of Mr. HUGH SCOTT to recommit with instructions was rejected.

Mr. HASKELL. Mr. President, yesterday the Senate acted to summarily cut off all aid to Turkey, one of our NATO allies. I vote against taking that action and would like to explain why I am opposed to an immediate cutoff of funds. This question is relevant today in light of yesterday's action and the prospect that S. 3394 will be called up in the near future.

The approach I favor is to urge Turkey to withdraw her troops from Cyprus and to give her a reasonable amount of time to do so. If she refuses to comply I could then readily support efforts to cut off any support we are giving her.

The amendment which passed the Senate yesterday provides for an immediate cutoff of funds without giving Turkey an opportunity to plan for and carry out a troop withdrawal. The immediate cutoff of funds completely ignores our NATO commitments to Turkey and completely ignores her particular strategic importance. Instead of walking softly and carrying a big stick the Senate seems to be prepared to club her without regard to other considerations.

An amendment to S. 3394 may be offered by the junior Senator from Massachusetts (Mr. BROOKE) which I believe is a very reasonable approach. It would allow Turkey the opportunity to voluntarily withdraw her troops from Cyprus before we take any definite action such as withdrawing all military aid. If Turkey does not do so, and if the President is unable to certify that Turkey is making a "good faith effort" to reach an acceptable settlement on Cyprus, the aid would be halted. I will support that amendment.

Mr. President, the issue of Turkey, Greece, and Cyprus is an extremely complex one and emotions run high. I am strongly in favor of withdrawing all foreign troops from Cyprus and have cosponsored Senate Concurrent Resolution 110 which has been offered by my other colleague from Massachusetts (Mr. KENNEDY). The amendment seeks to put the U.S. Congress clearly on record in favor of troop withdrawal.

I am not opposed to withdrawing aid if that becomes necessary. But we must give our ally an opportunity to act before we do so.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Carolina (Mr. ERVIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. MOSS), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I also announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 72, nays 16, as follows:

[No. 439 Leg.]

YEAS—72

Allen	Gravel	Metzenbaum
Baker	Griffin	Mondale
Bartlett	Gurney	Montoya
Beall	Hansen	Muskie
Bentsen	Hart	Pastore
Bible	Hartke	Pearson
Biden	Hatfield	Pell
Brooke	Hathaway	Randolph
Buckley	Hollings	Ribicoff
Byrd, Harry F., Jr.	Hruska	Roth
	Huddleston	Schweiker
Cannon	Hughes	Scott, Hugh
Case	Humphrey	Stafford
Chiles	Jackson	Stennis
Clark	Javits	Stevens
Cotton	Johnston	Stevenson
Cranston	Kennedy	Symington
Dole	Long	Talmadge
Domenici	Magnuson	Thurmond
Eagleton	Mathias	Tunney
Eastland	McClellan	Weicker
Fannin	McGee	Williams
Fong	McGovern	Young
Fulbright	McIntyre	
Goldwater	Metcalf	

NAYS—16

Abourezk	Haskell	Proxmire
Aiken	Helms	Scott, William L.
Burdick	Mansfield	
Byrd, Robert C.	McClure	Taft
Church	Nelson	Tower
Curtis	Nunn	

NOT VOTING—12

Bayh	Cook	Moss
Bellmon	Dominick	Packwood
Bennett	Ervin	Percy
Brock	Inouye	Sparkman

So the joint resolution (H.J. Res. 1131) was passed.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary technical and clerical corrections in the engrossment of the Senate amendments.

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

Mr. McCLELLAN. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McCLELLAN, Mr. STENNIS, Mr. PASTORE, Mr. McGEE, Mr. MANSFIELD, Mr. PROXMIRE, Mr. INOUYE, Mr. EAGLETON, Mr. YOUNG, Mr. HRUSKA, Mr. COTTON, Mr. CASE, Mr. BROOKE, and Mr. HATFIELD conferees on the part of the Senate.

FOREIGN ASSISTANCE ACT OF 1974

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 3394) to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate proceeded to consider the bill.

LEGISLATIVE PROGRAM

Mr. HUGH SCOTT. Mr. President, I rise at this time simply to inquire of the distinguished majority leader whether we are to forward a pass now or whether we punt. What is the game plan?

Mr. MANSFIELD. We pray.

Mr. HUGH SCOTT. That should occur before every other call of the signal.

Mr. MANSFIELD. Mr. President, in response, may I say that Calendar 1083, a bill to amend the Foreign Assistance Act of 1961, is now the pending business and will remain so.

It is anticipated that the distinguished Senator from Nevada (Mr. BIBLE) will call up three messages from the House on the Big Thicket, Big Cypress, and Piscataway, on which there is universal agreement.

Then I think the distinguished Senator from Ohio (Mr. TAFT) will offer a resolution for immediate consideration.

It is anticipated that on Thursday—if we have to do it on a two-track basis, as very likely—we will proceed to the consideration of Calendar No. 1123, a resolution urging full public access to all facts and the fruits of all investigations relating to Watergate.

Mr. HUGH SCOTT. That involves the so-called Presidential papers.

Mr. MANSFIELD. Yes.

The second one will be Calendar No. 1125, covering the same subject, and the third will be Calendar No. 1126, on the same subject.

We hope it will be possible to get the supplemental appropriation bill before the Senate later in the week.

We hope that it will not be necessary to come in on Saturday. That depends on how fast we proceed with the legislation which will be before us.

Then, of course, there is a very important bill, Calendar No. 1133, 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. That will come either later this week or the first part of next week.

Mr. HUGH SCOTT. Could the distinguished majority leader advise me whether or not it is expected that any votes will be had tonight on the messages from the House or on the Foreign Assistance Act?

Mr. MANSFIELD. Not on the messages from the House; but I understand that the distinguished manager of the

bill, the Senator from Minnesota (Mr. HUMPHREY), and the distinguished Senator from Idaho, the authors of amendments which will be offered shortly, will try to arrive at a time agreement, with the concurrence of the Republican side. It is my understanding that the Senator from Idaho will desire a vote this evening.

Mr. HUMPHREY. Provided we can get it before 6 o'clock.

Mr. HUGH SCOTT. I will defer to the distinguished Senator from New York as to time agreements. I have no objection.

Mr. CHURCH. I do not need more than half an hour, I would think, to make my argument.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the amendment of the distinguished Senator from Idaho (Mr. CHURCH) is called up, there be a limitation of 30 minutes thereon, under the usual conditions, the time to be controlled by the sponsor of the amendment and the manager of the bill; that there be 20 minutes on amendments to the amendment, motions, or appeals, and that rule XII be waived.

The PRESIDING OFFICER. Is that a total of 30 minutes on the Church amendment?

Mr. MANSFIELD. A total of 30 minutes, 15 minutes to a side.

Mr. CHURCH. No, 30 minutes to a side.

Mr. MANSFIELD. One hour—30 minutes to a side. Will the Senator be satisfied with less time?

Mr. CHURCH. Forty minutes.

Mr. MANSFIELD. Mr. President, 20 minutes to a side, with 20 minutes on amendments to the amendment, motions, and appeals.

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

Mr. CHURCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Would the Senator prefer to have unanimous consent to make the request?

Mr. CHURCH. Mr. President, I ask unanimous consent to ask for the yeas and nays.

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

The yeas and nays were ordered.

BIG THICKET NATIONAL PRESERVE, TEX.

Mr. BIBLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 11546.

The PRESIDING OFFICER (Mr. MCCLURE) laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill H.R. 11546, which was read as follows:

Resolved, That the House agree to the amendment of the Senate numbered 6 to the bill (H.R. 11546) entitled "An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes", with the following

AMENDMENT

In lieu of the matter stricken by said amendment, insert:

SEC. 2. (a) The Secretary shall, immediately after the publication of the boundaries of the preserve, commence negotiations for the acquisition of the lands located therein: *Provided*, That he shall not acquire the mineral estate in any property or existing easements for public utilities, pipelines or railroads without the consent of the owner unless, in his judgment, he first determines that such property or estate is subject to, or threatened with, uses which are, or would be, detrimental to the purposes and objectives of this Act: *Provided further*, That the Secretary, insofar as is reasonably possible, may avoid the acquisition of improved properties, as defined in this Act, and shall make every effort to minimize the acquisition of land where he finds it necessary to acquire properties containing improvements.

(b) Within one year after the date of the enactment of this Act, the Secretary shall submit, in writing, to the Committee on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

(i) the lands and areas which he deems essential to the protection and public enjoyment of this preserve,

(ii) the lands which he has previously acquired by purchase, donation, exchange or transfer for administration for the purpose of this preserve, and

(iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

(c) It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by this Act within six years after the date of its enactment.

Resolved, That the House disagree to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, and 10 to the aforesaid bill.

Mr. BIBLE. Mr. President, the House has concurred in the amendments previously adopted by the Senate when the measure was before the Committee on Interior and Insular Affairs and returned to that body. In concurring with the Senate amendments, however, they have added additional amendments which I have examined along with my other colleagues on the committee, and we believe these amendments strengthen the measure and are perfectly acceptable.

Before the House acted on these amendments, discussions were held with leaders of the House committee, and it was felt that since the issues in disagreement were fairly clear-cut we could work out in advance an acceptable proposal without the necessity of going to a formal conference. I have cleared these amendments with the ranking member on the minority side of the committee, as well as with the chairman of the committee, the junior Senator from Washington (Mr. JACKSON).

Mr. President, I ask unanimous consent that a brief explanation of the House amendments to the Senate-passed bill be inserted at this point.

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

On September 24, the House of Representatives acted on the Senate amendments to the House-passed bill to establish Big Thicket National Preserve in the State of Texas with the following results:

1. Senate Amendments No. 1 through 5 expanded the Preserve as passed by the House to include approximately 15,000 additional acres in the Sandylands Village Creek area. The House insisted on its version of the bill and disagreed to these amendments on the basis that the additional 15,000 acres involved many developed properties. The acquisition cost is in excess of $15 million.

2. Senate Amendment No. 6 deleted the legislative taking provisions of the House-passed bill. The House concurs in that deletion, but recommends a substitute section to that deleted by the Senate providing that, as in the case of the House action on the Big Cypress National Preserve, the Secretary is directed to acquire the lands within the Preserve as expeditiously as possible, and he is required to advise the Interior Committees and the Appropriations Committees within one year after the date of enactment of the Act of a detailed plan of acquisition which shall indicate (1) the lands essential to the protection and public enjoyment of the Preserve, (2) the lands which he is previously acquired for the purpose of the Preserve, and (3) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years. The House substitute to Senate Amendment No. 6 declares that it is the express intent of the Congress that the Secretary should substantially complete the land acquisition program with six years.

3. Senate Amendments No. 7 through 10 would have renumbered the section on the bill following the legislative taking section that the Senate deleted. Because the House substitute for Senate Amendment No. 6 substitutes a new numbered section 2 for that deleted by the Senate, the House therefore disagrees to the renumbering provisions of the Senate Amendments. If the Senate accepts the House substitute to Senate amendment No. 6, the succeeding Senate amendments Nos. 7 through 10 are unnecessary and the disagreement of the House to those amendments should be sustained.

Mr. BIBLE. Mr. President, I am delighted to yield to my distinguished colleague from Texas (Mr. BENTSEN).

Mr. BENTSEN. I thank the distinguished Senator from Nevada.

Mr. President, I strongly urge passage of H.R. 11546, a bill to establish the Big Thicket National Preserve. In addition, I want to commend the Senate Interior Committee and its Subcommittee on Parks and Recreation, under the skillful direction of its chairman, Senator ALAN BIBLE, for the fairness, diligence, and concern which have marked their efforts on this legislation.

Our action today to protect the Big Thicket culminates efforts that have been made during the last four Congresses. Countless individuals have worked tirelessly to realize their dream of a Big Thicket preserve. And though I am disappointed that today's bill will not contain the legislative taking and 100,000 acre proposals that I had hoped for, I accept the compromise that was necessary to bring us to today's consideration. Today can be considered a victory by a great many people.

Preservation of the Big Thicket has long been a major concern of mine. I endorsed its establishment during my campaign for the Senate in 1970. A bill for the creation of a Big Thicket National Reserve was the first legislation I introduced following my election.

Mr. President, the Big Thicket is found in southeastern Texas, northwest of the coastal cities of Beaumont and Port Arthur. At one time, the Big Thicket encompassed nearly 3.5 million acres of lush forests and streams ranging across 12 Texas counties. Today, that vast area has been reduced to a few hundred thousand acres, but by acting positively today the Senate can save much of the remaining area.

The Big Thicket is a remarkably diverse area, perhaps without parallel in

our Nation. Within its confines are found floodplains and sand hills, forests and savannas, swamps and bogs, all lying in close proximity. As Don Moser notes in his fine story in the October issue of the National Geographic, each supports its own system of plants and animals:

Taken all together, such habitats and their inhabitants make up a luxuriant, diverse, and compact natural laboratory.

The Big Thicket is truly a biological crossroads where a wide variety of plant communities meet and intermingle. Plants from the Appalachians, the tropics, and even the desert are all present in the region. And, according to the notes of Geraldine Watson, a local authority who is currently gathering and cataloging its flora, the Big Thicket contains at least 7 distinct plant associations, thousands of species, 40 types of orchids, 26 varieties of ferns, and 4 of the 6 types of carniverous plants in North America.

It also is the haunt of a remarkable collection of wildlife. Deer and wild boars abound, and the region is one of the last known homes of both the red wolf and the ivory-billed woodpecker.

The entire Texas gulf coast has undergone rapid and extensive development in recent years. That progress has brought many benefits, but it has been especially hard on the animals who make the region their part-time or permanent home. The measure we enact today will insure that the Big Thicket remains a true refuge for thousands of species, many of whom are threatened with extinction.

I want to preserve the natural beauty and wildness that held many of the present resident's forefathers in awe when they first crossed the Sabine River in the early 1800's. The Big Thicket region was one of the first for Texas settlement, and it is important that we save this area so that future generations can have the benefit of seeing it as their ancestors did. Just as the thicket is a natural laboratory for flora and fauna, it is a living textbook of the challenges of nature that the first Texas settlers had to face.

Mr. President, the measure we have before us today, will establish a park which includes significant samples of all of the important features of the original Big Thicket, and it will provide protection for the landowners and homesites in the area. A balance has been struck, and I believe that all interests will benefit.

Enactment of this legislation is a victory for all advocates of the Big Thicket National Preserve, even though we have not gotten all we may have wanted. We have consistently pressed for a preserve of 100,000 acres and for legislative taking.

We have not been able to win congressional endorsement of those two provisions, but our action today will insure that 84,550 acres are set aside and that we will have a park. That, I believe, is the overriding concern. Development in the region has intensified in recent years, and positive action today is necessary to balance future development with the preservation of nature's treasures.

Because the bill does not contain legislative taking, it is imperative that the Park Service move expeditiously in identifying those areas of the Preserve that are most endangered by current development plans. I would expect the Park Service to proceed in this manner so that the Secretary of the Interior can successfully protect the 84,550 acres that the compromise has given us.

Mr. President, future generations deserve the opportunity to enjoy and learn from regions like the Big Thicket. Today's bill is the vehicle by which we can preserve the area, and enable those who love nature and history to properly enjoy it in a manner conductive to preservation. We have acted while there is still time; the heritage we leave will include a Big Thicket.

I would hope that unanimous approval can be accomplished for today's proposal.

Once again, I wish to commend the distinguished Senator from Nevada for the courtesy, intelligence, and leadership he has shown as chairman of that subcommittee.

Mr. BIBLE. I thank the Senator.

Mr. President, I yield to the senior Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, I wish to associate myself with the remarks of my colleague (Mr. BENTSEN) and offer my thanks to the distinguished Senator from Nevada, who has been so helpful in getting the Big Thicket through Congress.

As my colleague from Texas points out, it is the culmination of many years' work and certainly, many years' dreams and aspirations. Like my colleague, I would have preferred the Senate version, but I think it was an urgent matter that we get a bill so that this ecologically unique area of the United States could be preserved, an area that belongs not just to the people of Texas, in my opinion, but to all of the people of the United States, one that I think they will enjoy for years to come as a result of the legislation which is passed here today.

With leave from my distinguished colleague from Texas, I should like to mention his predecessor, who, for years, worked on this. I think Senator Yarborough will be very happy, too, with the action which has been taken here.

Mr. BIBLE. I appreciate the sentiment of the Senators from Texas.

Mr. President, I move that the Senate concur in the amendment of the House to the Senate amendment numbered 6 to H.R. 11546.

The motion was agreed to.

Mr. BIBLE. Mr. President, I move to reconsider the action by which the motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There are certain Senate amendments which have not been disposed of.

Mr. BIBLE. Mr. President, I move that the Senate amendments numbered 1, 2, 3, 4, 5, 7, 8, 9, and 10 to which the House has disagreed be receded from by the Senate.

The motion was agreed to.

BIG CYPRESS NATIONAL PRESERVE, FLA.

Mr. BIBLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 10088.

The PRESIDING OFFICER (Mr. MCCLURE) laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 1008, which was read as follows:

Resolved, That the House agree to the amendments of the Senate numbered 4, 5, 6, 9, 11, and 12, to the bill (H.R. 10088) entitled "An Act to establish the Big Cypress National Preserve in the State of Florida, and for other purposes."

Resolved, That the House agree to the amendment of the Senate numbered 1 to the aforesaid bill, with the following amendment:

In lieu of the matter proposed by the said amendment, insert: *: Provided further*, That no Federal funds shall be appropriated until the Governor of Florida executes an agreement on behalf of the State which (i) provides for the transfer to the United States of all lands within the preserve previously owned or acquired by the State and (ii) provides for the donation to the United States of all lands acquired by the State within the preserve pursuant to the provision of "the Big Cypress Conservation Act of 1973" (Chapter 73–131 of the Florida Statutes) or provides for the donation to the United States of any remaining moneys appropriated pursuant to such Act for the purchase of lands within the preserve. No improved property, as defined by this Act, nor oil and gas rights, shall be acquired without the consent of the owner unless the Secretary, in his judgment, determines that such property is subject to, or threatened with, uses which are, or would be, detrimental to the purposes of the preserve. The Secretary, may, if he determines that the acquisition of any other subsurface estate is not needed for the purposes of the preserve, exclude such interest in acquiring any lands within the preserve. Notwithstanding the provisions of section 301 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894, 1904) the Secretary (i) may evaluate any offer to sell land within the preserve by any landowner and may, in his discretion, accept any offer not in excess of $10,000 without an appraisal and (ii) may direct an appraisal to be made of any unimproved property within the preserve without notice to the owner or owners thereof.

Resolved, That the House agree to the amendment of the Senate numbered 3 to the aforesaid bill, with the following amendment:

In lieu of the matter stricken and inserted by the said amendment, insert: (a) In recognition of the efforts of the State of Florida in the preservation of the area, through the enactment of chapter 73–131 of the Florida statutes, "The Big Cypress Conservation Act of 1973", the Secretary is directed to proceed as expeditiously as possible to acquire the lands and interests in lands necessary to achieve the purposes of this Act.

(b) Within one year after the date of the enactment of this Act, the Secretary shall submit, in writing, to the Committee on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

(i) the lands and areas which he deems essential to the protection and public enjoyment of this preserve,

(ii) the lands which he has previously acquired by purchase, donation, exchange or transfer for administration for the purpose of this preserve, and

(iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

(c) It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by this Act within six years after the date of its enactment.

Resolved, That the House agree to the amendment of the Senate numbered 7 to the aforesaid bill, with the following amendment:

In lieu of the matter stricken and inserted by the said amendment, insert:

(b) As used in this Act, the term "improved property" means:

(i) a detached, one family dwelling, construction of which was begun before November 23, 1971, which is used for noncommercial residential purposes, together with not to exceed three acres of land on which the dwelling is situated and such additional lands as the Secretary deems reasonably necessary for access thereto, such land being in the same ownership as the dwelling and together with any structures accessory to the dwelling which are situated on such lands and

(ii) any other building, construction of which was begun before November 23, 1971, which was constructed and is used in accordance with all applicable State and local laws and ordinances, together with as much of the land on which the building is situated, such land being in the same ownership as the building, as the Secretary shall designate to be reasonably necessary for the continued enjoyment and use of the building in the same manner and to the same extent as existed on November 23, 1971, together with any structures accessory to the building which are situated on the lands so designated. In making such designation the Secretary shall take into account the manner of use in which the building, accessory structures, and lands were customarily enjoyed prior to November 23, 1971.

Resolved, That the House agree to the amendment of the Senate numbered 8 to the aforesaid bill, with the following amendment:

Strike out the matter stricken by the said amendment, and insert: Federal or federally acquired.

Resolved, That the House agree to the amendment of the Senate numbered 10 to the aforesaid bill, with the following amendment:

In lieu of the matter stricken and inserted by the said amendment, insert: Notwithstanding any other provision of law, before entering into any contract for the provision of revenue producing visitor services.

(i) the Secretary shall offer those members of the Miccosuke and Seminole Indian Tribes who, on January 1, 1972, were engaged in the provision of similar services, a right of first refusal to continue providing such services within the preserve subject to such terms and conditions as he may deem appropriate, and

(ii) before entering into any contract or agreement to provide new revenue-producing visitor services within the preserve, the Secretary shall offer to the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida the right of first refusal to provide such services, the right to be open for a period of ninety days. Should both Tribes respond with proposals that satisfy the terms and conditions established by the Secretary, the Secretary may allow the Tribes an additional period of ninety days in which to enter into an inter-Tribal cooperative agreement to provide such visitor services, but if neither tribe responds with proposals that satisfy the terms and conditions established by the Secretary, then the Secretary shall provide such visitor services in accordance with the Act of October 9, 1965 (79 Stat. 969, 16 U.S.C. 20). No such agreement may be assigned or otherwise transferred without the consent of the Secretary.

Resolved, That the House disagree to the amendment of the Senate numbered 2 to the aforesaid bill.

Mr. BIBLE. Mr. President, the House has concurred in the amendments previously adopted by the Senate to the Big Cypress bill with additional amendments. I, along with my colleagues on the Interior Committee, have examined these amendments and believe they are perfectly acceptable.

Before the House acted on these amendments, discussions were held with leaders of the House committee, and it was felt that since the issues in disagreement were fairly clearcut we could work out in advance an acceptable proposal without the necessity of going to a formal conference. I have cleared these amendments with the ranking member on the minority side of the committee, as well as with the chairman of the Committee, the junior Senator from Washington (Mr. JACKSON).

Mr. President, I ask unanimous consent that a brief explanation of the House amendments to the Senate-passed bill be inserted at this point.

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

1. Senate Amendment No. 1 will provide that no improved property nor the mineral estate in any property (except limestone) shall be acquired by condemnation unless the Secretary first determines that such property is subject to or threatened with uses which are or would be detrimental to the purposes or objectives of the Act.

The House amendment, contained in its substitute to the Senate Amendment No. 1, provides that no improved properly nor oil and gas rights shall be acquired by condemnation unless the Secretary determines that such property is subject to or threatened with uses which are or would be detrimental to the purpose of the Reserve. In addition, the House substitute provides that the Secretary may, if he determines that any other subsurface estate (minerals) is not needed for the purposes of the Preserve, exclude that interest in acquiring any lands.

The House substitute to the Senate Amendment No. 1 is, in effect, merely a more specified definition of that portion of the mineral estate—oil and gas—which may not be acquired by condemnation, unless the activities are detrimental to the purpose for which the area is established. In addition, the House substitute adopts a recommendation of the Department that the Secretary may exclude the subsurface estate from any acquisition.

2. Senate Amendment No. 2 would specifically exclude the acquisition of the Preserve from certain provisions of the Uniform Relocation Act: first, the Senate amendment would permit the Secretary to evaluate and accept any offer without an appraisal and second, with respect to unimproved property of 40 acres or less, the Secretary need not afford the landowner the opportunity to accompany the Government appraiser.

The House disagreed with Senate Amendment No. 2. Instead, the substitute to Senate Amendment No. 1 included language providing that notwithstanding section 301 of the Uniform Relocation Act the Secretary may evaluate any offer to sell land within the Preserve by any landowner and may accept any offer not in excess of $10,000 without an appraisal, and he may direct that an appraisal be made of any unimproved property within the Preserve without notice to the owner or owners.

The effect of the House substitute is first, to specifically refer to section 301 of the Uniform Relocation Act which is by this language waived, second, to limit the Secretary's authority to accept an offer without an appraisal only to offers of $10,000 or less, and third, to permit an appraisal of any unimproved property as opposed to only unimproved property of 40 acres or less, without notice to the owner rather than to waive the requirement that the owner accompany the appraiser.

Inasmuch as most of the small tracts involved in Big Cypress will probably be less than $10,000 in value, there should be no objection to the $10,000 limit in accepting offers. The substitution of a waiver of notice in the House substitute for the waiver of the requirement that the owner accompany the appraiser will in application provide the same result, inasmuch as an owner would only have the opportunity to accompany the Government's appraiser if and when he was notified. We view the House substitute as adopting the waiver of the accompaniment provision and broadening it to cover all improved property.

3. Senate Amendment No. 3 deleted the provisions of legislative taking and substituted language recognizing the efforts of the State of Florida through the enactment of the Big Cypress Conservation Act of 1973 (Florida statutes, Chapter 73-131), and thereby directing the Secretary to proceed as expeditiously as possible to acquire the lands. A provision was also inserted by the Senate to the effect that the Congress expects that the Secretary will complete its acquisition program within six years from the date of enactment.

The House recommended a substitute to the Senate Amendment No. 3. The substitute House language follows the Senate language in recognition of the efforts of the State of Florida and directing the Secretary to proceed as expeditiously as possible to acquire the lands and interest in lands necessary to achieve the purposes of the Act. However, the House substitute added the following provision: in lieu of the Senate language expressing the sense of the Congress that the Secretary complete the acquisition program within six years, the House substitute directs the Secretary within one year to submit a written plan to the Interior and Appropriations Committees, with the following information:

(1) The lands and areas which he deems essential to the protection and public enjoyment of this Preserve;

(2) the lands which he has previously acquired by purchase, donation, exchange, or transfer for administration for the purpose of this Preserve; and

(3) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years. The House substitute deletes the Senate's expression of Congressional expectation, and inserts instead language stating that it is the express intent of the Congress that the Secretary should substantially complete the land acquisition program within six years.

It is understood that the purpose for including legislative taking by the House was to assure that funds would be made available and the land acquired as soon as practicable by creating an obligation of the United States by the enactment of this law. The House substitute will assure that the Congress is apprised that the land acquisition program is proceeding and expressly requires the Secretary to submit a funding level program for the next five years. In this manner, the Congress will be apprised as to whether or not its expectation and, in the case of the House substitute, its express intent that the lands be acquired within six years will be fulfilled. If the Secretary's report under the House substitute indicates that the level of funding for the next five fiscal years will not be adequate to complete

acquisition as the Congress intends, further legislation would be in order.

4. Senate Amendment No. 4 struck language in the House bill relating to court determination of just compensation and procedures attendant to the legislative taking provision.

The House concurs in the striking of this language.

5. Senate Amendment No. 5 broadens the use and occupancy rights for 25 years or life to owners of all improved property whereas the House bill would permit such right to be retained only for noncommercial residential purposes.

The House concurred in broadening this coverage as per the Senate Amendment No. 5.

6. Senate Amendment No. 6 expressly included as a reason for the Secretary's termination of a retained right of use and occupancy the fact that the exercise of such right was in violation of any applicable State or local laws and ordinances.

The House concurred in Senate Amendment No. 6.

7. Senate Amendment No. 7 redefined improved property to include a building which is used in accordance with all applicable State law and local laws and ordinances together with such lands as the Secretary shall designate to be reasonably necessary for the continued enjoyment and use of the building as existed on November 23, 1971, together with accessory structures. In addition, the Senate amendment limited the amount of land to be retained for residential property to not more than 3 acres.

The House recommended a substitute to Senate Amendment No. 7 which would define the term "improved property" to mean (1) a dwelling used for noncommercial residential purposes together with not to exceed 3 acres, and (2) any other building which is used in accordance with all applicable State and local laws and ordinances together with lands designated by the Secretary as necessary for the continued enjoyment and use of the building and lands to the same extent as existed on November 23, 1971.

The difference is that the House substitute to Senate amendment No. 7 would not require a residential property to be used in accordance with all applicable State and local laws and ordinances. However, the House accepted Senate Amendment No. 6 which gives the Secretary the right to terminate any retained use and occupancy right of "improved property", and therefore the deletion of this requirement in the definition of improved property only means that a property owner under the Senate amendment would have to show that his residence was being used in accordance with applicable State law to be eligible for a right of use and occupancy in the first instance, whereas under the House substitute he does not have to make a showing to be eligible for a right of use and occupancy. However, under both House and Senate versions, the Secretary is given the right to terminate a use and occupancy right if it is used in violation of State laws and ordinances, and therefore the effect of the House substitute is to relieve a owner of improved residential property of the initial burden of showing that he has complied with State laws and ordinances.

8. Senate Amendment No. 8 gave the members of the Miccosukee and Seminole Tribes, subject to Secretarial regulations, permission to continue their usual and customary use and occupancy of all lands within the Reserve, striking the word Federal from the House-passed bill.

The House substituted for Senate amendment No. 8 a provision to reinstate the word Federal and to add the words "or federally acquired." The effect of the House substitute to Senate Amendment No. 8 is to limit the direction to the Secretary concerning Indian use and occupancy only of Federal and federally acquired lands.

It is believed that the House substitute to Senate Amendment No. 8 is preferable, inasmuch as the Secretary under this law would only be responsible for lands under his jurisdiction and control i.e. federally-owned or lands that he acquires.

9. Senate Amendment No. 9 is a perfecting amendment to which the House concurs.

10. Senate Amendment No. 10 would have given the first right of refusal to provide revenue-producing visitor services within the Preserve to the Miccosukee and Seminole Tribes.

The House recommended a substitute to Senate Amendment No. 10, which directs the Secretary to give individual members of the two Indian Tribes who have been on January 1, 1972 engaged in the provision of similar services (revenue-producing visitor services), the right of first refusal to continue providing such services and incorporates the language of Senate Amendment No. 10 with respect to any new revenue producing visitor services which the Secretary may contemplate.

The effect of the House substitute to Senate Amendment No. 10 is to provide the same right of first refusal with regard to existing revenue producing visitor services which were being performed by individual members of the Tribe in 1972 as the Senate amendment would provide with regard to new revenue producing visitor services.

11. Senate Amendment No. 11 deleted a requirement in the House bill that Federal funds may be appropriated unless the State of Florida and the Secretary conclude and execute an agreement no later than 90 days after enactment of this Act.

The House concurred in Senate Amendment No. 11.

12. Senate Amendment No. 12 specifically referred to funds donated to the United States by the State of Florida pursuant to Chapter 73-131 of the Florida statutes shall be used solely for the acquisition of lands and interest within the Preserve.

The House concurred in Senate Amendment No. 12.

Mr. BIBLE. Mr. President, I move that the Senate concur in the amendment of the House to the Senate amendments numbered 1, 3, 7, 8, and 10 to H.R. 10088, and that the Senate recede from its amendment numbered 2 to the aforesaid bill.

The motion was agreed to.

Mr. BIBLE. I move that the Senate reconsider its action, taken in the matter of H.R. 10088.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHILES. Mr. President, will the Senator yield to me for a moment?

Mr. BIBLE. I yield to the Senator from Florida.

Mr. CHILES. Mr. President, I thank the distinguished Senator from Nevada for his fairness in handling the bill for the Big Cypress National Preserve. I feel that the passage of this act is not only going to provide a preserve that can be used for many, many years by the citizens of this country, but also is going to be a protection to the Everglades and allow it to continue to be the kind of recreation park area that it has been over the years.

Again, I thank the distinguished Senator for his fairness in this regard.

Mr. BIBLE. I thank the Senator.

PISCATAWAY PARK, PRINCE GEORGES AND CHARLES COUNTIES, MD.

Mr. BIBLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 4861.

The PRESIDING OFFICER (Mr. McCLURE) laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 4861, which was read as follows:

Resolved, That the House agree to the amendment of the Senate numbered 5 to the 2 to the bill (H.R. 4861) entitled "An Act to amend the Act of October 4, 1961, providing for the preservation and protection of certain lands known as Piscataway Park in Prince Georges and Charles Counties, Maryland, and for other purposes."

Resolved, That the House agree to the amendment of the Senate numbered 5 to the aforesaid bill with the following amendment:

In lieu of the matter proposed to be inserted by said amendment, insert: subsection 2(b). The United States will pay just compensation to the owners of any property taken pursuant to this subsection and the full faith and credit of the United States is hereby pledged to the payment of any judgment so entered against the United States. Payment shall be made by the Secretary of the Treasury from moneys available and appropriated from the Land and Water Conservation Fund, subject to the appropriation limitation contained in section 4 of this Act, upon certification to him by the Secretary of the Interior of the agreed negotiated value of such property or the valuation of the property awarded by judgment, including interest at the rate of six (6) per centum per annum from the date of taking to the date of payment therefor. In the absence of a negotiated settlement or an action by the owner within one year after the date of enactment of this Act, the Secretary may initiate proceedings at any time seeking a determination of just compensation in a court of competent jurisdiction. The Secretary shall allow for the orderly termination of all operations on real property acquired by the United States in parcels A, B, C, and D of this subsection, and for the removal of equipment, facilities, and personal property therefrom: *Provided*, That in no event shall the Secretary allow operations at the Marshall Hall Amusement Park to continue beyond January 1, 1980. The Secretary shall, on lands acquired for the purposes of this park, implement a development plan which will assure public access to, and public use and enjoyment of, such lands.

Resolved, That the House disagree to the amendments of the Senate numbered 3 and 4 to the aforesaid bill.

Mr. BIBLE. Mr. President, this matter has been pending before the Congress for many years, and the House amendments to the Senate amended bill are perfectly satisfactory. The Senate amendment had eliminated the provision for legislative taking, which as a principle the Senate has consistenly opposed when it included numerous ownership land in vast acreage. However, in this case, since there are only one or two owners and a relatively small mount of acreage is involved, it is felt that the Senate can consider this policy matter on a case-by-case basis and agree to legislative taking in this instance. Due to the necessity of completing this park, if at all possible, in time to help celebrate

the Nation's Bicentennial, my colleagues and I on the Interior Committee feel that the bill should be sent to the President for signature as soon as possible.

Therefore, Mr. President, I move that the Senate concur in the amendment of the House to the Senate amendment No. 5 to H.R. 4861, and that the Senate recede from amendments numbered 3 and 4 to the aforesaid bill.

The motion was agreed to.

Mr. BIBLE. Mr. President, I move that the action which has just been taken be reconsidered.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I yield to the Senator from Ohio.

SENATE RESOLUTION 416—SUBMISSION OF A RESOLUTION REGARDING THE 1974 MEETING OF THE BOARDS OF GOVERNORS OF THE INTERNATIONAL MONETARY FUND AND THE WORLD BANK GROUP

Mr. TAFT. Mr. President, I call up a resolution at the desk expressing the sense of the Senate regarding the 1974 meeting of the Boards of Governors of the International Monetary Fund and the World Bank Group, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 416) expressing the sense of the Senate regarding the 1974 annual meeting of the Boards of Governors of the International Monetary Fund and World Bank Group.

Mr. TAFT. Mr. President, I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I object to its consideration today.

The PRESIDING OFFICER. Did the Senator from Ohio request immediate consideration?

Mr. TAFT. Yes, I asked for immediate consideration. Objection has been made by the majority leader.

The PRESIDING OFFICER. Objection is heard, and the resolution will go over under the rule.

The resolution, with its preamble, is as follows:

S. RES. 416

Expressing the sense of the Senate regarding the 1974 Annual Meeting of the Boards of Governors of the International Monetary Fund and World Bank Group

Whereas world economic stability is presently threatened by the drastically increased transfer of wealth to oil producing nations and by other international economic developments;

Whereas these developments could have devastating effects on some of the world's less developed nations;

Whereas disruptive flows of monetary reserves threaten to imperil world financial institutions and to overwhelm international capital markets;

Whereas the present governmental and private financial institutions may not be able to recycle funds to oil importing nations in a manner which minimizes the economic impact of increased oil import prices;

Whereas government policies designed to mitigate the effects of international economic problems in a particular nation often worsen the economic situation in other nations, ultimately to the detriment of the nations involved; and

Whereas possible methods of alleviating these problems will be a major topic of the 1974 Annual Meetings of the Boards of Governors of the International Monetary Fund and the World Bank Group: *Now, therefore, be it resolved,* That it is the sense of the Senate that:

(1) The present economic situation demands greatly increased international economic cooperation among nations;

(2) The International Monetary Fund be supported in its efforts to discourage unilateral economic actions which could affect other nations' economic situations adversely, including its guidelines for government management of floating exchange rates and its promotion of the Voluntary Declaration on Trade Measures;

(3) The Annual Meetings should give urgent and detailed consideration to the adequacy of present and proposed international facilities for providing necessary financing to oil importing nations, in view of both the short-term and long-term economic prospects of these nations;

(4) The Annual Meetings should recognize fully the emergency needs of the poorest oil importing nations;

(5) Other types of international cooperation to help alleviate the present economic situation should continue to be pursued vigorously.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. HUMPHREY. Mr. President, I yield to the distinguished Senator from West Virginia, the majority whip.

ORDER FOR ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10:30 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATORS CURTIS, McCLURE, AND EASTLAND, DESIGNATING PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR RESUMPTION OF THE UNFINISHED 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, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Mr. CURTIS, Mr. McCLURE, and Mr. EASTLAND; that there then be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 5 minutes each, at the conclusion of which the Senate resume the consideration of the unfinished business.

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

FOREIGN ASSISTANCE ACT OF 1974

The Senate continued with the consideration of the bill (S. 3394) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. HUMPHREY. Mr. President, in order to expedite our action on this matter today, I first ask unanimous consent that the committee amendment be agreed to and that the bill as thus amended be considered as original text for the purpose of further amendment.

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

The committee amendment, which was to strike out all after the enacting clause and insert new language, is as follows:

That this Act may be cited as the "Foreign Assistance Act of 1974".

FOOD AND NUTRITION

SEC. 2. Section 103 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting the subsection designation "(a)" immediately before "In";

(2) by striking out "$291,000,000 for each of the fiscal years 1974 and 1975" and inserting in lieu thereof "$291,000,000 for the fiscal year 1974, and $491,000,000 for the fiscal year 1975"; and

(3) by adding at the end thereof the following:

"(b) The Congress finds that, due to rising world food, fertilizer, and petroleum costs, human suffering and deprivation are growing in the poorest and most slowly developing countries. The greatest potential for significantly expanding world food production at relatively low cost lies in increasing the productivity of small farmers who constitute a majority of the nearly one billion people living in those countries. Increasing the emphasis on rural development and expanded food production in the poorest nations of the developing world is a matter of social justice as well as an important factor in slowing the rate of inflation in the industrialized countries. In the allocation of funds under this section, special attention should be given to increasing agricultural production in the countries with per capita incomes under $300 a year and which are the most severely affected by sharp increases in worldwide commodity prices."

POPULATION PLANNING

SEC. 3. The Foreign Assistance Act of 1961 is amended as follows:

(1) In section 104, strike out "$145,000,000 for each of the fiscal years 1974 and 1975" and insert in lieu thereof "$145,000,000 for the fiscal year 1974, and $165,000,000 for the fiscal year 1975".

(2) In section 292, strike out "$130,000,000" and insert in lieu thereof "$150,000,000".

EDUCATION AND HUMAN RESOURCES DEVELOPMENT

SEC. 4. Section 105 of the Foreign Assistance Act of 1961 is amended by striking out "$90,000,000 for each of the fiscal years 1974 and 1975" and inserting in lieu thereof $90,000,000,000 for the fiscal year 1974, and $92,000,000 for the fiscal year 1975".

HOUSING GUARANTIES

SEC. 5. The Foreign Assistance Act of 1961 is amended as follows:

(1) In section 221, strike out "$305,000,000" and insert in lieu thereof "$405,000,000".

(2) In section 223(i), strike out "June 30,

1975" and insert in lieu thereof "June 30, 1976".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 6. Section 302(a) of the Foreign Assistance Act of 1961 is amended by striking out "for the fiscal year 1975, $150,000,000" and inserting in lieu thereof "for the fiscal year 1975, $186,900,000".

MILITARY ASSISTANCE AUTHORIZATIONS

SEC. 7. Section 504(a) of the Foreign Assistance Act of 1961 is amended by striking out "$512,500,000 for the fiscal year 1974" and inserting in lieu thereof "$550,000,000 for the fiscal year 1975."

SPECIAL AUTHORITY

SEC. 8. Section 506 of the Foreign Assistance Act of 1961 is repealed.

MILITARY ASSISTANCE AUTHORIZATIONS FOR SOUTH VIETNAM

SEC. 9. Section 513 of the Foreign Assistance Act of 1961 is amended as follows:

(1) Strike out "Thailand and Laos" in the caption and insert in lieu thereof "Thailand, Laos, and South Vietnam".

(2) At the end thereof add the following new subsection:

"(c) After June 30, 1975, no military assistance shall be furnished by the United States to South Vietnam directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act."

EXCESS DEFENSE ARTICLES

SEC. 10. (a) Chapter 2 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 514. LIMITATION ON THE GRANT OF EXCESS DEFENSE ARTICLES.—(a) The value of any excess defense article furnished to a foreign country or international organization by any agency of the United States Government shall be considered to be an expenditure made from funds appropriated under section 504 of this Act. Unless such agency certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article whose stock status is excess at the time ordered, a sum equal to the value thereof (less amounts to be transferred under section 632(d) of this Act) shall (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is canceled, and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article, or (B) the appropriation made under section 504 of this Act for the current fiscal year upon cancellation of the order. Such sum shall be transferred to the appropriation made under section 504 of this Act for the current fiscal year, upon delivery of such article, if at the time of delivery the stock status of the article is determined in accordance with section 644(g) or (m) of this Act to be nonexcess.

"(b) The President shall promptly and fully inform the Speaker of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each decision to furnish on a grant basis to any country excess defense articles which are major weapons systems to the extent such major weapons system was not included in the presentation material previously submitted to the Congress. Additionally, the President shall also submit a quarterly report to the Congress listing by country the total value of all deliveries of excess defense articles, disclosing both the aggregate original acquisition cost and the aggregate value at the time of delivery."

(b) Section 644(m)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(1) with respect to an excess defense article, the actual value of the article but not less than 33⅓ per centum of the amount the United States paid at the time the defense article was acquired by the United States;".

(c) Sections 8 and 11 of the Act entitled "An Act to amend the Foreign Military Sales Act, and for other purposes", approved January 12, 1971 (84 Stat. 2053), as amended, are repealed.

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 11. Chapter 2 of part II of the Foreign Assistance Act of 1961, as amended by section 10(a) of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 515. STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.—(a) Notwithstanding any other provision of law, no funds, other than funds made available under this chapter or section 401(a) of Public Law 89-367 (80 Stat. 37), or any subsequent corresponding legislation, may be obligated for the purpose of stockpiling any defense article or war reserve material, including the acquisition, storage, or maintenance of any war reserve equipment, secondary items, or munitions, if such article or material is set aside, reserved, or in any way earmarked or intended for future use by any foreign country under this Act or such section.

"(b) The cost of any such article or material set aside, reserved, or in any way earmarked or intended by the Department of Defense for future use by, for, or on behalf of the country referred to in section 401(a)(1) of Public Law 89-367 (80 Stat. 37) shall be charged against the limitation specified in such section or any subsequent corresponding legislation, for the fiscal year in which such article or material is set aside, reserved, or otherwise earmarked or intended; and the cost of any such article or material set aside, reserved, or in any way earmarked or intended for future use by, for, or on behalf of any other foreign country shall be charged against funds authorized under this chapter for the fiscal year in which such article or material is set aside, reserved, or otherwise earmarked. No such article or material may be made available to or for use by any foreign country unless such article or material has been charged against the limitation specified in such section, or any subsequent corresponding legislation, or against funds authorized under this chapter, as appropriate.

"(c) This section shall not be construed as conferring any authority to stockpile defense articles or war materials under this Act or such section 401(a), or subsequent corresponding legislation."

MILITARY ASSISTANCE ADVISORY GROUPS AND MISSIONS

SEC. 12. Chapter 2 of part II of the Foreign Assistance Act of 1961, as amended by sections 10(a) and 11 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 516. MILITARY ASSISTANCE ADVISORY GROUPS AND MISSIONS.—An amount equal to each sum expended under any provision of law, other than section 504 of this Act, with respect to any military assistance advisory group, military mission, or other organization of the United States performing activities similar to such group or mission, shall be deducted from the funds made available under such section 504, and (1) if reimbursement of such amount is requested by the agency of the United States Government making the expenditure, reimbursed to that agency, or (2) if no such reimbursement is requested, deposited in the Treasury as miscellaneous receipts."

TERMINATION OF AUTHORITY

SEC. 13. (a) Chapter 2 of part II of the Foreign Assistance Act of 1961, as amended by sections 10(a), 11, and 12 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 517. TERMINATION OF AUTHORITY.—(a)(1) The President shall gradually reduce assistance (other than military training) provided under this chapter so that, not later than September 30, 1977, no assistance (other than military training) shall be provided under this chapter.

"(2) Paragraph (1) of this subsection shall not apply to funds obligated prior to October 1, 1977.

"(b) For each of the fiscal years 1975, 1976, and 1977, the President is authorized to finance procurements of defense articles and defense services (other than military training) by any foreign country receiving defense articles or defense services during fiscal year 1974 under this chapter on terms providing for payment to the United States Government in United States dollars (1) of the value of such articles and services which value shall not exceed during each such fiscal year the value of such articles and services (other than military training) furnished that country in fiscal year 1974 under this chapter, (2) at a rate of interest of not less than four per centum a year, and (3) within ten years after delivery of the defense articles or rendering of the defense services.

"(c)(1) By not later than September 30, 1977, all the functions of a military assistance advisory group, a military mission, or other organization of the United States Government in a foreign country performing activities similar to any such group or mission, shall be transferred to the Chief of the United States Diplomatic Mission to that country. Upon the transfer of such functions, that group, mission, or organization, as the case may be, shall cease to exist.

"(2) On and after October 1, 1977, the total number of military attachés assigned or detailed to the United States Diplomatic Mission of a foreign country shall not exceed by more than twenty-five per centum the total number of military attachés authorized to be assigned or detailed to that mission on June 30, 1974.

"(3) On and after October 1, 1977, no military assistance advisory group, military mission, or other organization of the United States Government in a foreign country performing activities similar to any such group or mission, shall be established or continued unless such group, mission, or organization is authorized by law specifically for that country."

(b) Effective October 1, 1977—

(1) the heading of chapter 1 of part II of the Foreign Assistance Act of 1961 is amended to read as follows:

"CHAPTER 1—PROVIDING MILITARY TRAINING";

(2) sections 501, 502A, 514, and 516, subsection (g) of section 644, of the Foreign Assistance Act of 1961 are repealed;

(3) section 502 of the Foreign Assistance Act of 1961 is amended by striking out the caption "Utilization of Defense Articles and Services" and inserting in lieu thereof "Providing Military Training", by striking out of the text "Defense articles and defense services" and inserting in lieu thereof "Military training", and by striking out the last sentence;

(4) the heading of chapter 2 of part II of the Foreign Assistance Act of 1961 is amended to read as follows:

"CHAPTER 2—MILITARY TRAINING";

(5) sections 503-505 of the Foreign Assistance Act of 1961 are stricken out and the following inserted in lieu thereof:

"SEC. 503. GENERAL AUTHORITY.—The President is authorized to furnish, on such terms and conditions consistent with this Act as the President may determine, military training to any foreign country or international

organization. Funds for such training shall be appropriated for each fiscal year pursuant to authorization for that fiscal year. After September 30, 1977, no such training shall be conducted outside the United States except by specific authorization of law.";

(6) section 511 of the Foreign Assistance Act of 1961 is amended by striking out of the section caption "Assistance" and inserting in lieu thereof "Training", and by striking out of the text "military assistance" and "such assistance" and inserting in lieu thereof "military training" and "such training", respectively;

(7) section 636(g)(1) of the Foreign Assistance Act of 1961 is amended by striking out "defense articles and defense services on a grant or sales basis" and inserting in lieu thereof "military training"; and

(8) section 644(m) of the Foreign Assistance Act of 1961 is amended by striking out subparagraph (1) and by striking out of subparagraphs (2) and (3) "nonexcess" wherever it appears.

TERMINATION OF MILITARY ASSISTANCE TO SOUTH KOREA

SEC. 14. Chapter 2 of part II of the Foreign Assistance Act of 1961, as amended by sections 10(a), 11, 12, and 13(a) of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 518. TERMINATION OF MILITARY ASSISTANCE TO SOUTH KOREA.—(a) The total of (1) the amount of funds obligated under this chapter to furnish assistance to South Korea, and (2) the value of excess defense articles

"(A) $91,500,000 during the fiscal year 1975; furnished to South Korea under this chapter, shall not exceed—

"(B) $61,000,000 during the fiscal year 1976; and

"(C) $30,500,000 during the fiscal year 1977.

"(b) The aggregate total of credits extended, including participations in credits, and the principal amount of loans guaranteed, under the Foreign Military Sales Act with respect to South Korea shall not exceed—

"(1) $42,450,000 during the fiscal year 1975;

"(2) $28,300,000 during the fiscal year 1976; and

"(3) $14,150,000 during the fiscal year 1977.

"(c) On and after October 1, 1977, no assistance shall be furnished South Korea under this chapter, and no credits, including participations in credits, shall be extended, and no loans shall be guaranteed, under the Foreign Military Sales Act with respect to South Korea. The preceding sentence shall not apply with respect to funds obligated prior to such date."

SECURITY SUPPORTING ASSISTANCE

SEC. 15. Section 532 of the Foreign Assistance Act of 1961 is amended by striking out "for the fiscal year 1974 not to exceed $125,000,000, of which not less than $50,000,000 shall be available solely for Israel" and inserting in lieu thereof "for the fiscal year 1975 not to exceed $585,500,000".

TRANSFER BETWEEN ACCOUNTS

SEC. 16. (a) Section 610 of the Foreign Assistance Act of 1961 is amended as follows:

(1) In subsection (a), immediately after "any other provision of this Act", insert (except funds made available under chapter 2 of part II of this Act)".

(2) Add at the end thereof the following new subsection:

"(c) Any funds which the President has notified Congress pursuant to section 653 that he intends to provide in military assistance to any country may be transferred to, and consolidated with, any other funds he has notified Congress pursuant to such section that he intends to provide to that country for development assistance purposes."

(b)(1) Section 614 of such Act is repealed.

(2) Such Act is further amended as follows:

(A) In section 109, strike out "sections 610(a) and 614(a)" and insert in lieu thereof "section 610(a)".

(B) In section 210(c), strike out the comma and "nor may the authority of section 614(a) be used to waive the requirements of this title".

(C) Section 251(c) is amended to read as follows:

"(c) The authority of section 610 may be used to transfer funds made available for this title only to funds made available for title I of this chapter."

(D) Section 302(b)(2) is amended by striking out "or 614(a)".

(E) Section 610(b) is amended by striking out "sections 451, 506, and 614" and inserting in lieu thereof "section 451".

(F) Section 634(d) is amended by striking out "or 614(b)".

(G) Section 652 is amended by striking out "section 506(a), 610(a), or 614" and inserting in lieu thereof "section 610(a)".

(H) Section 653(b) is amended by striking out "and may not be waived under the provisions of section 614(a) of this Act".

ACCESS TO CERTAIN MILITARY BASES ABROAD

SEC. 17. (a) Chapter 3 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 659. ACCESS TO CERTAIN MILITARY BASES ABROAD.—None of the funds authorized to be appropriated for foreign assistance (including foreign military sales, credit sales, and guaranties) under any law may be used to provide any kind of assistance to any foreign country in which a military base is located if—

"(1) such base was constructed or is being maintained or operated with funds furnished by the United States; and

"(2) personnel of the United States carry out military operations from such base;

unless and until the President has determined that the government of such country has, consistent with security authorized access, on a regular basis, to bona fide news media correspondents of the United States to such military base."

(b) Section 29 of the Foreign Assistance Act of 1973 is repealed.

PROHIBITING POLICE TRAINING

SEC. 18. (a) Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended by section 17(a) of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 660. PROHIBITING POLICE TRAINING.—(a) None of the funds made available to carry out this Act, and none of the local currencies generated under this Act, shall be used to provide training or advice, or provide any financial support, for police, prisons, or other internal security forces for any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad.

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

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

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

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

(b) Section 112 of such Act of 1961 is repealed.

LIMITATIONS UPON ASSISTANCE TO OR FOR CHILE

SEC. 19. Notwithstanding any other provision of law, the total amount of assistance that may be made available for Chile under this or any other law during fiscal year 1975 may not exceed $65,000,000, of which amount not to exceed $10,000,000 may be made available for the purpose of providing military assistance (including credit sales and the face amount of guaranties).

POLICY WITH RESPECT TO INDOCHINA

SEC. 20. (a) The Congress finds that the cease-fire provided for in the Paris Agreement on Ending the War and Restoring Peace in Vietnam has not been observed by any of the Vietnamese parties to the conflict. Military operations of an offensive and defensive nature continue throughout South Vietnam. In Cambodia, the civil war between insurgent forces and the Lon Nol government has intensified, resulting in widespread human suffering and the virtual destruction of the Cambodian economy.

(c) The Congress further finds that continuation of the military struggles in South Vietnam and Cambodia are not in the interest of the parties directly engaged in the conflicts, the people of Indochina, or world peace. In order to lessen the human suffering in Indochina and to bring about a genuine peace there, the Congress urges and requests the President and the Secretary of State to undertake immediately the following measures:

(1) to initiate negotiations with representatives of the Soviet Union and the People's Republic of China to arrange a mutually agreed-upon and rapid de-escalation of military assistance on the part of the three principal suppliers of arms and material to all Vietnamese and Cambodian parties engaged in conflict;

(2) to urge by all available means that the Government of the Khmer Republic enter into negotiations with representatives of the Khmer Government of National Union for the purpose of arranging an immediate cease-fire and political settlement of the conflict; and to use all available means to establish contact with the Khmer Government of National Union and to urge them to participate in such negotiations. The United States should urge all Cambodian parties to use the good offices of the United Nations or a respected third country for the purpose of bringing an end to hostilities and reaching a political settlement;

(3) to utilize any public or private forum to negotiate directly with representatives of the Democratic Republic of Vietnam, the Provisional Revolutionary Government, and the Republic of Vietnam to seek a new cease-fire in Vietnam and full compliance with the provisions of the Paris Agreement on Ending the War and Restoring Peace in Vietnam, including a full accounting for Americans missing in Indochina;

(4) to reconvene the Paris Conference to seek full implementation of the provisions of the Agreement of January 27, 1973, on the part of all Vietnamese parties to the conflict; and

(5) to maintain regular and full consultation with the appropriate committees of the Congress and report to the Congress and the Nation at regular intervals on the progress toward obtaining a total cessation of hostilities in Indochina and a mutual reduction of military assistance to that area.

PRINCIPLES GOVERNING ECONOMIC AID TO INDOCHINA

SEC. 21. (a) Congress finds that, after expending over a billion dollars in funds for economic purposes in Indochina last year, and vast amounts in previous years, little in lasting economic benefit remains. A large proportion of the funds expended have been used for consumable items related to the war effort. Very little of our money has found its way into capital investments of a lasting productive benefit to the people. Congress calls upon the President and Secretary of

State to take immediately the following actions designed to maximize the benefit of United States economic assistance:

(1) to organize a consortium to include multilateral financial institutions to help plan for Indochina reconstruction and development; to coordinate multilateral and bilateral contributions to the area's economic recovery; and to provide continuing advice to the recipient nations on the use of their own and outside resources;

(2) to develop, in coordination with the recipient governments, other donors, and the multilateral financial institutions, a comprehensive plan for Indochina reconstruction and economic development;

(3) to develop country-by-country reconstruction and developments plans, including detailed plans for the development of individual economic sectors, that can be used to identify and coordinate specific economic development projects and programs and to direct United States resources into areas of maximum benefits;

(4) to shift the emphasis of United States aid programs from consumption-oriented expenditures to economic development;

(5) to identify possible structural economic reforms in areas such as taxation, exchange rates, savings mechanisms, internal pricing, income distribution, land tenure, budgetary allocations and corruption, which should be undertaken if Indochinese economic development is to progress; and

(6) to include in Indochina economic planning and programming specific performance criteria and standards which will enable the Congress and the executive branch to judge the adequacy of the recipients' efforts and to determine whether, and what amounts of, continued United States funding is justified.

(b) This section is not meant to imply continuation of a United States financial commitment beyond the authorization provided for in this Act or amendments made by this Act.

INDOCHINA POSTWAR RECONSTRUCTION

SEC. 22. Section 802 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 802. AUTHORIZATION.—There are authorized to be appropriated to the President to furnish assistance for the relief and reconstruction of South Vietnam, Cambodia, and Laos as authorized by this part, in addition to funds otherwise available for such purposes, for the fiscal year 1974 not to exceed $504,000,000, and for the fiscal year 1975 not to exceed $550,000,000. Of the amount appropriated for fiscal year 1975—

"(1) $420,000,000 shall be available only for the relief and reconstruction of South Vietnam in accordance with section 806 of this Act;

"(2) $70,000,000 shall be available only for the relief and reconstruction of Cambodia in accordance with section 807 of this Act;

"(3) $45,000,000 shall be available only for the relief and reconstruction of Laos in accordance with section 808 of this Act;

"(4) $3,750,000 shall be available only for the regional development program; and

"(5) $11,250,000 shall be available only for support costs for the agency primarily responsible for carrying out this part.

Such amounts are authorized to remain available until expended."

ASSISTANCE TO SOUTH VIETNAMESE CHILDREN

SEC. 23. Section 803 of the Foreign Assistance Act of 1961 is amended as follows:

(1) In subsection (a), strike out "rights, particularly children fathered by United States citizens" and insert in lieu thereof "rights".

(2) In subsection (b), between the second and third sentences, insert the following: "Of the sums made available for South Vietnam under section 802(1) of this Act for fiscal year 1975, $10,000,000, or its equivalent in local currency, shall be available until expended solely to carry out this section."

LIMITATIONS WITH RESPECT TO SOUTH VIETNAM

SEC. 24. Part V of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 806. LIMITATIONS WITH RESPECT TO SOUTH VIETNAM.—(a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other law may be obligated in any amount in excess of $1,280,000,000 during the fiscal year ending June 30, 1975, for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of South Vietnam. Of that amount, there shall be available during such fiscal year—

"(1) $700,000,000 for military assistance;

"(2) $160,000,000 only to carry out the Agricultural Trade Development and Assistance Act of 1954; and

"(3) $420,000,000 only for economic assistance, of which there shall be available—

"(A) $95,000,000 for humanitarian assistance, of which there shall be available—

"(i) $66,500,000 for refugee relief;

"(ii) $8,200,000 for child care;

"(iii) $10,300,000 for health care; and

"(iv) $10,000,000 for the City-to-Farm program;

"(B) $188,000,000 for agricultural assistance, of which there shall be available—

"(i) $150,000,000 for fertilizer, POL, and pesticides;

"(ii) $20,000,000 for rural credit;

"(iii) $10,000,000 for canal dredging;

"(iv) $4,000,000 for low-lift pumps; and

"(v) $4,000,000 for fish farm development;

"(C) $95,600,000 for industrial development assistance, of which there shall be available—

"(i) $85,000,000 for commodities;

"(ii) $10,000,000 for industrial credit; and

"(iii) $600,000 for development planning; and

"(D) $41,400,000 for miscellaneous assistance, of which there shall be available—

"(i) $30,000,000 for transportation; and

"(ii) $11,400,000 for technical support.

"(b) (1) No funds made available under paragraph (2) or (3) of subsection (a) may be transferred to, or consolidated with, the funds made available under any other paragraph of such subsection, nor may any funds made available under subparagraph (A), (B), (C), or (D) of paragraph (3) of subsection (a) of this section be transferred to, or consolidated with, the funds made available under any other such subparagraph.

"(2) Whenever the President determines it to be necessary in carrying out this part, any funds made available under any clause of subparagraph (A), (B), (C), or (D) of subsection (a) of this section may be transferred to, and consolidated with, the funds made available under any other clause of that same subparagraph.

"(3) The President shall fully inform the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of each transfer he intends to make under paragraph (2) of this subsection prior to making such transfer.

"(c) In computing the $1,280,000,000 limitation on obligational authority under subsection (a) of this section with respect to such fiscal year, there shall be included in the computation the value of any goods, supplies, materials, equipment, services, personnel, or advisers provided to, for, or on behalf of South Vietnam in such fiscal year by gift, donation, loan, lease, or otherwise. For the purpose of this subsection, 'value' means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of South Vietnam but in no case less than 33⅓ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

"(d) No funds may be obligated for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of South Vietnam in any fiscal year beginning after June 30, 1975, unless such funds have been specifically authorized by law enacted after the date of enactment of this section. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any such purpose during such fiscal year.

"(e) After the date of enactment of this section, whenever any request is made to the Congress for the appropriation of funds for use in, to, for, or on behalf of South Vietnam for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

"(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1974, a written report showing the total amount of funds obligated in, to, for, or on behalf of South Vietnam during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount obligated, describing the different purposes for which such funds were obligated and the total amount obligated for such purpose.

"(g) (1) Effective six months after the date of enactment of this section, the total number of civilian officers and employees, including contract employees, of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States present in South Vietnam shall not at any one time exceed four thousand, not more than two thousand five hundred of whom shall be members of such armed forces and direct hire and contract employees of the Department of Defense. Effective one year after the date of enactment of this section, such total number shall not exceed at any one time three thousand, not more than one thousand five hundred of whom shall be members of such armed forces and direct hire and contract employees of the Department of Defense.

"(2) Effective six months after the date of enactment of this section, the United States shall not, at any one time, pay in whole or in part, directly or indirectly, the compensation or allowances of more than eight hundred individuals in South Vietnam who are citizens of countries other than South Vietnam or the United States. Effective one year after the date of enactment of this section, the total number of individuals whose compensation or allowance is so paid shall not exceed at any one time five hundred.

"(3) For purposes of this subsection, 'executive agency of the United States Government' means any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment within the executive branch of the United States Government.

"(h) This section shall not be construed as a commitment by the United States to South Vietnam for its defense."

LIMITATIONS WITH RESPECT TO CAMBODIA

SEC. 25. (a) Part V of the Foreign Assistance Act of 1961, as amended by section 24 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 807. LIMITATIONS WITH RESPECT TO CAMBODIA.—(a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other law may be obligated in any amount in excess

of $347,000,000 during the fiscal year ending June 30, 1975, for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Cambodia. Of that amount, there shall be available—

"(1) $200,000,000 for military assistance;

"(2) $77,000,000 only to carry out the Agricultural Trade Development and Assistance Act of 1954; and

"(3) $70,000,000 only for economic assistance, of which there shall be available—

"(A) $20,000,000 for humanitarian assistance;

"(B) $31,000,000 for commodity import assistance;

"(C) $17,500,000 for multilateral stabilization assistance; and

"(D) $1,500,000 for technical support and participant training.

"(b) No funds made available under paragraph (2) or (3) of subsection (a) of this section may be transferred to, or consolidated with, the funds made available under any other paragraph of such subsection, nor may any funds made available under any subparagraph of paragraph (3) of subsection (a) of this section be transferred to, or consolidated with, the funds made available under any other such subparagraph.

"(c) In computing the $347,000,000 limitation on obligation authority under subsection (a) of this section with respect to such fiscal year, there shall be included in the computation the value of any goods, supplies, materials, equipment, services, personnel, or advisers provided to, for, or on behalf of Cambodia in such fiscal year by gift, donation, loan, lease or otherwise. For the purpose of this subsection, 'value' means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Cambodia but in no case less than 33⅓ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

"(d) No funds may be obligated for any of the purposes described in subsection (a) of this section in, to, for, or on behlaf of Cambodia in any fiscal year beginning after June 30, 1975, unless such funds have been specifically authorized by law enacted after the date of enactment of this section. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any such purpose during such fiscal year.

"(e) After the date of enactment of this section, whenever any request is made to the Congress for the appropriation of funds for use in, to, for, or on behalf of Cambodia for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

"(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1974, a written report showing the total amount of funds obligated in, to, for, or on behalf of Cambodia during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount obligated, describing the different purposes for which such funds were obligated and the total amount obligated for such purpose.

"(g)(1) The total number of civilian officers and employees, including contract employees, of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States (excluding such members while actually engaged in air operations in or over Cambodia which originate outside Cambodia) present in Cambodia at any one time shall not exceed two hundred. Effective six months after the date of enactment of this subsection, such total number shall not exceed at any one time one hundred and seventy-five.

"(2) The United States shall not, at any one time, pay in whole or in part, directly or indirectly, the compensation or allowances of more than eighty-five individuals in Cambodia who are citizens of countries other than Cambodia or the United States. Effective six months after the date of enactment of this section, the total number of individuals whose compensation or allowance is so paid shall not exceed at any one time seventy-five.

"(3) For purposes of this subsection, 'executive agency of the United States Government' means any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment within the executive branch of the United States Government.

"(4) This subsection shall not be construed to apply with respect to any individual in Cambodia who (A) is an employee or volunteer worker of a voluntary private, nonprofit relief organization or is an employee or volunteer worker of the International Committee of the Red Cross, and (B) engages only in activities providing humanitarian assistance in Cambodia.

"(h) This section shall not be construed as a commitment by the United States to Cambodia for its defense."

(b) Section 655 and 656 of such Act are repealed.

LIMITATIONS WITH RESPECT TO LAOS

SEC. 26. Part V of the Foreign Assistance Act of 1961, as amended by sections 24 and 25(a) of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 808. LIMITATIONS WITH RESPECT TO LAOS.—(a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other law may be obligated in any amount in excess of $100,000,000 during the fiscal year ending June 30, 1975, for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Laos. Of that amount, there shall be available—

"(1) $55,000,000 for military assistance; and

"(2) $45,000,000 only for economic assistance, of which there shall be available—

"(A) $13,000,000 for humanitarian assistance;

"(B) $9,900,000 for reconstruction and development assistance;

"(C) $17,500,000 for stabilization assistance; and

"(D) $4,600,000 for technical support.

"(b) No funds made available under paragraph (2) of subsection (a) of this section may be transferred to, or consolidated with, the funds made available under paragraph (1) of such subsection, nor may any funds made available under any subparagraph of paragraph (2) be transferred to, or consolidated with, the funds made available under any other such subparagraph.

"(c) In computing the limitations on obligation authority under subsection (a) of this section with respect to such fiscal year there shall be included in the computation the value of any goods, supplies, materials, equipment, services, personnel, or advisers provided, to, for, or on behalf of Laos in such fiscal year by gift, donation, loan, lease or otherwise. For the purpose of this subsection, 'value' means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos but in no case less than 33⅓ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

"(d) No funds may be obligated for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Laos in any fiscal year beginning after June 30, 1975, unless such funds have been specifically authorized by law enacted after the date of enactment of this section. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any such purpose during such fiscal year.

"(e) After the date of enactment of this section, whenever any request is made to the Congress for the appropriation of funds for use in, to, for, or on behalf of Laos, for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

"(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year beginning with the fiscal year which begins July 1, 1974, a written report showing the total amount of funds obligated in, to, for, or on behalf of Laos during the preceding quarter by the United States Government and shall include in such report a general breakdown of the total amount obligated, describing the different purposes for which such funds were obligated and the total amount obligated for such purpose.

"(g) This section shall not be construed as a commitment by the United States to Laos for its defense."

TRANSFER OF FUNDS

SEC. 27. Part V of the Foreign Assistance Act of 1961, as amended by sections 24, 25(a), and 26 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 809. TRANSFER OF FUNDS.—(a) The authority of section 610 of this Act shall not apply with respect to any funds made available to South Vietnam, Cambodia, or Laos.

"(b) Any funds made available under any provision of this or any other law for the purpose of providing military assistance for South Vietnam, Laos, or Cambodia may be transferred to, and consolidated with, any funds made available to that country for war relief, reconstruction, or general economic development."

MIDDLE EAST ASSISTANCE

SEC. 28. (a) The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new part:

"PART VI

"SEC. 901. GENERAL AUTHORITY FOR ASSISTANCE TO THE MIDDLE EAST.—The President is authorized under section 902 of this Act to furnish, by loan or grant, assistance authorized by this Act, and to provide credits and guaranties authorized by the Foreign Military Sales Act. Any such assistance, credits, and guaranties shall be provided in accordance with all the purposes and limitations applicable to that type of assistance under this Act and applicable to credits and guaranties under the Foreign Military Sales Act.

"SEC. 902. ALLOCATIONS.—(a) Of the funds appropriated to carry out chapter 2 of part II of this Act during the fiscal year 1975, not to exceed $100,000,000 may be made available for military assistance in the Middle East.

"(b) Of the funds appropriated to carry out chapter 4 of part II of this Act during the fiscal year 1975, not to exceed $577,500,000 may be made available for security supporting assistance in the Middle East.

"(c) Of the aggregate ceiling on credits and guaranties established by section 31(b) of the Foreign Military Sales Act during the fiscal year 1975, not to exceed $330,000,000 shall be available for countries in the Middle East.

"SEC. 903. (a) SPECIAL REQUIREMENTS FUND.—There are authorized to be appropriated to the President for the fiscal year

1975 not to exceed $100,000,000 to meet special requirements arising from time to time for the purpose of providing any type of assistance authorized by part I of this Act, in addition to funds otherwise available for such purpose. The funds authorized to be appropriated by this section shall be available for use by the President for assistance authorized by this Act in accordance with the provisions applicable to the furnishing of such assistance. Such funds are authorized to remain available until expended.

"(b) The President shall keep the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Speaker of the House of Representatives currently informed on the programing and obligation of funds under subsection (a).

"(c)(1) Prior to obligating any amount in excess of $1,000,000 from funds made available under this section, the President shall transmit a written report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate on the same day giving a complete explanation with respect to such proposed obligation. Each report shall include an explanation relating to only one proposed obligation.

"(2)(A) The President may make such obligation thirty days after the report has been so transmitted unless, before the end of the first period of thirty calendar days of continuous session of Congress after the date on which the report is transmitted, either House adopts a resolution disapproving the proposed obligation with respect to which the report is made.

"(B) For purposes of subparagraph (A) of this paragraph—

"(i) the continuity of a session is broken only by an adjournment of the Congress sine die; and

"(ii) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

"(3) Paragraphs (4) through (11) of this subsection are enacted by Congress—

"(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this subsection; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(4) For purposes of paragraphs (2) through (11) of this subsection, 'resolution' means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: 'That the ——— does not approve the obligation for ——— and explained in the report transmitted to Congress by the President on ———, 19———; the first blank space therein being filled with the name of the resolving House, the second blank space therein being filled with the name of the foreign country or organization on whose behalf the obligation is to be incurred, and the other blank spaces therein being appropriately filled with the date of the transmittal of the report; but does not include a resolution specifying more than one proposed obligation.

"(5) If the committee, to which has been referred a resolution disapproving a proposed obligation, has not reported the resolution at the end of ten calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same obligation which has been referred to the committee.

"(6) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same proposed obligation), and debate thereon is limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(7) If the motion to discharge is agreed to, or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same obligation.

"(8) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an obligation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(9) Debate on the resolution is limited to not more than two hours, to be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(10) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to an obligation, and motions to proceed to the consideration of other business, are decided without debate.

"(11) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to an obligation are decided without debate."

(b) Section 620(p) of such Act is repealed.

FOREIGN MILITARY SALES ACT AMENDMENTS

SEC. 29. The Foreign Military Sales Act is amended as follows:

(1) Section 3(d) is amended to read as follows:

"(d) A country shall remain ineligible in accordance with subsection (c) of this section until such time as the President determines that such violation has ceased, that the country concerned has given assurances satisfactory to the President that such violation will not recur, and that, if such violation involved the transfer of sophisticated weapons without the consent of the President, such weapons have been returned to the country concerned."

(2) Section 22 is amended by adding at the end thereof the following new subsection:

"(c) No sales of defense articles shall be made to the government of any economically developed country under the provisions of this section if such articles are generally available for purchase by such country from commercial sources in the United States."

(3) Section 23 is amended to read as follows:

"SEC. 23. CREDIT SALES.—The President is authorized to finance procurements of defense articles and defense services by friendly foreign countries and international organizations on terms requiring the payment to the United States Government in United States dollars of—

"(1) the value of such articles or services within a period not to exceed ten years after the delivery of such articles or the rendering of such services; and

"(2) interest on the unpaid balance of that obligation for payment of the value of such articles or services, at a rate equivalent to the current average interest rate, as of the last day of the month preceding the financing of such procurement, that the United States Government pays on outstanding marketable obligations of comparable maturity, unless the President certifies to Congress that the national interest requires a lesser rate of interest and states in the certification the lesser rate so required and the justification therefor."

(4) In subsections (a) and (b) of section 24, the parenthetical phrase in each is amended to read as follows: "(excluding United States Government agencies other than the Federal Financing Bank)".

(5) Section 24 is amended by adding at the end thereof the following:

"(d) The President may guarantee under this section only those payments for any defense article or defense service which are due within ten years after that defense article is delivered or that defense service is rendered, except that such guaranty may be made for not more than twenty years if the President certifies to Congress that the national interest requires that the period of guaranty be longer than ten years, and states in the certification the country or international organization on whose behalf the guaranty is to be made, the period of the guaranty, and the justification for the longer period."

(6) In section 31—

(A) in subsection (a), strike out "$325,000,000 for the fiscal year 1974" and insert in lieu thereof "$455,000,000 for the fiscal year 1975"; and

(B) in subsection (b)—

(i) strike out "$730,000,000 for the fiscal year 1974" and insert in lieu thereof "$872,500,000 for the fiscal year 1975"; and

(ii) add at the end thereof the following new sentence: "Of the funds made available under subsection (a) of this section, $100,000,000 shall first be obligated with respect to financing the procurement of defense articles and defense services by Israel under section 23 of this Act, except that Israel shall be released from contractual liability to repay the United States Government for the defense articles and defense services so financed."

POLITICAL PRISONERS

SEC. 30. Section 32 of the Foreign Assistance Act of 1973 is amended by adding at the end thereof the following new sentence: "Commencing with respect to 1974, the President shall submit annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a written report setting forth fully the steps he has taken to carry out this section."

GORGAS MEMORIAL INSTITUTE

SEC. 31. The first section of the Act entitled "An Act to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial", approved May 7, 1928, as amended (22 U.S.C. 278), is amended by striking out "$500,000" and inserting in lieu thereof "$1,000,000".

INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION IN VIETNAM

SEC. 32. (a) There are authorized to be appropriated to the Department of State for fiscal year 1975 not to exceed $16,526,000 for payments by the United States to help meet expenses of the International Commission of Control and Supervision in Vietnam. Funds appropriated under this subsection are authorized to be made available for reimbursement to the Agency for International Development of amounts expended by the Agency during fiscal year 1975 as interim United States payments to help meet expenses of the International Commission of Control and Supervision.

(b) There are authorized to be appropriated to the Department of State not to exceed $11,200,000 for reimbursement to the Agency for International Development of amounts expended by the Agency for International Development to help meet expenses of the International Commission on Control and Supervision in fiscal year 1974.

(c) Reimbursements received by the Agency for International Development under this section may be credited to applicable appropriations of the Agency and shall be available for the purposes for which such appropriations are authorized to be used during fiscal year 1975.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that Dan Spiegel of my staff, and Norvill Jones, John Ritch, Robert Dockery, and Richard Moose of the staff of the Committee on Foreign Relations be permited to remain in the Chamber during the remainder of the Senate's consideration of S. 3394.

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

Mr. HUMPHREY. Mr. President, it is my responsibility to bring the foreign assistance authorization bill, S. 3394, to the Senate. This follows, of course, our extended discussion on the continuing resolution with all of its amendments.

I am hopeful that during the consideration of this bill, into which a great deal of work by the Committee on Foreign Relations has gone, we will be able to expedite the consideration of amendments. There are several Members of this body with other pressing duties who have amendments to offer, and we have had much debate already on most of the items which will be brought up for consideration. Actually, I have a feeling that we are going to see what they call in football parlance some instant replay here, and I am fully aware of what the score is going to be on the instant replay.

It was my judgment that we should have proceeded with the foreign assistance authorization bill, S. 3394, prior to the continuing resolution, but there were those in the administration who felt that was not desirable. I can understand their concern. But that is the past, and we shall proceed now with this proposed legislation.

Let me add that the foreign assistance authorization bill before us is greatly different from other legislation that we have adopted in this area on other occasions.

Foreign aid bills, Mr. President, have never been popular. I believe that is probably the understatement of the year. But in this time of galloping inflation, belt tightening by every American, and a mounting Federal budget, the task of defending this bill in the Senate is less palatable than ever. But, as distasteful as foreign aid is to most Americans, year in and year out since the beginning of the Greek-Turkish aid program, every Congress and every President have agreed that foreign aid is a key element in America's foreign policy. Congress may grumble and growl, and indeed it does, and it has, and I have done my share. But, in the end, a majority of the elected representatives of the American people have always come to the conclusion that continuation of a foreign assistance program is in the national interest and a part of our national security effort. Within that majority there is much argument about form and content but there is no substantial disagreement over the Nation's obligation and indeed our desire to help the world's poor.

The bill recommended to the Senate by the committee, by a vote of 11 to 5, will bring an end to one major aspect of the foreign aid program.

I wish that this Chamber were better occupied today, so that my colleagues would know the importance of this particular action. The aspect of the foreign aid program to be discontinued is the military grant assistance program. For many years the Committee on Foreign Relations has sought to bring about major changes in foreign aid policy. Last year significant improvements were made in the economic aid program, and I want to compliment in particular our esteemed colleague from Vermont (Mr. AIKEN) for his help in this effort. I joined with Senator AIKEN in designing that bill. It was designed to insure that the benefits of American tax dollars reached the rice bowls and bread baskets of the poor and did not lodge in the pockets of the rich or the corrupt. This year the committee has continued its work at reform, concentrating on the military assistance program and aid to Indochina. And may I add that the committee dispatched to Indochina two of its most able staff members. Those staff members made an intensive study of our foreign assistance program in the Indochina area.

The staff members brought back recommendations to us, and those recommendations were presented to every member of the committee. They were discussed in committee and, subsequently, amendments were drawn from some of those recommendations.

I am proud to say that a number of those recommendations I offered as amendments so that they could be included in the proposed legislation now before us, the Foreign Assistance Authorization Act of 1974.

This year, as I have said, we continued our efforts at improvement and reform and fiscal discipline.

The bill recommended by the committee would authorize a total of $2,527,626,000 in appropriations for certain foreign assistance programs in the 1975 fiscal year. This represents a reduction of $724,600,000—or 22 percent—in the executive branch's requests for these programs.

I submit that no bill has been brought before the Senate that has had that much reduction applied to it. We went over every item in this bill, and I hope that my colleagues will take the time as they consider this measure to look at what we have done. The President has called for Congress to exercise fiscal restraint to help in the fight against inflation. The committee has acted in a responsible manner to help in that effort.

Before I explain the major provisions of the bill, a few words of background are necessary. Last year Congress approved a 2-year authorization for foreign economic development assistance, but only a 1-year authorization for military grants, military credit sales, security supporting assistance, and only 1 year for economic aid to Indochina.

The principal purpose of the bill before the Senate is to provide a number of supplemental authorizations for economic development programs and to provide new authorizations for the programs which were authorized for only 1 year during the last session of Congress. In addition, the bill contains authorizations of appropriations for a Middle East contingency fund which was requested by the President and the Secretary of State, and for U.S. contributions to the International Commission of Control and Supervision in Vietnam which was set up under the Paris Agreement.

For many years the Committee on Foreign Relations has urged that military and economic assistance authorizations be considered in separate bills. In reporting a bill containing authorizations for both economic and military assistance, the committee recognizes that, on the surface, its action appears inconsistent with its traditional position. However, this is a unique bill where military and economic aid issues are inextricably combined. In Indochina, for example, the committee believes that the Senate should consider the total flow of U.S. resources to South Vietnam, Cambodia, and Laos.

It would be inadvisable and confusing to try to deal with policy toward those countries in separate economic and military aid bills. Similarly, in the Middle East, the committee's singling out this region for special attention has resulted in a mix of economic and military aid authorizations. Next year the committee fully expects to deal with foreign assistance authorizations in two separate bills, as outlined in section 9 of the State Department/USIA Authorization Act, S. 3473, now in conference, which requires consolidation of future requests to Congress for foreign affairs and foreign assistance authorizations.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point three tables: the first showing the authorizations proposed by the executive branch and the recommendations by the Foreign Relations Committee; the second showing the executive branch's foreign assistance request, including programs already authorized; and the third, a country-by-country breakdown of all foreign assistance programs proposed by the executive branch for the 1975 fiscal year.

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

TABLE I.—FOREIGN ASSISTANCE AUTHORIZATIONS RECOMMENDED BY THE COMMITTEE ON FOREIGN RELATIONS

[In thousands of dollars]

	Fiscal year 1975 authorization request	Committee recommendation	Difference from request
1. Food and nutrition	255,300	[1] 200,000	−55,300
2. Population planning and health		[1] 20,000	+20,000
3. Education and human resources development		[1] 2,000	+2,000
4. Gorgas Memorial—Panama		[1] 500	+500
5. International organizations and programs	3,900	[1] 36,900	+33,000
6. Indochina postwar reconstruction	939,800	550,000	−389,800
7. Security supporting assistance	385,500	585,500	+200,000
8. Middle East special requirements funds	100,000	100,000	
9. Military assistance program	985,000	550,000	−435,000
10. Foreign military credit sales	555,000	[2] 455,000	−100,000
11. International Commission of Control and Supervision in Vietnam	27,726	27,726	
Total	3,252,226	2,527,626	−724,600

[1] Supplemental to current authorization.

[2] Of this amount, $100,000,000 is to be in the nature of a grant to Israel.

TABLE II.—COMPARATIVE DATA ON FOREIGN ASSISTANCE ACTIVITIES, FISCAL YEARS 1974 AND 1975

[In thousands of dollars]

	Fiscal year 1974		Fiscal year 1975 request [1]		
	Authorization	Appropriation	Appropriation	Authorization	Committee recommendation
Development assistance:					
Food and nutrition	291,000	284,000	546,300	[2] 255,300	[2] 200,000
Population planning and health	145,000	135,000	145,000		[2] 20,000
Education and human resources	90,000	89,000	90,000		[2] 2,000
Selected development problems	53,000	40,500	53,000		
Selected countries and organizations	39,000	36,500	39,000		
Total, functional development assistance	618,000	585,000	873,300	[2] 255,300	[2] 222,000
International organizations and programs:					
UNDP and other programs	150,000	125,000	153,900	[2] 3,900	[2] 36,900
Indus Basin Development Fund loans	[3]	2,000	200		
Indus Basin Development Fund grants	14,500	9,000	14,500		
UNRWA (expansion of training)	2,000	2,000			
U.N. Environment Fund	[4]	7,500	10,000		
Total, international organizations and programs	166,500	145,500	178,600	[2] 3,900	[2] 36,900
American schools and hospitals abroad	19,000	19,000	10,000		
Contingency fund	30,000	15,000	30,000		
National Association Partners of the Alliance	934	750			
Albert Schweitzer Hospital	1,000	1,000			
Sahel drough. relief	25,000	25,000			
Disaster relief and reconstruction	150,000	150,000			
Administrative expenses, AID	45,000	40,000	45,000		
Administrative and other expenses, State		[5] 4,800	5,900		
Total, development assistance	905,434	986,050	1,142,800	[2] 259,200	[2] 258,900
Indochina postwar reconstruction	504,000	[6] 499,000	939,800	939,800	550,000
Security supporting assistance	125,000	112,500	385,500	385,500	585,500
Middle East Special Requirements Fund			100,000	100,000	100,000
Total, AID	1,684,434	1,597,550	2,568,100	1,684,500	1,494,400
International Narcotics Control	42,500	42,500	42,500		
Overseas Private Investment Corporation (reserves)	[5]	25,000	25,000		
Militaryassistance program (MAP)	512,500	[7] 450,000	985,000	985,000	550,000
Foreign military credit sales	325,000	325,000	555,000	555,000	455,000
Emergency security assistance:					
Israel	2,200,000	2,200,000			
Cambodia		[8] 150,000			
Total, foreign assistance items	4,764,434	4,790,050	4,175,600	3,224,500	2,499,400
Gorgas Memorial Institute	[9]	500	500	[9]	500
International Commission of Control and Supervision in Vietnam	4,500		[10] 27,726	[10] 27,726	[10] 27,726
Grand total	4,768,934	4,790,550	4,203,826	3,252,226	2,527,626

[1] Request includes the following additional amounts not included in the President's fiscal year 1975 budget transmitted to the Congress on Feb. 4, 1974: Indochina postwar reconstruction, $150,000,000; security supporting assistance $322,500,000; Middle East special requirements, $100,000,000, foreign military credit sales, $240,000,000; military assistance program, $60,000,000.

[2] Supplemental to existing authorization.

[3] Appropriation request authorized by FAA of 1967 which made available $51,200,000 until expended.

[4] Authorized by Public Law 93-188 which made available $40,000,000 until expended.

[5] Permanent authorization for such sums as may be necessary.

[6] Includes $49,000,000 supplemental appropriation.

[7] Excludes $250,000,000 in defense stocks provided to Cambodia under sec. 506 of the FAA of 1961.

[8] Not authorized.

[9] Permanent authorization of $500,000 per annum.

[10] Includes $16,526,000 for fiscal year 1975 contribution to the ICCS and $11,200,000 for reimbursement to AID for fiscal year 1974 expenses of the ICCS.

TABLE III.—U.S. ECONOMIC ASSISTANCE, MILITARY ASSISTANCE, AND CREDIT SALES PROGRAMS PROPOSED FOR FISCAL YEAR 1975

[In thousands of dollars]

	Economic assistance programs						Military assistance and credit sales programs				
	Total economic and military assistance and credit sales	Total economic assistance	AID	Peace Corps	Public Law, 480 [1]	International narcotics control	Total military assistance and credit sales	Military assistance grants (MAP)	Foreign military credit sales	Excess defense articles	Military assistance service funded
Summary	8,368,726	[2] 4,872,226	2,842,415	82,256	995,928	42,500	3,496,500	1,024,000	872,500	150,000	1,450,000
Africa, total	293,753	251,468	168,992	26,103	56,373		42,285	14,785	24,500	3,000	
Algeria	1,409	1,409			1,409						
Botswana	1,736	1,736		394	1,342						
Burundi	425	425			425						
Cameroon	1,311	1,311		825	486						
Central African Republic	260	260		139	121						
Chad	448	448		444	4						
Congo (Brazzaville)	412	412			412						
Dahomey	499	499		388	111						
Ethiopia	47,939	29,039	25,037	2,798	1,204		18,900	11,300	5,000	2,600	
Gabon	530	530		204	326						
Gambia	442	442		255	187						
Ghana	15,695	15,625	13,746	1,187	692		70	70			
Guinea	333	333			333						
Ivory Coast	2,091	2,091		1,469	622						

Footnotes at end of table.

TABLE III.—U.S. ECONOMIC ASSISTANCE, MILITARY ASSISTANCE, AND CREDIT SALES PROGRAMS PROPOSED FOR FISCAL YEAR 1975—Continued

[In thousands of dollars]

	Economic assistance programs						Military assistance and credit sales programs				
	Total economic and military assistance and credit sales	Total economic assistance	AID	Peace Corps	Public Law, 480 [1]	International narcotics control	Total military assistance and credit sales	Military assistance grants (MAP)	Foreign military credit sales	Excess defense articles	Military assistance service funded
Kenya	8,951	8,951	7,493	1,159	299						
Lesotho	1,739	1,739		98	1,641						
Liberia	9,626	9,026	7,206	1,362	458		600	100	500		
Malagasy	168	168			168						
Malawi	410	410		351	59						
Mali	1,286	1,236		356	880		50	50			
Mauritania	290	290		54	236						
Mauritius	1,219	1,219		79	1,140						
Morocco	49,182	34,322	15,210	1,331	17,781		14,860	860	14,000		
Niger	1,957	1,957		1,061	897						
Nigeria	6,133	6,133	3,682	151	2,300						
Rwanda	2,947	2,947	2,500		447						
Senegal	1,870	1,845		606	1,239		25	25			
Seychelles	26	26		26							
Sierra Leone	2,566	2,566		1,655	911						
Sudan	15,960	15,910	10,850		5,060		50	50			
Swaziland	572	572		452	120						
Tanzania	12,054	12,054	10,659		1,395						
Togo	2,089	2,089		1,061	1,028						
Tunisia	21,368	17,468	5,809	1,072	10,587		3,900	2,000	1,500	400	
Upper Volta	2,230	2,230		520	1,710						
Zaire	15,294	11,494	6,013	5,145	336		3,800	300	3,500		
Zambia	8	8			8						
Economic regional programs:											
Central West Africa and Sahel	26,874	26,874	26,874								
East Africa	1,563	1,563	1,563								
Southern Africa	10,123	10,123	10,123								
Africa regional	21,988	21,988	20,527	1,461							
Self-help projects	1,700	1,700	1,700								
Regional military costs	30						30	30			
Asia, total	4,762,069	2,086,017	1,375,949	15,624	680,246	14,198	2,676,052	787,902	318,000	120,150	1,450,000
Afghanistan	17,185	16,985	14,467	1,293	1,175	50	200	200			
Bahrain	83	83		83							
Bangladesh	104,669	104,669	65,220		39,449						
British Solomon Islands	116	116		24	92						
Burma	5,000	5,000				5,000					
Cambodia	550,761	187,011	[2] 110,000		77,011		363,750	362,500		1,250	
China (Taiwan)	80,400						80,400	400	80,000		
Cook Islands	14	14		14							
Cyprus	571	571			571						
Fiji	606	606		606							
Gilbert and Ellice Islands	21	21		21							
Greece	71,000						71,000		71,000		
India	113,894	113,794	75,500	211	38,083		100	100			
Indonesia	221,369	192,469	71,460		120,909	100	28,900	22,700		6,200	
Iran	1,569	1,569		1,569							
Korea	416,368	182,068	25,176	1,902	154,909		234,300	161,500	52,000	20,800	
Laos	143,505	57,405	[3] 56,000		253	1,152	86,100	85,200		900	
Lebanon	10,150						10,150	150	10,000		
Malaysia	12,938	2,653		2,497	156		10,285	285	10,000		
Micronesia	1,061	1,061		1,061							
Nepal	6,991	6,956	5,721	833	402		35	35			
Oman	181	181		181							
Pakistan	123,074	122,794	78,745		43,299	750	280	280			
Philippines	103,715	78,315	49,844	2,178	26,043	250	25,400	17,900	5,000	2,500	
Saudi Arabia	220						220	220			
Sri Lanka (Ceylon)	18,801	18,786	8,000		10,786		15	15			
Thailand	88,587	14,087	6,005	1,218		6,864	74,500	56,000		18,500	
Tonga	338	338		338							
Turkey	232,492	27,492	23,064		4,396	32	205,000	80,000	90,000	35,000	
Vietnam	2,396,553	991,553	[3] 751,000		160,553		1,485,000			35,000	1,450,000
Western Samoa	321	321		321							
Yemen Arab Republic	13,734	13,734	11,496	160	2,078						
Economic regional program	25,365	25,365	24,251	1,114							
Regional military costs	417						417	417			
Latin America, total	592,306	372,206	267,461	19,978	78,137	6,630	220,100	18,250	200,000	1,850	
Argentina	30,900	200				200	30,700	700	30,000		
Belize (British Honduras)	275	275		275							
Bolivia	35,959	29,459	22,239		7,175	45	6,500	3,300	3,000	200	
Brazil	69,309	8,508	2,800	3,287	2,178	243	6,800	800	60,000		
Chile	84,976	63,676	26,035	516	37,097	28	21,300	800	20,500		
Colombia	52,848	35,148	21,908	2,717	9,986	537	17,700	700	17,000		
Costa Rica	2,147	2,147	834	1,104	209						
Dominican Republic	15,855	14,055	5,456	661	7,888		1,850	1,300	500	50	
Ecuador	19,976	7,076	2,050	1,373	3,327	326	12,900	400	12,500		
El Salvador	17,381	12,731	11,561	337	833		4,650	1,100	3,500	50	
Guatemala	21,305	18,955	17,090	1,084	781		2,350	1,300	1,000	50	
Guyana	3,624	3,624	3,550		74						
Haiti	11,055	10,855	8,179		2,676		200	200			
Honduras	28,152	23,502	22,038	766	698		4,650	1,100	3,500	50	
Jamaica	11,399	11,399	8,450	1,357	1,558	34					
Mexico	10,100	5,000				5,000	5,100	100	5,000		
Nicaragua	33,558	29,108	27,826	594	688		4,450	1,100	3,000	350	
Panama	22,266	21,716	21,360		338	18	550	500		50	
Paraguay	7,770	5,420	4,756	585	69	10	2,350	1,400	500	450	
Peru	38,630	17,330	13,489	1,235	2,513	93	21,300	800	20,500		
Trinidad and Tobago	16	16			16						
Uruguay	5,486	786	775			11	4,700	1,600	2,500	600	
Venezuela	19,557	1,857		1,814		43	17,700	700	17,000		
Caribbean regional	6,443	6,443	5,500	908	33	2					
Central America regional (ROCAP)	1,674	1,674	1,634			40					
Inter-American programs	17,650	17,650	17,650								
Economic regional programs	23,646	23,646	22,281	1,365							
Regional military costs	350						350	350			

Footnotes at end of table.

	Economic assistance programs						Military assistance and credit sales programs				
	Total economic and military assistance and credit sales	Total economic assistance	AID	Peace Corps	Public Law, 480 [1]	International narcotics control	Total military assistance and credit sales	Military assistance grants (MAP)	Foreign military credit sales	Excess defense articles	Military assistance service funded
Middle East, total	969,050	519,807	478,175		41,632		449,243	94,243	330,000	25,000	
Egypt	253,144	253,144	[2] 250,000		3,144						
Israel	378,211	78,211	[3] 50,000		[4] 28,211		300,000		300,000		
Jordan	237,695	88,452	[3] 78,175		10,277		149,243	94,243	30,000	25,000	
Middle East Special Requirements Fund	100,000	100,000	100,000								
Europe, total	15,053	12,522	12,500	22			2,531	2,531			
Austria	24						24	24			
Finland	24						24	24			
Malta	9,522	9,522	[3] 9,500	22							
Portugal	860						860	860			
Spain	4,600	3,000	[3] 3,000				1,600	1,600			
Regional military costs	23						23	23			
Other	827,368	721,079	[5] 539,338	[6] 20,529	[7] 139,540	[8] 21,672	106,289	[9] 106,289			
U.S. contributions to international financial institutions, total	909,127	909,127									
African Development Bank Special Fund	15,000	15,000									
International Development Association	320,000	320,000									
Inter-American Development Bank:											
Paid-in capital											
Callable capital											
Fund for special operations	500,000	500,000									
Asian Development Bank:											
Paid-in capital	24,127	24,127									
Callable capital	(96,508)	(96,508)									
Special funds	50,000	50,000									

[1] Public Law 480 estimates are plann ng levels which will be reexamined later in the year in light of revised price estimates, U.S. commodity availabilities and recipient country requirements. If availabilities permit, a title I concessional sales program will be planned for Guinea.

[2] Includes $909,000,000 U.S. contributions to international financial institutions.

[3] Largely or wholly funded from security supporting assistance or Indochina postwar reconstruction accounts.

[4] Includes West Bank of the Jordan River and Gaza.

[5] Includes the following: American schools and hospitals abroad, $10,000,000; administrative expenses, AID, $47,100,000; State, $5,900,000; contingency fund, $30,000,000; international organizations and programs, $200,400,000; operating costs, $123,400,000; interregional population program, $50,400,000; and other interregional programs, $69,100,000.

[6] Includes worldwide support, $6,600,000; Peace Corps share of action support, $13,300,000.

[7] Includes emergency reserve/unallocated title II, $35,300,000; ocean freight, $103,200,000; grants of title I currencies under sec. 204 of title II, $1,000,000.

[8] Includes international organizations, $5,100,000; interregional programs training and support costs, $6,700,000; unprogramed, $9,800,000.

[9] Includes administration, $25,300,000; supply operations, $78,700,000; inspection, general, $175,000; storage and maintenance stockpile, $1,000,000.

Mr. HUMPHREY. I ask also that there be printed in the RECORD a summary of the major policy provisions of S. 3394 as reported by the Foreign Relations Committee:

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

SUMMARY OF MAJOR POLICY PROVISIONS IN THE BILL

I. INDOCHINA

1. *Policy.*—States a Congressional policy concerning the political/military situation in Indochina and principles to guide the U.S. economic assistance program.

2. *Spending Ceilings.*—Imposes fiscal year 1975 ceilings on obligations for assistance to Indochina: $1.28 billion for South Vietnam; $347 million for Cambodia; and $100 million for Laos.

3. *Project and Program Authorizations.*—Authorizes funds for economic assistance to South Vietnam, Cambodia, and Laos by specific project or program.

4. *Personnel Ceiling in South Vietnam.*—Imposes a ceiling on U.S. direct hire and contract personnel in South Vietnam of 4,000 to be reached within six months after enactment and a further reduction to not more than 3,000 by the end of fiscal year 1975.

5. *Personnel Ceiling in Cambodia.*—Reduces the ceiling on U.S. direct hire or contract personnel in Cambodia from 200 to 175. Contract personnel of humanitarian relief agencies are exempted from the ceiling.

6. *Transfer authority.*—Allows military aid funds to be used for economic assistance purposes.

II. MILITARY ASSISTANCE

1. *Phase Out of Military Grant Assistance and Military Missions.*—Requires a phase out over a three-year period of military grant assistance and United States military aid missions to foreign countries.

2. *Costs of Military Missions.*—Requires that all costs of United States military missions abroad must be charged against appropriations for military grant assistance.

3. *War Reserve Stockpile for Foreign Countries.*—Requires that any stockpiling of military equipment or material for foreign countries be financed out of funds appropriated for military assistance. No material can be provided to a foreign country from previously stockpiled materials unless the cost of the materials is charged against funds appropriated for the regular military assistance program or military aid to South Vietnam.

4. *Authority to Draw on Defense Stocks.*—Repeals the authority to draw on Department of Defense stocks for the purpose of providing additional military grant assistance to foreign countries.

5. *Excess Defense Articles.*—Tightens restrictions on the use of excess defense articles for foreign military aid by requiring that all grants of excess articles be charged against funds for military aid at not less than one-third the acquisition cost of the article.

6. *Military Aid to Korea.*—Imposes a ceiling on military grant aid and credit sales to Korea of not more than three-fourths the FY 1974 level and phases out such assistance over a three-year period.

7. *Arms Sales Through Commercial Channels.*—Prohibits government procurement of arms for economically developed countries if the equipment or material is available through commercial channels.

8. *Interest Rate On Credit Sales.*—Imposes a minimum interest rate on credits extended to foreign countries for purchases of arms under the Foreign Military Sales Act of not less than the interest rate paid on Treasury borrowings of comparable maturity.

III. GENERAL

1. *Chile.*—Imposes an FY 1975 ceiling of not more than $65 million of which not more than $10 million can be in military credits or grants.

2. *Waiver Authority.*—Repeals the President's general authority to waive restrictions in the Foreign Assistance Act.

3. *Police Training.*—Prohibits use of foreign aid funds for training foreign police, prison, or internal security forces.

Mr. HUMPHREY. In its work on the President's foreign aid request the committee's primary focus was on two major categories: the military grant assistance program and assistance for Indochina. In addition, the committee gave considerable attention to the provisions concerning assistance to countries in the Middle East. I will comment briefly about the committee's action in each of these areas. I will not burden the Senate with a description of all of the other provisions recommended by the committee. The details are contained in the committee report.

I commend to Members of the Senate and to the public a careful reading of that committee report.

First, on military assistance: The committee approached its consideration of the proposed military assistance program for fiscal year 1975 with the long-held belief, expressed in committee reports of past years, that the United States should provide grant military aid to for-

eign countries not as a habit, but only in specific instances where such assistance is clearly warranted by U.S. security or foreign policy interests. At present, the farflung network of U.S. military missions gives bureaucratic momentum to the perpetuation of an extensive program, the rationale of which has become increasingly more dubious each year, in the view of the majority of the committee. Through this bureaucracy, the United States continues to dispense hundreds of millions of dollars in weapons each year in pursuit of such vague goals as "stability," "balance," and the "maintenance of friendly relations." Yet, there is little evidence that such general purposes have actually been served by this extravagant program.

Experience indicates that the availability of grant military aid induces recipient countries to maintain larger and more expensively equipped military forces than they would otherwise find necessary or prudent. By encouraging recipient countries toward increased militarization, the program not only escalates the destructive potential of international conflict but also enhances the relative power of the military within those societies. Thus, it often serves to stifle the very democratic processes which the program, in its origins, was intended to defend.

Only Congress is in a position to put an end to the near-addictive habit which the military aid program represents. Like all longstanding programs, this program has been institutionalized, and it is simply in the nature of things that the State Department and our embassies abroad will want to perpetuate the status quo rather than risk offending a foreign government, even if an objective evaluation indicates that the program no longer serves a useful purpose. Congress, however, can ease the potential diplomatic problem by requiring reductions which give the executive branch no alternative and thus relieve it of the embarrassment of being importuned by foreign governments for a continuation of aid.

Last year, the Foreign Relations Committee made significant reductions in the amount requested for military grant aid and also added a requirement that the entire program, including the overseas network of military missions, be phased out over a period of 4 years. Regrettably, from the committee's view, the Senate, by a narrow margin, voted to strike that provision. This year the committee renewed its effort by reducing the executive branch's authorization request from $985 million to $550 million, and added a requirement that the entire military grant aid program, other than grants for training, and all military missions be phased out over a period of 3 years. During the phaseout period, the committee authorized limited concessional credits to countries where grant programs are being terminated.

It was my privilege to make the motion to cut the $985 million requested for what we call the military grant aid program to $550 million. That is a reduction of $435 million.

And, again talking to a relatively empty Chamber which, I think, is most unfortunate as we consider legislation of this importance, I would hope that our colleagues would take note of the fact that—if they read the RECORD, and we presume that such is done in preparation for important votes—we made a reduction of 44 percent in foreign military assistance. No other committee has made reductions of the size that the Foreign Relations Committee has made in this foreign assistance program. This seems to be the desire of the Senate, and we have tried to comply with that judgment.

In addition to reducing the authorization for military grant aid and providing for a 3-year phaseout of the grant program and overseas missions, the committee closed off auxiliary sources of military assistance which have allowed for greater volumes of military aid than could be clearly perceived either by the Congress or the American people. In addition to regular military grants and military credits, military assistance has been provided in the past by the following means:

Military Assistance Service-Funded—MASF—a Defense Department budget category now used only for military aid to South Vietnam;

Defense Department funding of most of the costs of U.S. military missions abroad;

Grants of "excess defense articles"; and

Grants of weapons and equipment drawn from Defense Department stocks, which are replenished through subsequent appropriations.

The committee dealt with each of these four categories.

The bill requires that Department of Defense funding of military aid to South Vietnam end on June 30, 1975, and that any subsequent military assistance to South Vietnam be funded through appropriations for the regular military assistance program.

It also requires that all expenditures relating to support of military missions be charged against the appropriation for military assistance.

Under the bill all "excess defense articles" must be valued at a minimum of one-third acquisition cost and all grants of such articles charged against appropriations for military aid; and

Finally, the bill repeals the basic authority which has permitted Defense Department stocks to be used as a supplemental source of military aid.

The committee believes that enactment of these provisions will have a salutary effect by making the annual military assistance appropriation a more accurate measure of the actual cost to the American taxpayer of military aid during the phaseout period.

I wish to emphasize that the phaseout of the military grant assistance program will, by no means, require a total cessation of all U.S. military assistance activities. The foreign military credit sales program will continue, so that American arms and equipment will be available on favorable credit terms to developing countries after they have carefully analyzed their security needs within the constraints imposed by normal budgetary considerations. Also, grant aid for military training will still continue. And, after the phaseout is completed Congress can always authorize military grants or concessional credits on a case-by-case basis whenever a country's circumstances warrant such aid, as was done in the case of Israel last year.

INDOCHINA

Now, I turn to the provisions in the bill relating to Indochina. The Foreign Relations Committee has acted to reduce the scope of U.S. involvement in South Vietnam, Cambodia and Laos to establish guidelines for future U.S. activities and programs in that region.

To place a clear and definite limit on our financial involvement in Indochina, the committee imposed a ceiling for each country on all U.S. obligations for foreign assistance purposes. In addition, the bill establishes a ceiling on U.S. personnel in Vietnam and lowered the current personnel ceiling for Cambodia.

To establish guidelines for future activities, the committee approved statements of policy relating to both military and economic assistance. On the military side, the policy statement calls upon the President and the Secretary of State to take new initiatives to bring about an effective cease-fire throughout Indochina, reduce arms shipments to the area, and conclude a lasting settlement of the issues which have fueled the past quarter century of tragic conflict.

On the economic side, the committee incorporated in the bill specific guidelines designed to promote the effective utilization of any economic aid Congress may provide for the countries of Indochina and authorized aid on a program or project basis. The committee believes that the specific plans and performance criteria called for in the guidelines and specific allocations are essential if U.S. assistance is to be used wisely. These plans and criteria will also provide a basis for future evaluation of the effectiveness of the program approved for this fiscal year.

For South Vietnam, the committee has established a fiscal year 1975 ceiling on obligations of $1.28 billion. Within this ceiling, the committee has recommended $420 million for economic assistance, $160 million for Public Law 480 commodities, the amount programed by the executive branch; and $700 million in military assistance, the amount approved by both the Senate and the House in the Department of Defense appropriations bill.

The $700 million is compared to $1.45 billion that was requested by the executive branch.

The $420 million approved by the committee for economic aid to South Vietnam is $330 million below the administration's request.

For Cambodia, the committee established a ceiling of $347 million. Within this ceiling, the committee allocated $70 million for economic assistance; $200 million for military assistance; and $77 million for Public Law 480 commodities, the amount programed by the executive branch. The $70 million recommended by the committee for economic aid is $40 million below the administration's request of $110 million.

In the committee's view, Cambodia has long since ceased to have a national

economy, and the amount approved is intended simply to sustain Cambodia until a cease-fire can be arranged between the Phnom Penh government and the Khmer insurgents. The reductions in the Cambodian economic request also reflect the elimination of what the committee believes to have been padding in the proposed program.

The committee made a reduction of $191 million in the request for military aid to Cambodia. The war in Cambodia is more clearly than ever a civil war, one in which the United States is, in significant measure, supplying the forces on both sides. Of the military aid program proposed by the executive branch, some $300 million would have been used solely for ammunition, allowing continuation of the present extravagant rate of consumption. The committee believes that the $200 million authorized should be ample for military aid if some measure of discipline is exercised by the government forces, which far outnumber the insurgents. It will serve neither our interests nor those of the local population for the United States to continue to sustain both the wasteful practices of the government forces and the arms needs of the insurgents.

For Laos, the committee established a ceiling of $100 million for the 1975 fiscal year. Within this ceiling, the committee has recommended $45 million for economic assistance and $55 million for military aid, representing reductions of $11 million and $30 million, respectively, from the executive branch's requests. U.S. economic aid in Laos is used primarily to support the economy of the capital city, Vientiane. The $45 million approved should be sufficient to accomplish that objective. On the military side, the committee could find no valid justification for the administration's proposal to provide more military assistance during a year of expected cease-fire than was provided during the past year.

MIDDLE EAST AID

Let me explain briefly the provisions relating to assistance to countries in the Middle East. Administration officials, including Secretary of State Kissinger, have placed great stress on the importance of U.S. foreign assistance in furthering peace in the Middle East. The committee has demonstrated its support of the administration's initiatives in the region by approving all of the amounts requested for assistance in that area. And it has approved additional funds for Israel.

The administration's request was for a total of $907.5 million in assistance for nations of the Middle East—$807.5 million in allocations by country and $100 million for a Middle East special requirements fund.

The proposed allocations by country were as follows: First, Israel—$50 million in economic aid and $300 million in military credit sales; second, Egypt—$250 million in economic aid; and third, Jordan—$100 million in military grant aid, $30 million in military credits and $77.5 million in economic aid. The committee approved these allocations and authorized an additional $200 million in economic aid for Israel, which, by the way, was overwhelmingly supported today as an amendment to the continuing resolution.

It also specified that, of the $300 million in military credit sales to Israel, $100 million shall be forgiven and, thus, be in the nature of a grant. The committee believes that Israel's serious economic siutation justifies this additional assistance. In approving the special requirements fund, part of which may be used for Syria, the committee prohibited use of the fund for military assistance and added a requirement that Congress be notified in advance of significant commitments from the fund.

CONCLUSION

Mr. President, in its consideration of the foreign aid bill the Foreign Relations committee was well aware of the serious problems afflicting our economy and of the need for budget austerity. We believe, Mr. President, in recommending this bill to the Senate, the committee has attempted to strike a responsible compromise between the need for continuity in American foreign policy and the pressing need for reductions in the fiscal year 1975 Federal budget, both of which have been stressed by President Ford. The committee believes that S. 3394, as recommended, represents a responsible compromise between those objectives.

I urge that it be approved by the Senate.

Now, Mr. President, let me just emphasize a little bit some of the work I believe went into this. I say this with some personal feelings.

I have given, as one Senator, a great deal of attention to the subject of our economic assistance program, or our foreign assistance program, because I think we need one, but we need one directed toward the appropriate objectives.

The Foreign Relations Committee has reported to the Senate a foreign aid bill for fiscal year 1975 which is prudent in its spending recommendations, constructive in its policy statements and mindful of our humanitarian responsibilities in a world beset by poverty and growing food shortages.

In other words, I say with a sense of confidence that this is a responsible bill and this is a good bill. It deserves strong bipartisan support for the new and responsible principles it enunciates and for the strong policy guidelines it has established for the administration of American economic and military assistance.

As I have noted already, the administration originally requested that the Congress authorize $3.2 billion for foreign assistance. Such a sum would be excessive in view of our present domestic economic situation. In addition, the very substantial increases in the President's fiscal year 1975 request for military assistance over the previous fiscal year are out of line with the actual needs of the recipient countries and the external threats which they face.

And the very large increases requested for economic and military assistance to Indochina clearly run counter to the desires of Congress and the American people that Vietnam, Cambodia, and Laos shoulder a greater share of their own financial burden and that our presence in Southeast Asia be further diminished. Thus, the Foreign Relations Committee decided to make substantial reductions in many of the act's funding categories.

I have already reported, Mr. President, that the committee has reported a bill authorizing $2.5 billion for foreign military and economic assistance for fiscal 1975. This represents a reduction of 22 percent, or $724.6 million from the President's original request. These savings were achieved by rather sharp reductions in the following areas:

One hundred million dollars from the program of foreign military credit sales, representing a cut of 18 percent.

Four hundred thirty-five million dollars from the military assistance program, representing a reduction of 44 percent.

And $389.8 million from the Indochina postwar reconstruction program, representing a cut of 41 percent.

The action taken by the Committee on Foreign Relations is fully consistent with the President's desire that Congress regard no budget as sacrosanct and that it make every effort to cut Government spending in a responsible fashion.

The committee has carefully examined the total foreign assistance budget. We eliminated all of the waste and padding we could find. In addition, we made spending reductions where we believed that they could be sustained without adverse effects on the foreign policy interests of the United States. No one can fault the committee for its generosity to one program or one area of the world.

When additional funds were added to the bill, it was done only after close and careful scrutiny of established need. An example of this is the committee's action to supplement the administration's request for security supporting assistance for Israel by $200 million. The original request of $50 million was insufficient in light of the very great burdens on the Israeli economy following the October war and the continued flow of Russian arms into Syria and Iraq.

Mr. President, the Committee on Foreign Relations spent a great deal of time and effort on the sections of this act relating to Indochina. In fact, the committee's actions on the Indochina programs represent new policy departures in the ever-evolving economic and military situation in Southeast Asia. I personally was involved in the committee's work concerning our aid programs in Vietnam, Laos, and Cambodia and would like to discuss the legislation in some detail.

It was clear to many members of the Committee on Foreign Relations when we began to consider the administration's economic assistance request of $939 million for Indochina and the $482.2 million military program for Cambodia and Laos that we had an obligation to do more than simply approve or reduce these spending recommendations.

We had an obligation to begin to formulate an American policy for Indochina. We have done this. It is now 21 months following the signing of the Paris

Peace Agreement. We must wait no longer. In fact, it is almost 22 months.

The administration's aid programs do not constitute an acceptable substitute for American policy for an area of the world where our Nation has sacrificed so much. To be sure, the provision of billions of dollars to Vietnam and Cambodia represents a continued commitment to the preservation of the political and economic status quo in these countries—but little else.

The programs and amounts proposed do not represent a positive or constructive solution to the problems posed by the failure of the Paris agreement to bring peace and a political settlement to Vietnam.

Neither do they represent an acceptable alternative to the never-ending tragedy of Cambodia civil war. And our billions do very little to alleviate directly the widespread human suffering which is compounded daily in Indochina.

Frankly, as I said, we have no policy in Indochina today that looks 6 months into the future, let alone 1 or 2 years down the road. We are adrift. The American people know this, the Congress knows this and certainly Communist insurgents throughout Indochina are keenly aware of this policy vacuum.

But I do not believe that providing billions in foreign assistance constitutes an acceptable American policy in Indochina.

Nor do I believe that funding maximum military confrontation indefinitely is what the American people want our Government to do.

Nor should our billions of assistance be used to perpetuate corruption, oligarchy, and waste in the name of humane relief and reconstruction.

The policy vacuum existing in Indochina is a direct result of the preoccupation of many American foreign policymakers with urgent problems elsewhere in the world. This is understandable, but it is still a factor.

Congress shares part of this blame. Too often, past congressional actions relating to Indochina have constituted either simple acquiescence to executive branch polices or obstructionism. But we cannot be accused of obstructionism or acquiescence in our handling of the Indochina section of the Foreign Assistance Act of 1974.

We had a choice to make. We could have continued to fund these programs at the high levels recommended by the administration, knowing full well that these funds were not an effective substitute for policies which might bring true peace to Vietnam and Cambodia. This would have been the path of least resistance. We could have continued to ignore gaping loopholes in the law which allowed the executive branch to greatly increase Indochina funding in violation of the intent of the Congress. Instead, we acted with restraint and responsibility in reducing the flow of dollars to Indochina, specifying where the funds should be spent, closing the loopholes and proposing specific economic and political policies to be taken by the President and the Secretary of State, which could lead to the cessation of hostilities and decreasing amounts of American assistance in the years to come.

Even before we considered the Foreign Assistance Act, the committee agreed to an amendment I had offered to the State Department authorization bill, requiring the administration to develop a detailed plan for future economic and military assistance to Vietnam that would include a specific timetable for the phased reduction of such assistance.

I realize that the administration believes that the restrictions contained in this bill on aid to Indochina amount to unnecessary congressional interference in an area of executive branch jurisdiction. However, I want to remind my colleagues that the Committee on Foreign Relations took this unusual step of depriving AID with broad program flexibility in Vietnam in order to assure that American aid dollars were spent for those who needed them most and on viable economic projects which would result in tangible benefits for the people. In the past, great portions of our funds were used for consumable items related to the war effort, with far too few dollars going for capital investments of a lasting productive nature. While we recognize the severity of our budgetary and program restrictions, they are warranted by continued reports of a lack of adequate planning, waste, and mismanagement of U.S. assistance funds in Vietnam.

It was the committee's judgment that the administration's fiscal year 1975 aid plans for Vietnam differed little from past strategies. Under the title of "reconstruction and development," the Congress was asked to approve large sums of money in order to fill the trade and budgetary gaps of a faltering Vietnamese economy.

I do not doubt that economic solvency is critical to the military capabilities of the South Vietnamese Armed Forces. And I am convinced that there can be no real reconstruction and development in a country whose national economy has totally disintegrated.

Unfortunately, reliance on massive foreign exchange grants and crisis management rather than serious economic planning have characterized the thinking of both the Vietnamese and the American officials. Nor has there been any serious American initiative to have the South Vietnamese undertake the type of structural reforms in their economic life which will enable them to achieve greater self-sufficiency and a more equitable distribution of economic benefits to their people.

The American aid program has been superimposed on an economic structure still geared to massive dollar flows of the past and the presence of a large U.S. military establishment. The Vietnamese economy is in a precarious situation today.

The situation in Cambodia is even more alarming, with the near total collapse of the Cambodian economy now taking place as a result of the heavy fighting and the inability of the Lon Nol government to prevent the separation of heavily populated areas such as Phnom Penh from rice growing areas and seaports. The Cambodian capital is undergoing slow economic strangulation which causes triple digit inflation. It is questionable which will come first—the total economic or military collapse of the Cambodian Government.

The losers in this sorry amalgam of poor planning, waste, corruption, and military conflict are the people of Vietnam and Cambodia—and especially the poor in cities and in rural areas. The refugee populations in both countries face unending economic hardship with the tragedy that those who manage to obtain resettlement may soon become refugees again or remain immersed in abysmal poverty and deprivation.

In light of the very depressing economic situation in Indochina and the failure of our Government to come to grips with the situation, the Committee on Foreign Relations adopted a series of six economic directives which are badly needed to maximize the benefit of our assistance. They are as follows:

First. Organize a consortium to include the multilateral financial institutions to help plan for Indochina reconstruction and development; to coordinate multilateral and bilateral contributions to the area's economic recovery; and to provide continuing advice to the recipient nations on the use of their own and outside resources.

Second. Develop in coordination with the recipient governments, other donors and with multilateral financial institutions a comprehensive plan for Indochina reconstruction and economic development.

Third. Develop country-by-country reconstruction and development plans, including detailed plans for the development of individual economic sectors, that can be used to identify and coordinate specific economic development projects and programs and to direct U.S. resources into areas of maximum benefit.

Fourth. Shift the emphasis of U.S. aid programs from consumption oriented expenditures to economic development.

Fifth. Identify possible structural economic reforms in areas such as taxation, exchange rates, savings mechanisms, internal pricing, income distribution, land tenure, budgetary allocations, and corruption, which should be undertaken if Indochinese economic development is to progress.

Sixth. Include in Indochina economic planning and programing specific performance criteria and standards which will enable the Congress and the executive branch to judge the adequacy of the recipients' efforts and to determine whether, and what amounts of, continued American funding is justified.

I recognize that there is no way to force the President and the Secretary of State to implement these proposals. However, I believe that unless they take action and seriously consider these guidelines, the economic situation in Indochina will further worsen. In addition, Congress will be unwilling to consider another substantial authorization for Indochina in fiscal year 1976 in the face of continuation of past practices and policies.

The economic aid levels we have determined suitable for Indochina will not prove to be an undue hardship for Viet-

nam, Cambodia and Laos. I recognize that our spending recommendations are austere. But austerity is needed to advance economic self-sufficiency and structural economic reform. Without it there is no other way to begin what I am sure will be a painful political and economic process.

We have an obligation—a moral obligation—to help the people of Indochina rebuild their war-torn countries. But somehow we seem to have lost sight of this worthy goal. The process of reconstruction and alleviating human suffering is a long way from our current program which now only postpones through reliance on the generosity of America the hard economic and political choices which the Vietnamese and Cambodians have to make.

The legislation before us provides the administration with a clear and precise way to reorient our foreign economic assistance in Indochina.

At present, beyond the infusion of American capital into the faltering economies of Vietnam and Cambodia, the United States refuses to adopt policies which deal with the two most critical issues in Indochina: The failure of the Paris Agreement to halt the fighting in Vietnam; and the approaching collapse of the Lon Nol government in Cambodia.

After years of war, the struggle continues. After millions of words about the "lessons of Vietnam," we ignore the most important lesson that political battles cannot be resolved by force of arms.

We learned this lesson at great sacrifice to our Nation. Yet our policymakers now are engaged in a course of action which does not recognize this basic reality of Indochina. The United States has embarked upon a course of encouraging the funding of maximum military confrontation, hoping that somehow those we are supporting can prevail.

By dint of unlimited U.S. funds, the Thieu government has managed to hold its own, and the Lon Nol government still manages to exist, though its position is steadily deteriorating.

But what about the future? How can the policy of military confrontation be sustained when it is clear that neither the Congress nor the American public are willing to fund the wars in Vietnam and Cambodia at high levels for the indefinite future?

The Ford administration must open its eyes to the political reality in America and the military reality in Southeast Asia.

The Secretary of State has said that, as a signatory of the Paris agreement:

> The United States committed itself to strengthening the conditions which make the cease fire possible and to the goal of the South Vietnamese people's right to self determination.

I share Secretary Kissinger's assessment of our obligation and commitment. But I know that we cannot accomplish the goal of achieving a cease-fire through fueling continued military confrontation. And as to the noble cause of Vietnamese self-determination, this can be had only if the fighting stops and a political settlement is allowed to evolve which will reflect the realities of the current Vietnamese scene.

I recognize that a large portion of the blame for the failure to obtain a real cease-fire in South Vietnam rests on the North Vietnamese and those who supply Hanoi with arms and materiel. But 21 months after the cease-fire, the issue now is not who violates the cease-fire, but how we can help bring about a new cease-fire and stop the incessant warfare which has, since January 1973, killed more than 13,500 South Vietnamese and 51 North Vietnamese and Vietcong.

Unfortunately, I have received no indication, either privately or publicly, that the United States is currently engaged in any efforts whatsoever to renegotiate a cease-fire and peace settlement in South Vietnam. Once again, our leaders look mistakenly to the battlefield for a solution which must be found at the conference table.

A policy which amounts only to large doses of military assistance and rhetoric from Washington is doomed to failure. In reality, it is a nonpolicy. It is a fantasy to expect that somehow the Paris Agreement will work without further efforts to make it work. The problem will not go away and no Vietnamese party to the Paris Agreement will abide by its terms unless the United States and other nations are willing to begin intensive diplomatic efforts to scale down the flow of supplies and get the parties to the conference table once again.

As I stated earlier, the military situation in Cambodia is even more precarious than in Vietnam. Americans serving in Cambodia at the highest levels and visitors who come away from the beleaguered capital of Phnom Penh report that it is only a matter of time before the Lon Nol government collapses totally and completely. A continuation of the military struggle in Cambodia is a hopeless exercise in futility. Yet our Government seems unwilling to recognize this fact and fails to use all of its skills and talents to bring to the conference table all the parties to the conflict. We continuously have avoided any official or private contact with the Khmer insurgents as we witnessed the economic, military, and political position of the Lon Nol government disintegrate. It may be too late to reverse the process and avoid a total collapse and overthrow of the government before negotiations can begin.

Aware of these many factors governing the political and military situation in Vietnam and Cambodia, the Foreign Relations Committee has urged President Ford and Secretary Kissinger to undertake certain measures that we believe may bring peace to Indochina. Let me read the five steps voted by the committee:

First. Begin negotiations with representatives of the Soviet Union and the People's Republic of China toward a mutually agreed upon and rapid deescalation of military assistance on the part of the three principal suppliers of arms and materiel to all Vietnamese and Cambodian parties engaged in conflict.

Second. Take all necessary measures strongly requesting that the Government of the Khmer Republic enter into negotiations with representatives of the Khmer Government of National Union which will lead to an immediate cease-fire and political settlement of the conflict. Use all available means to establish contact with the Khmer Government of National Union and to urge them to participate in such negotiation. The United States should urge all Cambodian parties to use the good offices of the United Nations or a respected third country for the purpose of bringing an end to hostilities and reaching a political settlement.

Third. Utilize any public or private forum to negotiate directly with representatives of the Democratic Republic of Vietnam, the Provisional Revolutionary Government and the Republic of Vietnam to seek a new cease-fire in Vietnam and full compliance with the provisions of the Paris Agreement on Ending the War and Restoring Peace in Vietnam.

Fourth. Reconvene the Paris conference to seek full implementation of the provisions of the Agreement of January 27, 1973, on the part of all Vietnamese parties to the conflict.

Fifth. Maintain regular and full consultation with the appropriate committees of the Congress and report to the Congress and the Nation at regular intervals on the progress toward obtaining a total cessation of hostilities in Indochina and a mutual reduction of military assistance to that area.

The only possible way to stop the fighting in Vietnam and Cambodia, the only way to reduce the large expenditure of American aid dollars which currently support the war efforts, is through the process of political negotiation. This is what the Committee urges and recommends to the President and Secretary of State. We ask for negotiations at many different levels and in many different forums. But the process must begin soon.

It is clear that the Soviet Union and the People's Republic of China are critical of this negotiating process. They are the principal sources of economic and military assistance to North Vietnam.

It makes little difference which outside power or powers give more aid to its Vietnamese client. The issue is how all three aid suppliers can mutually agree to limit their military assistance in a way to stop the fighting. I recognize that this will not be an easy objective to attain. However, the Soviet Union and the People's Republic of China appear anxious to maintain the improved relations with the United States and the many economic benefits which are derived from détente. It is vitally important to inform these countries most strongly of our belief that their cooperation in bringing peace to Indochina is a critical element in the further normalization of relations with the United States. In this connection, we must also convince them of our readiness to allow the Vietnamese and Cambodian people to work out their own destiny, provided Hanoi's allies will do the same.

If negotiations are to begin and then be successful, they must involve the direct and personal participation of Secretary Kissinger. I do not believe that he has given the situation in Vietnam and Cambodia the personal attention it merits. I say this with full understanding that he has been preoccupied with a very dangerous situation in the Middle East and in the eastern Mediterranean.

I want to commend him for what he has been able to achieve in other areas of the world where he has invested his time and attention. But he and the Department of State now must turn their attention once again to Indochina. Furthermore, President Ford must involve himself intimately in this process.

Finally, in advance of any negotiations, the United States must make contact with the leadership in Hanoi and the leaders of the Provisional Revolutionary Government in South Vietnam. There is absolutely no reason why the United States should not maintain more regular contact with the North Vietnamese. I call upon the President to take this step. In the Cambodian context, there is little chance for successful negotiations unless our Government makes contact with the Khmer insurgents and Prince Norodom Sihanouk. We are deluding ourselves that a negotiated settlement is possible in Cambodia without early and high level contact with these elements of the Khmer insurgency.

I was personally dismayed that President Ford has chosen the path of opposition to what the Committee on Foreign Relations has done in reference to Indochina.

I hope that opposition has by now moderated.

Mr. President, I am saddened that he has not seized the opportunity to announce a new departure in American policies in Indochina. Instead, he has urged the Congress to increase American economic and military assistance to Vietnam, following the course of his predecessor.

I have supported the administration in the field of foreign policy when I thought it was doing the right thing. That, indeed, has meant that I have supported a good deal of what this administration has wanted in the foreign field area.

But I will not support any amendments offered to restore the aid levels the committee has reduced. This would be fiscally irresponsible and detrimental to the chance of a true political settlement in Cambodia and Vietnam.

It is unfortunate that neither the President nor the Secretary of State has recognized what the Committee on Foreign Relations was trying to do in its treatment of the Indochina portions of the Foreign Assistance Act.

I hope, again, may I say, that we have their support in this bill.

We were saying to Mr. Ford and Mr. Kissinger that we recognize a serious policy vacuum caused by many factors, and we were ready to make our contribution to the formulation of American policy in Indochina. We were offering to cooperate and to share in the responsibility in ending the nightmare of continued conflict in Indochina. I refuse to sit back and help perpetuate the delusion that massive American military aid somehow will end the fighting.

I sat at Lyndon Johnson's side during his years of agony over Vietnam. I supported his policies because I believe they would bring peace to that country and allow its people to determine their own political destiny. But President Johnson's policies did not bring peace to Vietnam. The policies of Richard Nixon brought about the withdrawal of American troops 4 long years after he took the oath of office. But the fighting still continues and our Nation still is spending billions of dollars in Southeast Asia as yet another President urges the American people to stand firm and support policies which mean only more fighting and destruction in Indochina.

This is not a course which I support. This is not the course the Senate should support as the elected representatives of the people. I urge adoption of the committee's approach to the development of American policy toward Indochina as the only viable path to peace in that troubled part of the world.

Our proposal does not represent a copout. It does not represent retreat. It represents responsible planning and organization of our assistance.

Let us seek the path of negotiation once again. Let us stop this official self-delusion which says, "just a little more, and victory will be certain."

Mr. President, I stand here as one who went through 4 years of that kind of self-serving rhetoric, and I supported the policies of that administration. I have paid my price. I heard again and again, "Just a little more and victory will be certain."

Mr. President, we have heard that since 1961—"Just a little more, and victory will be certain."

Let us turn our attention to obtaining political settlements in Indochina so that we can end the expenditure of billions of dollars in Vietnam and Cambodia while widespread starvation and poverty rage throughout the developing world.

I know this task is not easy, and I am not one to pretend for a moment that it will be accomplished quickly. But it is absolutely essential that we lend every effort toward the diplomatic and political solutions which are the only solutions that we ought to be giving our attention to.

Commonsense, if nothing else, should tell us that our policies need to be rethought and options reevaluated after years of fruitless war.

Mr. President, a little later I am going to be offering an amendment that relates to the Portuguese African territories. It is a policy statement. As a matter of fact, I doubt that there will be any objection to it at all. That amendment merely calls upon the President and the Secretary of State to take actions that will make clear the U.S. support of Portugal's policy of independence for African territories. This amendment is supported, of course, by the responsible officials in our Government.

Mr. President, I shall also offer an amendment that relates, as a statement of policy, to assistance to Africa. It has been my judgment that in our foreign assistance programs we have had no real policy toward Africa. We have had some financial assistance in moderate and indeed modest degree. But we have had no policy.

Mr. President, I have an amendment at the desk that is known as the Humphrey-McGee amendment on Portuguese African territories. I will send it to the desk now, and I am not asking for its immediate consideration because the Senator from Idaho has an amendment which is pending, but I ask to have this amendment printed.

It is a statement of policy on assistance to Africa. We shall take that amendment up tomorrow.

The PRESIDING OFFICER. The amendment will be received and printed.

Mr. HUMPHREY. So, Mr. President, I have tried to lay before the Senate, on behalf of the Committee on Foreign Relations, which recommends this bill to us by a majority of 11 to 5, the arguments for S. 3394. I consider this piece of proposed legislation the most responsible effort that we have made in recent years in the area of foreign economic and military assistance.

I yield the floor.

Mr. McGEE. Mr. President, as the Senate begins consideration of the Foreign Assistance Act of 1975—S. 3394—one can expect a debate which will be marked by emotional appeals either to reduce drastically the funding levels approved by the Committee on Foreign Relations, or to abandon our foreign assistance programs altogether.

The traditional foes of foreign assistance in the Senate will seize upon our domestic economic difficulties as compelling reason enough to abandon the international community. We will be told that the largess of the United States is already too great. Under this guise of concern for the American taxpayer, we will be asked to cloak ourselves in the indifference of isolationism.

While the Congress of the United States is under considerable fiscal restraints this year, I would hasten to point out that the Committee on Foreign Relations has responded in a meaningful and responsible manner to our domestic concerns. S. 3394 contains an authorization level of $724.6 million less than the executive branch's request, or a cut of 22 percent. No other authorizing committee in the Senate has cut so deeply into proposed fiscal 1975 programs before floor action than the Committee on Foreign Relations. However, those of us who are members of the committee and who support this bill are fully cognizant that we bring this legislation to the floor after slashing the request to a bare-bones level. Those of us who supported reporting S. 3394 to the floor realize that while this legislation will allow us to pursue an effective foreign policy, further cuts will only undermine our ability to do so.

Thus, it is in this context that I want to address myself to the issue of what the United States is actually doing in the way of foreign assistance, particularly in the area of economic development. I do so as an effort to clarify any misrepresentations of U.S. largess which will most certainly be argued throughout the course of debate of S. 3394.

Since 1949, there has been a distinct downward trend in foreign economic aid programs when seen in relation to total Federal budget outlays and the U.S. gross national product. The figures recently reported by the Organization for Eco-

nomic Cooperation and Development on official development assistance are somewhat startling when we compare U.S. efforts to those of other free-world industrial nations. For purposes of this debate, Official Development Assistance consists only of grants and loans at concessional terms which are extended to developing nations.

In 1949, when the Marshall plan was implemented, foreign economic development assistance amounted to 11.5 percent of the Federal budget. Today, this share is less than 1.5 percent.

In 1949, economic development assistance represented 2.78 percent of our gross national product, and has moved downward ever since. By 1973, the figure had fallen to 0.23 percent.

The declining trend is also evident when measured in relation to the economic assistance provided by other industrialized nations in the free world.

Of the 17 member nations of the Development Assistance Committee—DAC—the United States ranked second in 1964 in value of economic development assistance expressed as a percentage of gross national product. Since then, the downward drift has been steady. According to OECD figures, our position had dropped to 14th by last year.

In 1963, some 62 percent of the total dollar value of aid from DAC country sources came from the United States. This share has also fallen steadily. In 1973, while the value of U.S. economic aid still exceeded that provided by any one of the other DAC member nations, it represented 32 percent of the total value of DAC assistance.

It is interesting to note what other DAC nations are doing in the way of official development assistance in comparison to the United States. First, despite economic difficulties of much greater magnitude than our own, other DAC nations have restated their determination to make all possible efforts to maintain and enlarge their aid flows to developing countries and to improve the terms of their aid. Other DAC nations have also expressed their determination to extend relief assistance in various forms to the poorer developing countries which have been most seriously affected by the prices of oil and other essential imports and, in channeling their aid, to give priority to countries whose needs are the greatest and most urgent.

It is interesting to note that, in 1973, the poorset nation in Europe, Portugal, contributed more than three times what the United States contributed in official development assistance as a percentage of gross national product. While the U.S. official development assistance in 1973 represented 0.23 percent of our GNP, Portugal's contribution was more than 0.70 percent of their GNP for official development assistance, both bilateral and multilateral.

Other nations which contribute a larger share of their gross national product to official development assistance than the United States include France, Sweden, the Netherlands, Belgium, Denmark, Norway, Australia, Canada, the United Kingdom, the Federal Republic of Germany, New Zealand, and Japan.

Particularly noteworthy are the following observations by the OECD:

DAC Members as a whole moved away from the 0.7 percent of GNP target which the United Nations has recommended that each donor achieve by 1975. DAC Members have taken various positions with regard to this target. Four of them (the Netherlands, Belgium, Sweden, and Norway) have accepted it without reservation; eight (Australia, Denmark, France, Canada, Germany, Japan, New Zealand, and the United Kingdom) have accepted a date after 1975 and five have not subscribed to it at all.

Eight DAC Members achieved some progress in their aid effort as measured in terms of ODA (Office Development Assistance) to GNP ratio—Austria, Denmark, Germany, Italy, Japan, Norway, New Zealand, and Sweden. But a fall in this ratio for some of the major donors (France, the Netherlands, the United Kingdom, and the United States) outweighed this progress, and the DAC average declined. In particular, the United States, which is the largest donor (32 percent of DAC Members combined ODA in 1973), recorded a fall in its provision of ODA, not only in relation to GNP, but also in absolute value.

Our largess as a nation also pales in comparison to the fact that with only 6 percent of the world's population, the United States consumes 30 percent of the Earth's resources. By virtue of this fact, the less developed nations have every right to expect the United States to do more in providing official development assistance. Yet, we are doing less.

In essence, while our economic development assistance programs are aimed at helping those countries less fortunate than ours, we also have a vital stake in the success of these efforts over the long term. Today, we exist in a very fragile international economic system. A unilateral withdrawal from the world on the part of a major industrialized nation, such as the United States, can only provoke a further deterioration of this system. We would pay heavily for the ensuing chaos as the interdependent nature of the global community has never been more evident than now. The Arab oil boycott of last year and the consequences of a fourfold increase in petroleum prices demonstrates that the United States cannot insulate itself from dependence upon the international community if our own economic viability is to be maintained.

Therefore, if opponents of foreign assistance are serious in their efforts to doom the program, then it is incumbent upon them to explain to the American people and their constituents the consequences of this action. If we withdraw into isolationism, then it should be absolutely clear that we do so fully cognizant of the economic peril we bring upon our people. While our present domestic economic situation is working a hardship on many Americans, will we ask our people to endure much greater suffering as a price for the folly of the U.S. Senate should we reject S. 3394.

Thus, the fate of S. 3394 is directly tied to the question of whether the U.S. Senate can actually function, or is even capable of functioning, as a responsible partner in the foreign policy formulation of this Nation. The price of world stability and peace does not come cheaply. Yet, if we are not willing to pay this price, the inevitable consequences will be much more costly for all of us.

AMENDMENT NO. 1923

Mr. CHURCH. Mr. President, I call up my amendment No. 1923, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

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

FOREIGN ASSISTANCE CEILING

SEC. 34. Notwithstanding any other provision of law, the total amount which may be obligated during fiscal year 1975 under the Foreign Assistance Act of 1961, the Foreign Military Sales Act, the Agricultural Trade Development and Assistance Act of 1954, and section 401 of Public Law 89-367 providing military assistance to South Vietnam, may not exceed $5,000,000,000.

The PRESIDING OFFICER. The time on this amendment is limited to 40 minutes, equally divided.

Who yields time?

$5 BILLION CEILING ON FISCAL YEAR 1975 FOREIGN AID

Mr. CHURCH. Mr. President, I believe that most of the Senate recognizes that the aggregate U.S. foreign aid program, which totals in excess of $8 billion as proposed by the executive branch for fiscal year 1975, bears very little relation to the high-blown claims which are made for it as being a carefully modulated contribution to international peace, order, and justice. To be sure, a certain number of foreign assistance activities can be justified; but for the most part, the U.S. foreign aid program as it is now constituted is best described as the coagulation of old assumptions, outdated policies, bad habits, and bureaucratic inertia. At a time of such serious economic conditions in our own country, Congress simply cannot countenance such a vast and ill-considered expense as has been proposed by the executive branch.

I have therefore introduced an amendment to S. 3394, Mr. President—amendment No. 1923—which will serve the very useful purpose of keeping a lid on foreign aid spending during the current fiscal year. My amendment relates to all foreign aid provided under the authority of the Foreign Assistance Act, under which economic grants and loans and military grants are made; the Foreign Military Sales Act, under which military credits are given; Public Law 480, under which grants and loans are made for both economic and military purposes; and, finally, the military aid program in South Vietnam, which is financed this year through the Defense Department appropriations bill. In short, my amendment concerns all U.S. foreign aid, with but two exceptions: the Peace Corps and American contributions to the international financial institutions such as the World Bank. What my amendment does is to place a ceiling of $5 billion on all foreign aid obligations during fiscal year 1975, with the two exceptions I cited: the Peace Corps and international financial institutions.

Now, how does this $5 billion ceiling

relate to the expenditures which would be made without such a ceiling? Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table which answers this question quite clearly. Such a table is also available to Senators on their desks.

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

CHURCH AMENDMENT

Provisions: Places a $5 billion ceiling on total FY1975 foreign aid obligations (except for the Peace Corps and U.S. contributions to the international financial institutions such as the World Bank).

	Fiscal year 1974 (actual)	Fiscal year 1975 (proposed)	Fiscal year 1975 (as amended thus far by the Senate)
Economic:			
AID	$1,929	$2,885	$2,695
Public Law 480	1,152	996	996
Military:			
Grants	[1] 1,678	2,474	1,289
Credit sales	325	555	455
Total	5,084	6,910	5,435

[1] Does not include 2 expenditures of a 1-time nature: emergency aid to Israel and emergency drawdown for Cambodia.

Effect of amendment:

(1) Reduces spending by an additional $435 million, while allowing the Executive Branch some flexibility in determining where those economies can best be made.

(2) Limits spending to the FY 1974 level (approximately), thereby holding the line against the inflationary spiral.

Mr. CHURCH. Mr. President, not counting the Peace Corps and contributions to the international financial institutions, which are not covered by my ceiling, the foreign aid program proposed by the administration totals $6.9 billion. From that $6.9 billion request, the Senate has already made reductions totalling approximately $1.45 billion. These cuts came in two places: in military aid to Vietnam, which was cut $750 million in the DOD appropriations bill; and another $700 million in military and economic aid which has been eliminated thus far from the bill now before us. These reductions, totalling $1.45 billion, leave the fiscal year 1975 program at a level of approximately $5.45 billion. What my amendment will do, in imposing a ceiling of $5 billion, is to require a further savings of over $400 million—$435 million to be exact. Where these reductions will be made will be left to the Administration to decide. Allowing the executive branch this discretion, Mr. President, is, I am quick to acknowledge, contrary to my usual inclination. But, in this case, I believe allowing some executive flexibility is justified. With my amendment, what the Senate will have done is to make a total cut of $1.9 billion—from $6.9 billion down to $5 billion—but to specify only $1.45 million of those cuts. Thus, the administration would be allowed flexibility in determining only where the final $435 million in savings could best be achieved, out of a total cost of $1.9 billion. This, I believe, is a reasonable and I think justifiable concession to executive flexibility.

Briefly again, Mr. President, I shall summarize the overall effect of the amendment. The administration proposed foreign aid programs for fiscal year 1975 totalling $6.9 billion, not counting the Peace Corps and the international financial institutions. The Senate thus far has made specific cuts of $1.45 billion. My amendment would require a further reduction of $435 million, bringing total expenditures down to $5 billion, but would allow the administration flexibility in determining where that final $435 million in savings will be achieved.

Mr. President, I should point out that $5 billion was the level of foreign expenditures actually made during fiscal year 1974. Thus, this amendment, in addition to saving over $400 million, would serve to make a clear statement to the American people that the Senate is prepared to take substantive action in the fight against the inflationary spiral—that at least we are prepared to hold the line this year against a further expansion of the foreign aid program.

Unless the amendment is adopted, Mr. President, we will be ratifying a program that is substantially larger than the current level of spending—that is to say, substantially larger than the amount spent on these very programs during fiscal 1974. One would think that, with the economic problems that face this country, with an inflation that is now running out of control, with a President who is asking that the budget be balanced, the very least the Senate might want to do would be to hold the line against extending foreign aid above last year's level of spending.

There is little more that needs to be said, Mr. President. The confused and misguided purpose of much of our vast and largely outdated foreign aid program is now manifest. The sad state of the American economy is clear for everyone to see. The only question which remains is whether Congress, which holds the purse strings of Federal spending, has the will to take corrective action.

I believe that my amendment, by placing a responsible limit on foreign aid expenditures, constitutes such action; and I urge its adoption by the Senate today.

Mr. President, I reserve the remainder of my time; but I say to the distinguished manager of the bill that I am prepared to yield back my time, if he is prepared to yield back the remaining time available to him, in order that we might expedite a vote.

The PRESIDING OFFICER. Does the Senator from Minnesota yield back his time?

Mr. HUMPHREY. Mr. President, I will take a moment or two in which to state the case.

Mr. CHURCH. In that event, Mr. President, I withhold whatever time may be remaining to me.

Mr. HUMPHREY. Mr. President, the point I should like to make is that we have sought—and no one has been more vigorous in this than the Senator from Idaho—to get congressional control over these authorizations and appropriations. For example, as I recollect, the Senator from Idaho submitted an amendment last year that gave Congress, in last year's bill, authority to get control over the recycling of funds and not to leave it in the discretion of the executive.

If the amendment proposed by the Senator from Idaho were agreed to, it would result in a $435 million cut in U.S. bilateral assistance for fiscal year 1975.

I simply have to ask the question: Where does the Senator think that the administration will make those cuts?

They are not going to make any cuts in Indochina, because they already want more. They are not going to make any cuts in military assistance, because we have already cut $435 million out of military assistance. I think we are going to see the cuts made out of African programs, which are so minimal. We are going to see the cuts made out of the Public Law 480 programs.

I really believe that, no matter what the desire may be of the Senator from Idaho for further reduction, this blanket authority is simply saying to the President or to the Secretary of State or to the AID Administrator, "You go ahead and now decide where you want to take off another $435 million." It is really turning back everything we have tried to do.

We have set country ceilings in this bill. We have denied transferability in this bill.

For example, we have placed in this bill, under military assistance, that even if there are excess articles taken out of the Department of Defense, they have to be charged to the military assistance program. Up until now, substantial amounts of so-called excess military equipment were shipped here and there at ridiculously low cost to the military aid program. They just declared it excess and said that we really did not need to charge very much for it.

I wish just to state the argument that this amounts to giving up a large share of congressional control over how our bilateral assistance money should be spent. The ceiling that is set is $435 million lower than the committee recommendations, and it leaves the executive branch to decide where the cuts are going to be made. I think that is the wrong policy, even though the objective may seem desirable to certain Senators.

I believe we have been a responsible committee in cutting as we did. We cut this bill $724 million; in military assistance grants and credits we cut it $535 million. We made a 22-percent reduction in assistance overall. We have, I think, demonstrated the kind of fiscal discipline and responsibility that was asked for. No other authorization has come out of any committee of this Congress with a 22-percent reduction, and we have performed that. I believe it ought to stand.

STATEMENT CONCERNING THE CHURCH AMENDMENT RE CEILING ON OBLIGATIONS FOR FOREIGN AID

Mr. President, the amendment offered by the Senator from Idaho would put a ceiling of $5 billion total obligations for several specified foreign aid activities—AID economic aid programs, the military grant and credit programs, and the Public Law 480 program.

This is the wrong way to go about cutting foreign aid. If the Senate wants to cut the programs covered by the Senator's amendment, it should reduce the amounts in this authorization bill and in the foreign aid and agriculture appropriation bills. Under the approach taken

in the Senator from Idaho's amendment, the Senate would, in effect, pass the buck to the President as to where cuts were to be made. This is not responsible decisionmaking. This is decision avoidance.

For a number of years the Senate has slowly, but surely, taken steps to regain its proper role in the setting of national policy. The Senator from Idaho has often spoken eloquently of the need for the Senate to reassert itself in order to restore a proper balance between Congress and the executive branch. But this amendment goes in the opposite direction. It would say to the President: "We think that no more than $5 billion should be spent on these programs, but we do not know enough—or care enough—about where the cuts should be made. You do it."

In this bill the committee has taken a number of important steps to take away discretionary power that Congress, in the past, has given to the President over foreign aid matters. The adoption of this amendment would be contrary to the basic thrust of this bill. And, of greater significance, it would be contrary to the spirit of much that we have tried to do to restore the integrity of this body over the last several years.

I, for one, do not believe that we should give the President discretionary authority to nullify decisions that Congress takes in authorizing and appropriating funds for specific foreign aid activities. If Congress decides to appropriate x amount for food assistance, for example, that should not mean "x minus whatever amount the President wants to cut out." If Congress thinks that a foreign aid activity should be supported at a certain appropriation level, then it should stand by that decision. The Senator from Idaho's amendment would give the President the power to pick and choose which programs to fund at some lesser level than the amount Congress authorizes and appropriates.

Under the Senator's amendment the President could, if he chooses, make the supporting assistance or military credit sales programs bear much of the burden of the additional cuts necessary. Senators can appreciate the effect this could have on a country like Israel. We simply do not know what the ramifications would be from the Senator's amendment.

In this bill we are dealing only with authorizations for a portion of the overall foreign aid program. We have made significant cuts. I am confident that the Appropriations Committee will recommend further reductions in programs already authorized—as well as those in this bill. But the way to make further reductions is by offering amendments to reduce the specific authorizations in this bill and specific items in the foreign aid appropriation bill. The pending amendment is not the appropriate way to go about it.

I hope that the amendment will be rejected.

Mr. President, I ask unanimous consent to have printed in the RECORD a "Summary of the Impact of a Ceiling Reduction on all foreign aid programs."

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

SUMMARY OF THE IMPACT OF A CEILING REDUCTION ON ALL FOREIGN AID PROGRAMS

1. The reduction is totally arbitrary and without reference to the merits of the many and various activities included in the categorization.

2. The Congress has full opportunity to consider the merits of individual appropriation requests. Imposition of a blanket ceiling reduction subsequent to Congressional review of these programs obscures the merits of each and undercuts original Congressional intent.

3. The reduction applies to an "apples and oranges" categorization of programs cutting across separate authorization bills, program purposes and organizational jurisdictions. It would, therefore, be exceedingly difficult to administer in a rational manner.

4. In the context of deep reductions already taken in individual appropriation requests, the additional $435 million cut would fall most heavily on:

Development assistance to small farmers and the rural poor in countries facing major food shortages and possible famine;

Research on improving agricultural production, including efforts to improve the effectiveness of fertilizer, seeds and pesticides and thereby cope with the world food crisis;

Humanitarian assistance to the Sahelian nations in their struggle against drought, famine and the degradation of their fragile environment;

Assistance to poor countries in their efforts to deal with the critical problem of unconstrained population growth and to provide them with the basic family planning services;

Assistance to U.S. and overseas private and voluntary organizations designed to engage these institutions in the development process and tap their considerable skills and experience;

Food contributions under PL 480 to private and voluntary organizations for overseas distribution to needy children and to young nursing mothers;

Food assistance to such countries as Bangladesh, the Sahelian nations and Pakistan to help them deal with short run shortages, crop failures and possible starvation;

U.S. contributions to multilateral and international organizations—the UNDP, the IFIs, the UN Fund for Population, the Organization for American States—which would seriously affect their capacity to continue critically important development assistance programs;

Probable reductions in: overseas Peace Corps activities, U.S. narcotics programs designed to curb illegal trafficking in narcotics, the capability of the U.S. to respond to natural disasters (the Honduran floods, Cyprus, floods in Bangladesh).

Mr. AIKEN. Will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Vermont.

Mr. AIKEN. I wish to say that the committee spent about 5 months with this bill, from the time of its introduction in April. I think we did a pretty good job on it. I did not agree with everything that was done, but I realized that it must come to the floor, and also go to conference later.

As the Senator from Minnesota has said, we reduced the total amount by 22 percent. If we accept the amendment offered by the Senator from Idaho, that will make about a 30-percent reduction, which I believe is too much for 1 year. The 22-percent reduction the committee arrived at is very substantial. I hope that we do not reduce Public Law 480, and I hope that the Senator from Idaho does not intend to do that, because that plants a seed for cutting back over $20 billion in exports of food commodities from this country to other countries.

I think that we had better take what the committee recommends at this time.

I know that other countries, particularly in the Middle East, are undertaking to grow more of their own food. I think that is true also of southeast Asia. We should help them do that, because they will live better, and, as they live better, perhaps they will like us better.

I shall not go along with the amendment offered by my friend from Idaho at this time.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, it seems to me, I might say to my colleague managing the bill, that the real problem with this amendment is that it is premature and aborts the work of the Senate. We are taking great pride in the fact that we are now running the show more and more—a budget committee, a war powers resolution, much greater attention to detail, the President's papers, Watergate, and many other things.

Here we are asked to make a meat-axe cut without any regard to our determining the priorities. Every Member of the Senate will be able to vote as he wishes on any amendment for any particular item, whatever it may be. But simply to cut right off the top and then turn it over to the Executive is going exactly the other way from what we want to do.

There is no reason in the world why, if Members wish to make this $5 billion or $4.8 billion or $4 billion, they cannot do it. They can do it and they should do it, if that is the will of the Senate. But it ought to be done with a scalpel and not a meat-axe or a cutlass. That is what this is all about.

I believe every one of us is under the gun on the economy, but people have sent us here to use our heads, not blindly to vote on everything that anybody says is economy. I ask my colleague, is it not a fact that this is really a test of this program? If we believe that the United States has no interest in its own security, in equating foreign aid with any other expenditure in the budget, then vote against the whole thing. Throw it out in the ashcan. We should not do it.

If we do vote for it because a certain portion of our substance needs, in our own interest, to go in this direction, then we should do it prudently, not in advance and not without ourselves taking responsibility for what we want to cut.

Those are the reasons, Mr. President, that I shall personally vote against the amendment. I think it should be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, in response to my good friends and colleagues on the Senate Committee on Foreign Relations, I take no issue with the proposition that the committee and

the Senate, as a whole, should exercise as much control over the foreign aid program as is feasible. We have done this in the bill that the committee has reported out on the floor, which we are presently debating.

However, I point out that if this amendment were adopted, the total cut in foreign aid expenditures from the level requested by the administration, $6.9 billion, would be $1.9 billion. All but 20 percent of that cut is mandated by the Congress. Only the last 20 percent would be left open to the President, giving him the flexibility to make the savings where the State Department feels, and the AID Agency and the other Government departments concerned with these programs feel would be best. I do not think we are abandoning the principle of congressional control at all in passing this amendment.

I have observed in my years in the Senate that whenever one is opposed to an amendment, it is a meat-ax amendment. Whenever one is in favor of it, it is a scalpel.

I do not know whether these phrases are really helpful. The object of this amendment is simply to hold the line on foreign expenditures. It is simply to prevent a further expansion of the program above last year's level of spending. I think that is highly responsible, in view of the state of the American economy and our need to effect an end to the deficit spending, which all economists agree is adding further fuel to a very serious inflation.

That is my purpose in offering this amendment, and I would hope that the Senate would support the amendment, and thus, if it is not prepared to cut back on foreign aid spending this year, at least broadcast the message to the American people that it is prepared to hold the line against furthur increases in foreign aid above the level of spending in fiscal year 1974—a very modest objective, Mr. President, eminently reasonable considering the present state of the American economy.

I, therefore, urge the Senate to approve the amendment.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. HUMPHREY. Mr. President, unless there are others who wish to speak, I am prepared to yield back the remainder of my time.

Mr. President, do we have any time limitation on the call of the roll?

The PRESIDING OFFICER. No; 15 minutes.

Mr. HUMPHREY. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. METZENBAUM). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Idaho (Mr. CHURCH). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. Moss), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Maryland (Mr. MATHIAS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I also announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

The result was announced—yeas 62, nays 21, as follows:

[No. 440 Leg.]

YEAS—62

Abourezk	Gravel	Muskie
Allen	Gurney	Nelson
Bartlett	Hansen	Nunn
Beall	Hartke	Pastore
Bentsen	Haskell	Pearson
Bible	Hatfield	Pell
Biden	Helms	Proxmire
Burdick	Hollings	Randolph
Byrd, Harry F., Jr.	Huddleston	Ribicoff
	Hughes	Roth
Byrd, Robert C.	Jackson	Schweiker
Cannon	Johnston	Scott, William L.
Chiles	Long	
Church	Magnuson	Stafford
Clark	Mansfield	Stennis
Cranston	McClellan	Stevenson
Curtis	McClure	Symington
Dole	McGovern	Thurmond
Domenici	McIntyre	Tunney
Eagleton	Metcalf	Weicker
Fannin	Metzenbaum	
Goldwater	Montoya	

NAYS—21

Aiken	Hart	Mondale
Brooke	Hathaway	Scott, Hugh
Case	Hruska	Stevens
Cotton	Humphrey	Taft
Eastland	Javits	Tower
Fong	Kennedy	Williams
Griffin	McGee	Young

NOT VOTING—17

Baker	Cook	Moss
Bayh	Dominick	Packwood
Bellmon	Ervin	Percy
Bennett	Fulbright	Sparkman
Brock	Inouye	Talmadge
Buckley	Mathias	

So Mr. CHURCH'S amendment was agreed to.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATHAWAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AID FOR INDOCHINA IN THE FOREIGN AID BILL

Mr. CASE. Mr. President, of particular interest in this year's AID bill are the provisions on economic assistance to the countries of Indochina. The action taken by the Foreign Relations Committee represents, I believe, a major change in the congressional approach to foreign aid—and it deserves, I believe, a careful hearing by the full Senate.

The committee has taken a number of significant steps. First, the committee made major reductions in the level of dollar aid to both Cambodia and Vietnam, and a lesser cut in our aid to Laos. In making these reductions the committee for the first time set ceilings on how much can be spent in any of these countries. In the past, money from a variety of programs was ploughed into both Vietnam and Cambodia, sometimes without the approval of Congress. The result was that our economic and military expenditures in this area of the world ran into the billions of dollars a year.

The most severe funding cut in this year's bill is for Cambodia, both for military and economic aid. It is the committee's view that it is pointless to contemplate spending huge amounts of money with little prospect that the Phnom Penh government can survive in the long run. Instead the committee hopes, by cutting funds, to stimulate a negotiated end to the warfare there. In the meantime the committee supported further humanitarian aid and wants to encourage humanitarian relief agencies to continue their work.

For Vietnam the administration requested economic aid in the amount of $750 million. The U.S. Agency for International Development contended that this dollar level would help in the redevelopment of Vietnam. The committee agrees that a good program is needed, but it reduced the request from $750 million to $420 million in economic assistance.

Of more far reaching significance, I believe, is an amendment I proposed that was approved by the committee. In the past the Congress has been asked to vote funds for foreign aid with only the sketchiest idea of how these funds would actually be spent. While AID and the State Department provided some justification for their requests, it was impossible to tell from the categories presented to the Congress exactly what the United States was doing and why. Much of our aid, quite frankly, was used to prop up client governments without much thought of what those governments did with the money we gave them.

It was clear to me that such an approach made no sense at all.

At my direction my staff and the staff of the Foreign Relations Committee spent many weeks trying to untangle our Indochina AID program and look for ways to make it a sound program that will accomplish the goals AID proposed for it. The result was the committee agreed to four general programs for Vietnam, Cambodia, and Laos and approved a number of subprograms which, under the committee's bill, will be carefully audited by Congress to insure the programs are really carried out.

Let me tell you a little about the programs approved under my amendment. The chief programs are humanitarian assistance, agricultural assistance and industrial development aid. The main thrust of the humanitarian assistance program is to resettle war refuges on reasonably good farmland that will enable them to be self-supporting. Where possible, the program emphasizes the return of families to their own home villages. This program also provides for child care services and health care. The agricultural assistance program is designed to make Vietnam, once the ricebowl of Southeast Asia, self-sufficient in rice and other food commodities in the shortest possible time. And the industrial development program is designed to help the country begin to produce goods which can be sold for foreign exchange, thus

helping to make the economy of South Vietnam more viable and less reliant on outside aid.

If properly administered and vigilantly watched by Congress, I think these programs have a fair chance of paying off. And if they fail, then there is not much point to continuing to give economic assistance to Vietnam or to Indochina generally.

Americans are a generous people but the time has come, I believe, when they quite rightly want to know how their money is being spent abroad—they want and deserve an accounting so they can determine where we stand. On the success of our effort to build these features into the AID bill this year rides, I believe, the future of the foreign aid program.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt on assistance for Indochina from the Foreign Relations Committee report on the Foreign Assistance Act of 1974.

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

EXCERPT

Section 20. Statement of policy—Indochina

Section 20, initiated by Senator Humphrey, is a statement of policy by Congress relative to the situation in Indochina.

Congress finds that the cease-fire promulgated in the Paris Agreement on Ending the War and Restoring Peace in Vietnam has not been observed by any Vietnamese party to the conflict. Hostilities of an offensive and defensive nature still continue in South Vietnam. In Cambodia, the conflict between insurgent forces and the Lon Nol government has intensified resulting in widespread human suffering and the near total collapse of the Cambodian national economy.

The Congress further finds that continuation of the military struggles in South Vietnam and Cambodia is not in the interest of the parties directly engaged in the conflicts, the people of Indochina or world peace. In order to lessen the human suffering in Indochina and to bring about a true peace there, the Congress hereby urges and requests the President and the Secretary of State to undertake immediately the following measures:

(1) Begin negotiations with representatives of the Soviet Union and the People's Republic of China towards a mutually agreed upon and rapid de-escalation of military assistance on the part of the three principal suppliers of arms and material to all Vietnamese and Cambodian parties engaged in conflict.

(2) Take all necessary measures strongly requesting that the government of the Khmer Republic enter into negotiations with representatives of the Khmer Government of National Union which will lead to an immediate cease-fire and political settlement of the conflict. Use all available means to establish contact with the Khmer Government of National Union and to urge them to participate in such negotiation. The United States should urge all Cambodian parties to use the good offices of the United Nations or a respected third party for the purpose of bringing an end to hostilities and reaching a political settlement.

(3) Utilize any public or private forum to negotiate directly with representatives of the Democratic Republic of Vietnam, the Provisional Revolutionary Government and the Republic of Vietnam to seek a new cease-fire in Vietnam and full compliance with the provisions of the Paris Agreement on Ending the War and Restoring Peace in Vietnam.

(4) Reconvene the Paris Conference to seek full implementation of the provisions of the Agreement of January 27, 1973 on the part of all Vietnamese parties to the conflict.

(5) Maintain regular and full consultation with the appropriate committees of the Congress and report to the Congress and the Nation at regular intervals on the progress toward obtaining a total cessation of hostilities in Indochina and a mutual reduction of military assistance to that area.

Section 21. Statement of principles to govern U.S. economic aid to Indochina

Section 21, initiated by Senator Humphrey, is a policy statement by Congress concerning the principles which should guide U.S. economic assistance programs to Indochina.

Congress finds that after expending over a billion dollars in funds for economic purposes in Indochina last year, and vast amounts in previous years, that little in lasting economic benefit remains. A large proportion of the funds expended has been used for consumable items related to the war effort. Very little of our money has found its way into capital investments of lasting productive benefit to the people.

Congress calls upon the President and Secretary of State to take immediately the following actions designed to maximize the benefit of United States economic assistance.

(1) Organize a consortium to include the multilateral financial institutions to help plan for Indochina reconstruction and development; to coordinate multilateral and bilateral contributions to the area's economic recovery; and to provide continuing advice to the recipient nations on the use of their own and outside resources.

(2) Develop in coordination with the recipient governments, other donors and the multilateral financial institutions a comprehensive plan for Indochina reconstruction and economic development.

(3) Develop country-by-country reconstruction and development plans, including detailed plans for the development of individual economic sectors, that can be used to identify and coordinate specific economic development projects and programs and to direct U.S. resources into areas of maximum benefit.

(4) Shift the emphasis of United States aid programs from consumption oriented expenditures to economic development.

(5) Identify possible structural economic reforms in areas such as taxation, exchange rates, savings mechanisms, internal pricing, income distribution, land tenure, budgetary allocations, and corruption, which should be undertaken if Indochinese economic development is to progress.

(6) Include in Indochina economic planning and programming specific performance criteria and standards which will enable the Congress and the Executive Branch to judge the adequacy of the recipients' efforts and to determine whether, and what amounts of, continued American funding is justified.

None of the foregoing is meant to imply continuation of American financial commitment beyond the authorization provided for in this legislation.

Section 22. Authorization of economic assistance for South Vietnam, Cambodia, and Laos

Section 22 amends section 802 of the Foreign Assistance Act to authorize appropriations for fiscal year 1975 to provide economic assistance, other than Public Law 480 assistance, to Indochina. The Committee recommends an authorization of $550,000,000 for fiscal year 1975, a reduction of $389,800,000 from the Executive Branch request of $939,800,000. This is an increase of $46,000,000 above the authorization for fiscal year 1974. $449,000,000 was appropriated for this purpose in fiscal 1974.

The table below compares the Committee's recommendations with the Executive Branch request and the program for fiscal year 1974:

INDOCHINA ECONOMIC ASSISTANCE

Program	Fiscal year 1974	Executive branch request, fiscal year 1975	Committee recommendation, fiscal year 1975	Reduction in executive branch reques
South Vietnam	[1] $399,000,000	$750,000,000	$420,000,000	—$330,000,000
Cambodia	95,000,000	110,000,000	70,000,000	—40,000,000
Laos	40,000,000	55,200,000	45,000,000	—10,200,000
Regional programs	2,000,000	9,400,000	3,750,000	—5,650,000
AID support costs [2]	13,000,000	18,700,000	11,250,000	—7,450,000
Total	549,000,000	[3] 943,300,000	550,000,000	—393,300,000

[1] Includes a $50,000,000 development loan.

[2] The pro rata share of AID's worldwide technical and administrative activities which support the Indochina program. Separate in-country AID support costs are included in the country amounts.

[3] Includes $3,500,000 in reimbursement and recoveries.

Section 23. Assistance to South Vietnamese children

This section insures that $10,000,000 will be available for assistance to child care programs in South Vietnam in fiscal year 1975, a $5,000,000 increase in the earmarking for that purpose from the fiscal year 1974 requirement. Funds for the child care program can be derived from a combination of funds made available through the authorization in this bill and local currencies. The Committee has approved a specific line item of $8,200,000 for child care programs. Thus, an additional $1,800,000 must be made available in local currencies.

One of the most tragic results of the Indochina war is the plight of millions of disadvantaged children left in its wake. The orphaned, the maimed, and the homeless are continuing victims of the violence in Indochina.

The Committee has noted the affirmative response of AID to the Congressional mandate of last year.

Section 24. Limitations with respect to South Vietnam

Section 24 contains limitations relative to South Vietnam which will be added as a new section 806 to the Foreign Assistance Act.

The new subsection (a) of 806 establishes a ceiling of $1,280,000,000 on amounts that may be obligated in fiscal year 1975 for the purpose of providing economic or military assistance to South Vietnam. Under that ceiling up to $700,000,000 can be for military assistance, $160,000,000 for Public Law 480

commodity assistance, and $420,000,000 for economic assistance as specified in the bill.

COMPARATIVE DATA ON THE CEILINGS FOR SOUTH VIETNAM

[In millions of dollars]

	Estimate, fiscal year 1974	Executive branch proposal, fiscal year 1975	Committee recommendation for fiscal year 1975
South Vietnam:			
1. Military assistance (MASF)[1]	864.5	1,485.0	700.0
2. General economic assistance (IPR)	[2] 349.0	750.0	420.0
3. AID loan	50.0		
4. Public Law 480	304.7	160.6	160.0
Total, South Vietnam	1,568.2	2,395.6	1,280.0

[1] New obligational authority and excess defense articles.
[2] Includes supplemental appropriation of $49,000,000.

Similar ceilings have been enacted in the past for Laos and Cambodia. They were generally effective in both instances. Whereas actual U.S. expenditures in Laos had consistently been almost twice what had been previously reported to Congress before the ceiling was imposed. Thereafter spending stayed substantially within the limits prescribed. The ceiling was effective in Cambodia but it was allowed to lapse in fiscal year 1974. The Executive Branch subsequently grossly exceeded the overall amounts projected at the beginning of the year for all categories of aid to Cambodia. Public Law 480 deliveries escalated, for example, from a $30 million projection to $194 million. For military assistance, the Administration originally requested $167,200,000. A total of $399,300,000 was ultimately used for that purpose, including $250,000,000 in materials taken from Defense Department stocks.

In Vietnam, the accounting under the Military Assistance Service funded (MASF) program is now acknowledged to have been inaccurate over the years. No one really knows how much was spent in Vietnam for military support between 1966 and 1973. When this fact came to light, the Senate Committee on Armed Services acted decisively to correct the many loopholes in the management and accounting for this program. The inclusion of military aid in the ceiling for South Vietnam is intended to complement the actions taken by the House of Representatives and the Senate on the Department of Defense Appropriation Bill.

Paragraph (3) of 806(a) provides authorizations by major categories and by program or project under each of these categories. This provision and the specific authorizations for Cambodia and Laos were initiated by Senator Case.

The Committee has approved four major programs for economic assistance to South Vietnam. These are: (A) Humanitarian Assistance; (B) Agricultural Assistance; (C) Industrial Development Aid and (D) Miscellaneous which includes funds for purchase of petroleum and for support of the USAID mission in Vietnam.

Each of these four categories is complete in itself. No transfer of funds between these four general categories is permitted except that petroleum procured in Part D of the authorization may be used for the support of any of the other three major programs. Transfers within any of the subcategories of the four major categories of a reasonable kind of response to changing circumstances are permitted provided timely notice is given to Congress before any transfer is carried forward.

Under an amendment, also initiated by Senator Case, approved by the Committee, funds available for military assistance to Indochina may be transferred for humanitarian relief and economic development programs within each country, on a country-by-country basis. Transfers cannot be made from one country to another. This discretionary feature of the bill should assist further the development of humanitarian assistance programs the Committee deems crucial for Vietnam.

The most crucial of the programs approved for Vietnam is that for humanitarian relief, for which the Committee has allocated $95,000,000. The Committee hopes that a concerted effort will be made to prevent the use of United States funds for the support of so-called refugees activities which have direct political or military objectives. One way in which this can be done is to begin to provide more United States support to voluntary and international agencies working in the refugee field. This is largely a local cost program and the Committee seeks to insure that both dollars and the piasters which they generate are used for the intended purpose.

Assistance in agricultural production is the next most valid need in South Vietnam. The Committee has recommended that $188,000,000 be used for this purpose. The Committee is of the view that AID should move away from placing further emphasis on capital intensive agriculture.

Additional data concerning the Committee's recommendations follows:

I. Humanitarian assistance

	Millions
A. AID recommended budget:	
Refugee relief and resettlement	$86.5
Child care	8.2
Health care	10.3
City to farm program	30.0
Total AID recommendations	135.0
B. Committee authorization:	
Refugee relief and resettlement	66.5
Child care	8.2
Health care	10.3
City to farm program	10.0
Total authorization	95.0

The Committee approved the full requests made for child care and health care. Child care funds should be targeted to help provide immediate necessities such as food stuffs and training supplies. Moreover, every effort should be made to bring child care concepts to foster homes which are in dire need of upgrading. Every effort should also be made to find ways to make child care centers self-sufficient if possible.

Urban squalor, both in Saigon and other urban centers, is a result of years of war. Hundreds of thousands of refugees try to make a living as best they can under the circumstances. While this was possible when large numbers of American soldiers and support personnel were in Vietnam, it is far more difficult today. Soaring inflation and a depressed economy and the continuing war make the urban poor a very real threat to the regime. If it is possible to work out a land acquisition program to relocate many formerly agrarian people, such an effort should be supported. However the prospects for a rapid transfer of poor urban families to the country side seems dim. Consequently, only part of the request for the "City to Farm" program is approved in this recommended budget.

The problem faced by the South Vietnamese government concerning refugees and the urban masses was summarized in this way in a recent report by the Committee staff:

"The refugees and urban unemployed present a real dilemma to the Vietnamese government. If the people remain in the camps and cities, they present a political problems as well as a further welfare burden on an already over-extended national budget. Moving them to rural areas, as proposed, would shift the economic support burden from the national budget to the people themselves and to the natural resources of the land—presuming land is available. However, the transfer of people out of camps and the cities creates a population control problem by exposing them to contact with the Viet Cong. The compromise between military control and economic survival is the placement of war victims on previously uncultivated land in government controlled or marginally controlled areas. But these new lands require large amounts of capital investment for roads and land clearing to make them accessible and arable. The losers are the war victims themselves who see destined to suffer no matter where they are."

II. Agricultural assistance

	Millions
A. AID recommended budget:	
Fertilizer, OL, and pesticides	$185
Rural credit	60
Canal dredging	10
Low lift pumps	4
Fish farm development	4
Salt water intrusion	11
Total AID recommendations	274
B. Committee authorization:	
Fertilizer, POL, and pesticides	150
Rural credit	20
Rural credit	20
Canal dredging	10
Low lift pumps	4
Fish farm development	4
Total authorization	188

The Republic of Vietnam has the capacity to become self-sufficient in essential foodstuffs and, even with its increased population, a major exporter of food products and forestry products such as raw and finished lumber. But radical change will be needed for this to come about. A significant problem is the continuation of the war which makes the development of the forestry and rubber industries virtually impossible. The war also diminished the amount of available crop growing land—especially rice areas—and interrupted the food distribution system.

Even in light of these conditions progress has been made in expanding food production, especially rice, through the introduction of hybrid rice plants which require fertilizer and pesticides for growth. The United States should encourage South Vietnam to continue to work toward self-sufficiency in food production.

Less funds than were requested are being made available for the purchase of fertilizer, POL, and insecticides as an inducement to the Government of South Vietnam to work toward converting the currently subsidized agricultural system to self-sufficient system.

III. Industrial development

	Millions
A. AID recommended budget:	
Commodities for industrial production	$155.0
Industrial credit	40.0
Industrial park	5.0
Urea plant	80.0
Export processing zone	5.0
Highway construction	3.4
Development planning	.6
Total AID recommendations	289.0
B. Committee authorization:	
Commodities for industrial development	85.0
Industrial credit	10.0
Development planning	.6
Total authorization	95.6

The Committee has made substantial reductions in the industrial development cate-

gory. In the Committee's view, humanitarian and agricultural needs are the most important to the Vietnamese and industrial development is of far less significance when it comes to deciding how to divide the limited funds available.

IV. Miscellaneous

	Millions
Transportation	$30.0
Support of AID mission	11.4

The last category is assistance to help provide fuel and other commodity support to Vietnam's transportation system and to pay for the costs of AID's administrative and technical activities which are not directly chargeable to a specific project.

Implementation of ceiling

The new subsections (c), (d) and (e) contain further specifics concerning the ceiling imposed on spending for South Vietnam.

New subsection (c) provides that in computing the limitations on obligation authority under subsection (a) with respect to any fiscal year, there shall be included in the computation the value of any goods, supplies, materials, equipment services, personnel or advisers provided to, for, or on behalf of South Vietnam in the fiscal year by gift, donation, loan, lease or otherwise. For the purpose of the subsection, "value" means the the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of South Vietnam but in no case less than 33⅓ per centum of the amount the United States paid at the time the goods, supplies, materials, or equipment were acquired by the United States.

New subsection (d) provides that no funds may be obligated for any of the purposes described in subsection (a) in, to, for, or on behalf of South Vietnam in any fiscal year beginning after June 30, 1975, unless the funds have been specifically authorized by law enacted after the date of enactment of this section. In no case shall funds in any amount in excess of the amount specifically authorized by law for any fiscal year be obligated for any purpose during the fiscal year.

New subsection (e) states that after the date of enactment of the section, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of South Vietnam for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which the funds are to be used in the fiscal year.

New subsection (f) requires the President to submit to the Congress within thirty days after the end of each quarter of each fiscal year, beginning with the fiscal year which begins July 1, 1974, a written report showing the total amount of funds obligated in, for, or on behalf of South Vietnam during the preceding quarter by the United States Government and specifies that it shall include a general breakdown of the total amount obligated, describing the different purposes for which the funds were obligated and the total amount obligated for each purpose.

New Subsection (g) Limitations on U.S. Personnel in Vietnam.—Subsection (g) establishes ceilings on the number of Americans and enactment of this bill. This ceiling applies to both direct hire and personnel employed by government contractors. Further reductions in the ceilings are to become effective twelve months thereafter. Within the ceiling on American personnel a subceiling is imposed on the number of members of the U.S. armed services and all direct hire and contractor personnel of the Department of Defense. The intent of the Committee is that these limitations shall apply to both permanently authorized and so-called temporary duty personnel.

The ceilings are as follows:

	Overall	DOD personnel	3d country nationals
As of 6 months from enactment	4,000	2,500	800
As of 12 months from enactment	3,000	1,500	500

Of the 5,200 total personnel who were in South Vietnam as of May 1974 some 3,650 were military or DOD; of these approximately 850 were civilian direct hire DOD employees, 2,600 were DOD contractors and 200 were uniformed military (50 attachés and 150 Marine guards). The Committee was informed a year ago that by January 1974, *all* DOD direct hire personnel and all but 2,000 contractors would be phased out. It was further assured that "very soon thereafter" contractor personnel would number only 500. As indicated, these pledges have not been met. The principal reason for this is that U.S. personnel are continuing to provide substantial direct maintenance and operational support to the Vietnamese armed forces. By this time, the contractors were to have trained South Vietnamese to take over their jobs but this has not occurred. Imposition of these ceilings should stimulate the turnover to the Vietnamese of jobs that are now being performed by U.S. contractors.

The progressively declining ceiling for U.S. supported third country national personnel is also intended to foster South Vietnamese self-sufficiency. Unless the so-called "TCN's" are controlled, departing Americans will simply be replaced with other foreigners. Given the skill and resourcefulness of the South Vietnamese and their long exposure to American training and example, there is no justification for continuing this practice.

New subsection (h) states that nothing in the new section shall be construed as a commitment by the United States to defend South Vietnam.

Section 25. Limitations with respect to Cambodia

Section 25 would add a new section 807 to the Act providing for limitations with respect to Cambodia.

The new subsection (a) would set a ceiling of $347,000,000 in fiscal year 1975 on obligations for the purpose of providing economic or military assistance to Cambodia. It further specifies categories of assistance within the overall ceiling as follows: military assistance $200,000,000; Public Law 480 commodity assistance $77,000,000; and economic assistance $70,000,000.

COMPARATIVE DATA CONCERNING THE CEILING FOR CAMBODIA

[In millions of dollars]

	Estimate, fiscal year 1974	Executive branch request, fiscal year 1975	Committee recommendation fiscal year 1975
Cambodia:			
Military assistance [1]	[2] 399.3	391.3	200.0
General economic assistance (IPR)	95.0	110.0	70.0
Public Law 480	194.2	77.0	77.0
Total, Cambodia	688.5	578.3	347.0

[1] Includes supply operations and excess defense articles.
[2] Includes $250,000,000 in Department of Defense stocks.

The Committee has specified four areas of approved programming for use of the $70,000,000 in economic assistance recommended for Cambodia. These are humanitarian, commodity imports, multilateral stabilization and technical support. Clearly the most urgent of these is humanitarian relief for which the Committee has allocated $20 million. Unfortunately, both the Executive Branch and the Cambodian Government have been slow to respond to the humanitarian needs of the Cambodian people. At present almost all relief work in Cambodia is being carried out by voluntary agencies. The Committee strongly approves of this means of providing relief and will expect the Agency for International Development to provide the maximum possible support to such agencies, including the International Committee of the Red Cross, from the funds authorized. In this connection, the Committee has written into the bill a provision which exempts voluntary agency personnel from the ceilings on American and third-country national personnel.

The Committee has reduced the commodity import authorization for Cambodia from $71 million to $31 million. Even the most casual observer in Phnom Penh is keenly aware that, while the mass of the Cambodian population is suffering intensely from the war, Cambodian government officials and businessmen are enjoying an improved standard of living—which can only have come from one source—the U.S. taxpayer. Cambodia is perhaps the outstanding example of the failure of the "trickle-down" on which U.S. aid to Indochina appears to be predicated.

ECONOMIC ASSISTANCE CATEGORIES, CAMBODIA

[In millions of dollars]

	Executive Branch proposal	Committee recommendation
Humanitarian	20.0	20.0
Commodity import	71.0	31.0
Multilateral stabilization	17.5	17.5
Technical support and participant training	1.5	1.5
Total	110.0	70.0

The new subsection (b) prohibits the transfer of economic assistance or Public Law 480 funds for use for military aid purposes and also prohibits transfers within the four categories of economic assistance.

The new subsections (c), (d), (e) and (f) relate to the implementation of this ceiling on obligations for Cambodia requirements identical to those explained in the analysis of the new section 806.

The new subsection (g) reduces the current ceiling on U.S. personnel in Cambodia from 200 to 175 and on U.S. financed third-country national personnel from 85 to 75. It would exempt personnel of voluntary relief agencies in Cambodia from the ceiling. Language is included to make it clear that the ceiling on U.S. personnel includes contract personnel.

The reductions contained in subsection (g) are designed to reduce our official involvement in Cambodia and to begin the process of eliminating Cambodian dependence on the United States. They parallel the Committee's action in reducing the level of U.S. military expenditures in Cambodia. In the event the war is still going on in Cambodia next year the Committee expects to lower the personnel ceilings still further in FY 1976.

While it would appear that the Embassy in Phnom Penh has made an effort—not always successful—to remain within the letter of the personnel restrictions, it is evident that American personnel have become increasingly involved in a vast range of support and advisory efforts, generally *not* including tactical military advice, designed to compensate for the inadequacy of the Cambodian Government. This expansion of the American role in Cambodia is contrary to the

intent of the original Congressional personnel restriction. The Committee believes that by limiting the number of Americans in Cambodia the degree of American involvement in Cambodian affairs can be more effectively controlled and, thus limits can be put on Cambodia's dependence upon the U.S. Government. It is now evident that the Committee underestimated the energy and resourcefulness of 200 Executive Branch representatives in Phnom Penh.

While reducing the level of U.S. personnel in Cambodia, particularly the military, the Committee also adopted an amendment offered by Senators Case, Symington, and Humphrey, designed to encourage expansion of private relief activities in Cambodia. At present these are being carried out almost exclusively by American voluntary nonprofit organizations and by the International Committee of the Red Cross. The Committee has been informed that these organizations are willing to expand their operations in order to meet the increasing humanitarian needs of the Cambodian people. In order to do so, however, the relief organizations need U.S. funds to support their personnel since they have now reached the limit of their own resources. To date, AID has been unwilling to provide personnel support funds to the relief agencies since, if it did so, the personnel supported would be subject to the personnel ceilings. The Committee questions the appropriateness of the Embassy's decision to give priority in its personnel allocation to military personnel, who now account for 124 of the authorized total of 200, rather than to increasing the number working on relief programs.

The new subsection (h) carries over the provision from subsection 655(g) which states that the section shall not be construed as a commitment by the United States to defend Cambodia.

Subsection (b) of section 25 repeals sections 655 and 656 of the Foreign Assistance Act since they will become obsolete upon the enactment of this act.

Section 26. Limitations with respect to Laos

Section 26 will enact a new section 808 to the Foreign Assistance Act of 1961 which will establish a ceiling on and specify the distribution of United States assistance to Laos for fiscal year 1975. Subsection (a) of the new section 808 imposes a ceiling of $100,000,000 on obligations for the purpose of providing military and economic assistance to Laos in fiscal year 1975. Under the ceiling, $55,000,000 is allowed for military assistance and $45,000,000 is allowed for economic assistance, which is allocated into four categories. The table below provides comparative data on assistance for Laos.

ASSISTANCE TO LAOS

[In millions of dollars]

	Estimate, fiscal year 1974	Executive branch request, fiscal year 1975	Committee recommendation, fiscal year 1975
Laos:			
Military assistance	[1] [2] 81.0	[3] 90.9	[3] 55.0
General economic assistance (IPR)	40.6	55.2	45.0
Public Law 480	3.6	.3	
Total, Laos	125.2	146.4	100.0

[1] New obligational authority and excess defense articles.
[2] Military assistance service funded.
[3] Includes supply operations and excess defense articles.

Four categories of assistance authorized for Laos are: humanitarian; reconstruction and development; stabilization; and technical support. For these categories the Committee recommends the following:

ECONOMIC ASSISTANCE CATEGORIES, LOSS

	Executive branch request	Committee recommendation
1. Humanitarian	$15,300,000	$13,000,000
2. Reconstruction and development	22,400,000	9,900,000
3. Stabilization	17,500,000	17,500,000
4. Technical support	(6,300,000)	4,600,000
Total	55,200,000	45,000,000

The Committee has not reduced the Lao program in proportion to other Indochina programs. Laos alone among the Indochina states has reached a political settlement and the Lao people deserve encouragement and assistance in making their government work. The amount approved reflects the limit of what they can effectively absorb. It will not be sufficient, however, to sustain Vientiane society in the manner to which it became accustomed in the days of the massive American presence. The reduction made in the Lao program came primarily out of "reconstruction" where AID requested $11 million to build two dikes, neither of which required any dollar inputs. The AID request for dollars for this purpose appeared to be but an effort to obtain additional free foreign exchange for Laos from the Congress.

United States policy in Laos is designed to facilitate the establishment of peace and national reconciliation. To this end, United States assistance must operate within the terms of the agreements on a cease-fire and a coalition government signed by the Laotian parties in February and September, 1973. Since that latter agreement establishes a Provisional Government of National Union, American aid should be channeled to the extent possible through that government. Also, insofar as is possible, U.S. programs for humanitarian assistance, recontruction, and development should be available to all areas of Laos and should be directed wherever the need is greatest and the assistance desired.

The new subsection (b) prohibits transfer of economic assistance funds authorized for Laos for use as military assistance. Military assistance funds may be transferred to and used in the economic assistance categories in accordance with the new section 809. There shall be no transfers of funds between the four economic assistance categories.

The new subsection (c) through (f) relate to implementation of this ceiling for Laos, and are identical to those explained in the analysis of section 806.

The new subsection (g) states that the new section shall not be construed as a commitment by the United States to defend Laos.

Section 27. Transfer of Funds

Section 27 adds a new section 809 to the Foreign Assistance Act.

Subsection (a) prohibits use of the transfer authority of section 610 of the Act to add to, or take away from, the funds appropriated for assistance to South Vietnam, Cambodia, or Laos.

Subsection (b), initiated by Senator Case, provides that any funds made available for military assistance for South Vietnam, Laos, or Cambodia may be used for war relief, reconstruction, or general economic development purposes.

FREEDOM OF INFORMATION ACT AMENDMENTS—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I submit a report of the committee of conference on H.R. 12471, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12471) to amend section 522 of the United States Code, known as the Freedom of Information Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of September 25, 1974, at page 32598.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. HRUSKA. Mr. President, as a conferee on this bill, I have seen several significant changes made to the bill which, in my view, makes it a more workable measure. However, I do not believe that these corrections go far enough.

While we were in conference, the President sent a letter to the conferees pointing out his objections to the bill. The provision that appears to concern the executive branch the most is the section of the bill that places the burden of proof upon an agency to satisfy a court that a document because it concerns military or intelligence secrets and diplomatic relations is in fact properly classified. If the court is not convinced that the agency has adequately carried the burden, the document will be disclosed.

Yet, while this bill transfers the authority to declassify documents from the executive branch to the courts, it provides no standards to govern the review of the documents. The judge is given the documents and then is cast upon a sea without any lighthouses or buoys to point out the shoals and rocks to make his decision whether the documents are properly classified.

No standards are created to guide a judge in reviewing the documents. He can release the documents if, in his own view, they are not properly classified, even if the Secretary of State, the Secretary of Defense, or any other agency head certifies that the documents are properly classified. This is a provision that is not only distrustful in nature; it is unreasonable.

President Ford, in his letter to the conferees cited these concerns and said:

I simply cannot accept a provision that would risk exposure of our military or intelligence secrets and diplomatic relations because of a judicially perceived failure to satisfy a burden of proof. My great respect for the courts does not prevent me from observing that they do not ordinarily have the background and expertise to gauge the ramifications that a release of a document may have upon our national security. The Constitution commits this responsibility and authority to the President.

Despite these strong words and valid concerns, the majority of the conferees

refused to change the provision vesting a power in the courts to declassify documents classified by a Government agency.

Mr. President, I realize that there are some mistakes in judgment about classification and that there are some abuses of the system. But there are administrative procedures for dealing with these mistakes and abuses. If a citizen wants access to a classified document, he may request declassification under Executive Order 11652. If his request for declassification is refused, he may appeal to the head of the agency. If his request is again refused, he can appeal to the Interagency Classification Review Committee—a committee designed to correct erroneous classifications and in general, be a watchdog over the classification system.

This bill, however, ignores this administrative mechanism and vests in the courts the power to declassify documents and release them to all the world.

The President, in his letter to the conferees, said that he could not accept a provision that would risk exposure of our national defense or foreign relations secrets. I cannot accept such a provision either.

Mr. President, I ask unanimous consent that the text of President Ford's August 20 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:

THE WHITE HOUSE,
Washington, Aug. 20, 1974.

Senator EDWARD KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR TED: I appreciate the time you have given me to study the amendments to the Freedom of Information Act (H.R. 12471) presently before you, so that I could provide you my personal views on this bill.

I share your concerns for improving the Freedom of Information Act and agree that now, after eight years in existence, the time is ripe to reassess this profound and worthwhile legislation. Certainly, no other recent legislation more closely encompasses my objectives for open Government than the philosophy underlying the Freedom of Information Act.

Although many of the provisions that are now before you in Conference will be expensive in their implementation, I believe that most would more effectively assure to the public an open Executive branch. I have always felt that administrative burdens are not by themselves sufficient obstacles to prevent progress in Government, and I will therefore not comment on those aspects of the bill.

There are, however, more significant costs to Government that would be exacted by this bill—not in dollar terms, but relating more fundamentally to the way Government, and the Executive branch in particular, has and must function. In evaluating the costs, I must take care to avoid seriously impairing the Government we all seek to make more open. I am concerned with some of the provisions which are before you as well as some which I understand you may not have considered. I want to share my concerns with you so that we may accommodate our reservations in achieving a common objective.

A provision which appears in the Senate version of the bill but not in the House version requires a court, whenever its decision grants withheld documents to a complainant, to identify the employee responsible for the withholding and to determine whether the withholding was "without (a) reasonable basis in law" if the complainant so requests. If such a finding is made, the court is required to direct the agency to suspend that employee without pay or to take disciplinary or corrective action against him.

Although I have doubts about the appropriateness of diverting the direction of litigation from the disclosure of information to career-affecting disciplinary hearings about employee conduct, I am most concerned with the inhibiting effect upon the vigorous and effective conduct of official duties that this potential personal liability will have upon employees responsible for the exercise of these judgments. Neither the best interests of Government nor the public would be served by subjecting an employee to this kind of personal liability for the performance of his official duties.

Any potential harm to successful complainants is more appropriately rectified by the award of attorney fees to him. Furthermore, placing in the judiciary the requirement to initially determine the appropriateness of an employee's conduct and to initiate discipline is both unprecedented and unwise. Judgments concerning employee discipline must, in the interests of both fairness and effective personnel management, be made initially by his supervisors and judicial involvement should then follow in the traditional form of review.

There are provisions in both bills which would place the burden of proof upon an agency to satisfy a court that a document classified because it concerns military or intelligence (including intelligence sources and methods) secrets and diplomatic relations is, in fact, properly classified, following an in camera inspection of the document by the court.

If the court is not convinced that the agency has adequately carried the burden, the document will be disclosed. I simply cannot accept a provision that would risk exposure of our military or intelligence secrets and diplomatic relations because of a judicially perceived failure to satisfy a burden of proof.

My great respect for the courts does not prevent me from observing that they do not ordinarily have the background and expertise to gauge the ramifications that a release of a document may have upon our national security.

The Constitution commits this responsibility and authority to the President. I understand that the purpose of this provision is to provide a means whereby improperly classified information may be detected and released to the public. This is an objective I can support as long as the means selected do not jeopardize our national security interests. I could accept a provision with an express presumption that the classification was proper and with *in camera* judicial review only after a review of the evidence did not indicate that the matter had been reasonably classified in the interests of our national security.

Following this review, the court could then disclose the document if it finds the classification to have been arbitrary, capricious, or without a reasonable basis. It must also be clear that this procedure does not usurp my Constitutional responsibilities as Commander-in-Chief. I recognize that this provision is technically not before you in Conference, but the differing provisions of the bills afford, I believe, grounds to accommodate our mutual interests and concerns.

The Senate but not the House version amends the exemption concerning investigatory files compiled for law enforcement purposes. I am concerned with any provision which would reduce our ability to effectively deal with crime. This amendment could have that effect if the sources of information or the information itself are disclosed. These sources and the information by which they may be identified must be protected in order not to severely hamper our efforts to combat crime.

I am, however, equally concerned that an individual's right to privacy would not be appropriately protected by requiring the disclosure of information contained in an investigatory file about him unless the invasion of individual privacy is clearly unwarranted. Although I intend to take action shortly to address more comprehensively my concerns with encroachments upon individual privacy, I believe now is the time to preclude the Freedom of Information Act from disclosing information harmful to the privacy of individuals. I urge that you strike the words "clearly unwarranted" from this provision.

Finally, while I sympathize with an individual who is effectively precluded from exercising his right under the Freedom of Information Act because of the substantial costs of litigation, I hope that the amendments will make it clear that corporate interests will not be subsidized in their attempts to increase their competitive position by using this Act. I also believe that the time limits for agency action are unnecessarily restrictive in that they fail to recognize several valid examples of where providing flexibility in several specific instances would permit more carefully considered decisions in special cases without compromising the principle of timely implementation of the Act.

Again, I appreciate your cooperation in affording me this time and I am hopeful that the negotiations between our respective staffs which have continued in the interim will be successful.

I have stated publicly and I reiterate here that I intend to go more than halfway to accommodate Congressional concerns. I have followed that commitment in this letter, and I have attempted where I cannot agree with certain provisions to explain my reasons and to offer a constructive alternative. Your acceptance of my suggestions will enable us to move forward with this progressive effort to make Government still more responsive to the People.

Sincerely,

GERALD FORD.

AMENDMENT OF THE NATIONAL BANK ACT, THE FEDERAL DEPOSIT INSURANCE ACT, AND THE NATIONAL HOUSING ACT

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which S. 3817, a bill to amend the National Bank Act, the Federal Deposit Insurance Act, the National Housing Act, the Small Business Investment Act, and for other purposes, was passed.

Inadvertently when the bill was passed, the last page was left off and the bill passed without opposition. It has been agreed to. It does affect interest rates in three States, Montana, Tennessee and Arkansas, so it is not controversial.

Mr. HUMPHREY. Was this matter cleared with the majority?

Mr. TOWER. This was cleared with the distinguished Senator from Montana who has a personal interest in the matter.

Mr. HUMPHREY. I know he has a very important public interest in that matter.

Mr. TOWER. It has been cleared with the committee.

Mr. ROBERT C. BYRD. Would the Senator include in his unanimous-consent request that the bill be returned to second reading, the amendment adopted,

and as amended be moved to third reading, passed, reconsidered and laid on the table?

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which S. 3817 was passed and that it be returned to second reading.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, if the Senator would include all that in his request, it would be done all at once.

Mr. TOWER. I have no objection to doing that.

I ask unanimous consent that the Senate reconsider the vote by which S. 3817 was passed, that it be returned to second reading, that an amendment which I send to the desk be acted upon, that the motion to reconsider be made and a motion to table be made, the bill returned to third reading and passed.

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

The second assistant legislative clerk read as follows:

At the end of the bill, add the following: "received, or reserved, and any such provision is hereby preempted, and no civil or criminal penalty which would otherwise be applicable under such provision shall apply to such member or nonmember association, institution, bank, or affiliate or to any other person."

SEC. 204. The amendments made by this title shall apply to any deposit made or obligation issued in any State after the date of enactment of this title, but prior to the earlier of (1) July 1, 1977, or (2) the date (after such date of enactment) on which the State enacts a provision of law which limits the amount of interest which may be charged in connection with deposits or obligations referred to in the amendments made by this title.

The PRESIDING OFFICER. Without objection, the amendment is agreed to, and without objection the bill as amended, is passed.

Mr. HUMPHREY. Mr. President, I think that was a very simple solution to a highly complex problem.

FOREIGN ASSISTANCE ACT OF 1974

The Senate continued with the consideration of the bill (S. 3394) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. HUMPHREY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

May I say, there are no additional rollcall votes contemplated.

There are a couple of amendments which have been cleared. This is due to printing.

Mr. TOWER. Are you making a speech?

Mr. HUMPHREY. If I do, I know the Senator from Texas will want to remain——

Mr. TOWER. I certainly would.

Mr. HUMPHREY (continuing). For the eloquence of my oration, but please be gone, dear friend.

The PRESIDING OFFICER. The amendment will be stated.

The 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.

The amendment is as follows:

On page 14, line 25, immediately before the semicolon, insert a comma and the following: "except that for purposes of section 632(d), value shall be the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying the excess defense article."

Mr. HUMPHREY. Mr. President, this is a technical amendment to correct a drafting error in section 10 of the bill relative to the use of excess defense articles in the military aid program. As written, the provision in the bill would result in windfall reimbursements to the military services when their excess material or equipment is made available for use in the military aid program. Under existing law, the services are reimbursed with military aid funds only for the costs of "repairing, rehabilitating, or modifying" the excess material or equipment that is to be furnished to a foreign country under the military aid program. The effect of this amendment will be to leave the reimbursement requirement as it is in existing law, as the committee intended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, earlier today I sent to the desk an amendment for which I now ask immediate consideration. It is but a brief policy statement on our aid program to Africa which I discussed with the acting minority leader, the Senator from Michigan.

The PRESIDING OFFICER. The amendment will be stated.

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. The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. —. "Statement of Policy on Assistance to Africa."

The President is requested to review the regional allocation of economic development assistance and to increase Africa's share of AID loans and grants. Per capita official development assistance to the developing countries of Africa, including both U.S. bilateral assistance and U.S. contributions to multilateral lending institutions, should be raised to a level at least equal to those for Asia and Latin America. A special effort must be made to provide more assistance to the sixteen of the world's twenty-five "least developed" countries that are in Africa and to the fourteen African nations that are judged to be "most seriously affected" by rising costs of food and fuel. The President is requested to make a report to Congress on action taken to provide the developing countries of Africa with an equitable share of U.S. economic assistance at the time that AID's operational year budget for fiscal year 1975 is submitted to Congress and again with the submission to Congress of the proposed AID budget for fiscal year 1976.

Mr. HUMPHREY. What this really does is merely request of the President that he inform Congress at an appropriate time of the efforts being made to have Africa share equitably in the foreign assistance program. There is no money involved, may I say.

Mr. HARRY F. BYRD, JR. I was about to ask that question.

Mr. HUMPHREY. May I say to the distinguished Senator from Virginia who is so correct in his sense of responsibility on matters, fiscal matters, no money was involved at all, merely to get the report from the President in reference to the assistance that goes to Africa and whether or not there is equitable showing.

Mr. HARRY F. BYRD, JR. I thank my friend from Minnesota.

Mr. HUMPHREY. Mr. President, Africa is not receiving an equitable share of U.S. foreign economic assistance: 16 percent of the people living in countries that receive some form of U.S. economic assistance live in Africa. But administration proposals for AID expenditures give Africa less than 6 percent of loans and grants. Original administration Public Law 480 requests also give Africa less than 6 percent.

Population—mid-1973 estimates—AID assistance requested: Africa, 298.7 million, $168,992,000; Latin America, 295.2 million, $267,461,000; Asia, 1,257.6 million, $1,375,949,000.

Bilateral assistance to Latin America and Asia is substantially supplemented by our contributions to the regional development banks. The United States has yet to contribute to the African Development Fund, and the proposed contribution for this year is minimal in comparison with our contributions to the Asian Development Bank and the Inter-American Development Bank.

Inter-American Development Bank, fiscal year 1975: $500 million "special funds"—no-interest loan.

Asian Development Bank, fiscal year 1975: $125 million ordinary capital, $50 million "special fund"—no interest.

African Development Fund, fiscal year 1975: $5 million—grant.

Per capita official development assistance—includes both bilateral assistance and contributions to multilateral lending institutions—is lower for Africa than for the other two regions. Per capita assistance to Africa has been decreasing where that to the other two regions has been increasing.

Region	Per capita commitments		
	1971	1972	1973
Asia	$1.75	$1.79	$1.93
Latin America	1.71	2.13	3.01
Africa	1.38	1.21	1.18

Source: AID.

It is to be noted that economic development assistance needs are greater for Africa than for the other two regions: 16 of the 25 "least developed countries" in the world are in Africa; 14 of the 25 countries judged to be "most severely affected" by the rising costs of food and fuel are in Africa.

If our foreign assistance is to be directed to solving the problems of the world's poorest people, the African states should be receiving more assistance per person than the other two regions. Yet they are receiving far less.

It is especially important that the African nations receive more assistance for rural development.

Recent droughts in the Sahel and Ethiopia have revealed how vulnerable the people of Africa's poorest countries are to bad weather. They have not developed the most basic buffers against such occurrences: water conservation and irrigation; marketing systems to encourage maximum production in good years; improved agricultural technology; and drought-resistant seed varieties.

Three out of four Africans depend on agriculture for their livelihood. Yet per capita agricultural production has been declining since the mid-1960's. It dropped by 4 percent in 1973 alone.

With world food reserves diminishing, we must help develop the capacity of the African countries to produce their own food. Massive food relief may not be possible in the near future.

If the administration is serious in its commitment to increase food production in the developing world, more attention must be given to the rural development needs of Africa.

If the administration is serious in its commitment to increase food production in the developing world, more attention must be given to the rural development needs of Africa.

Surely it must be understood that Africa is an extremely important source of the raw materials the United States needs. For example, of the world's known reserves, Africa contains: 47 percent of the cobalt; 34 percent of the bauxite; 17 percent of the copper; and 23 percent of the uranium ore.

Major new reserves of important raw materials are continually being discovered in Africa. Much of Africa's wealth of mineral resources has not been developed. If we are to have access to these resources in the future, we must assist in African economic development now.

The nations of Africa are currently important producers and exporters of mineral resources and commodities. Of free world production in 1971, Africa accounted for: 97 percent of the diamonds; 81 percent of the cobalt; 78 percent of the palm kernels; 74 percent of the cocoa; 45 percent of the manganese; 30 percent of the phosphate rock; 28 percent of the coffee; 25 percent of the copper; and 13 percent of the crude petroleum.

The United States can and should expand its trade relations with the nations of Africa. We presently receive only 8 percent of Africa's exports, while the EEC receives 44 percent and the United Kingdom 15 percent. We account for 12 percent of Africa's imports, while the EEC accounts for 36 percent and the United Kingdom 16 percent. Both assistance for and trade with Africa should be expanded as part of a policy of strengthening our economic ties with the African countries.

Some indicators of the economic development assistance needs of the 16 African countries that are classified among the 25 "least developed" in the world:

Their per capita GNP's range from $60 to $140. Most have per capita GNP's of $100 or less.

For all but two of them, 80 percent or more of the labor force is in agriculture.

Life expectancy ranges from 35 to 50.

Persons per physician in these countries range from 17,000 to 92,000.

Most of them have a literacy rate of 5 to 10 percent.

Many have only 1 to 10 miles of improved roads for every 1,000 square miles of land area.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 1924

Mr. HUMPHREY. Mr. President, there is at the desk an amendment that is a similar policy statement which, by the way, is a statement of policy by our Government. It is a statement of policy on the independence of certain African territories relating to Portugal and I ask, Mr. President, that this amendment by Senator McGEE and myself be laid before the Senate and I shall explain it.

It is a statement of policy and not an amendment on funds.

There is a number on the amendment.

The PRESIDING OFFICER. The amendment will be stated.

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. The amendment is as follows:

SEC. STATEMENT OF POLICY ON THE INDEPENDENCE OF ANGOLA, MOZAMBIQUE, AND GUINEA-BISSAU.—

Congress finds that the Government of Portugal's recognition of the right to independence of the African territories of Angola, Mozambique, and Guinea-Bissau marks a significant advance toward the goal of self-determination for all the peoples of Africa, without which peace on the continent is not secure.

Congress finds that negotiations between the Portuguese Government and African leaders on the timing and nature of progress toward independence are being conducted with the aim of bringing permanent peace and stability to these countries and of guaranteeing the human rights of all their citizens.

Congress finds that progress toward independence for the Portuguese African territories will have a significant impact on the international community and deserves the full support and assistance of appropriate international organizations and the community of nations.

Congress commends the Portuguese Government's initiatives on these fronts as evidence of a reaffirmation of that government's support for her obligations under both the United Nations Charter and the North Atlantic Treaty Organization.

Therefore, Congress calls upon the President and the Secretary of State to take the following actions designed to make clear United States support for a peaceful and orderly transition to independence in the Portuguese African territories.

(1) An official statement should be issued of United States support for the independence of Angola, Mozambique, and Guinea-Bissau, and of our desire to have good relations with the future governments of these countries.

(2) It should be made clear to the Government of Portugal that we view its efforts toward a peaceful and just settlement of the conflict in the African territories as consistent with Portugal's obligations under the North Atlantic Treaty and therefore strengthening her as a North Atlantic Treaty Organization partner.

(3) The United States should encourage United Nations support for a peaceful transition to independence, negotiated settlement of all differences, and protection of human rights of all citizens of the three territories.

(4) The United States should open a dialog with potential leaders of Angola, Mozambique, and Guinea-Bissau and assure them of our commitment to their genuine political and economic independence.

(5) The economic development needs of the three territories will be immense once independence is achieved. Therefore, it is urged that the United States Agency for International Development devote immediate attention to assessing the economic situation in Angola, Mozambique, and Guinea-Bissau and be ready to cooperate with their future governments in providing the kind of assistance that will help make their independence viable. In addition, the United States Government should take the initiative among other donors, both bilateral and multilateral, in seeking significant contributions of development assistance for the three territories.

(6) In light of the need of Angola, Mozambique, and Guinea-Bissau for skilled and educated manpower, a priority consideration should be given to expanding immediately current United States programs of educational assistance to the territories as a timely and substantive contribution to their independence.

(7) Reports should be submitted to the Congress on the implementation of these proposals and Congress should be kept fully informed on developments in United States policy toward the independence of the Portuguese African territories.

Since it is in the national interest of the United States to maintain and strengthen close relations with the independent nations of Africa, the Congress believes these positive initiatives should be undertaken without delay.

Mr. HUMPHREY. Mr. President, one of the most significant changes taking place in the world today is the transition from colonial rule to independence in the Portuguese African territories of Angola, Mozambique, and Guinea-Bissau. The leaders of Portugal and of these territories deserve the full support and good will of the entire international community as they negotiate independence agreements and seek to build a foundation for peace, stability, justice and freedom for all their peoples.

I am submitting today an amendment to S. 3394 calling upon the President and Secretary of State to take actions that will make clear U.S. support for Portugal's policy of independence for her African territories and that will encourage other countries and international organizations to give their diplomatic and substantive support to this birth of three new nations.

The first portion of this amendment calls for an official statement of U.S. support for Portugal's policy of independence for her African territories. It also calls for an affirmation of our desire to have good relations with the future gov-

enrments of Angola, Mozambique, and Guinea-Bissau. The United States in particular had an obligation to publicly support Portugal's recognition of these territories' right to independence when it was first announced, on July 27. We had joined the rest of the world in severely criticizing Portugal's past policy of maintaining her African colonies by force. As one of her closest friends and allies, we should have been among the first to welcome the courageous decision to grant independence to these colonies. We should have made it clear from the beginning that Portugal was not alone in her effort to bring peace and freedom to the African territories.

Yet for several weeks there was no official statement that the United States welcomed Portugal's momentous decision. We were in a position of merely accepting the results of the independence policy instead of supporting and encouraging it.

In his speech to the United Nations, President Ford made the first statement on behalf of our Government in support of the transition from colonial rule to independence that was taking place in Africa:

> We rededicate ourselves to the search for justice, equality and freedom. Recent developments in Africa signal the welcome end of colonialism. Behavior appropriate to an era of dependence must give way to the new responsibilities of interdependence.

This is the kind of response the United States should give—without hesitation—when a people's right to self-determination is realized. I hope this statement will be officially elaborated in the near future to make it clear to the leaders of Portugal and of the African territories that our country will not merely accept the final products of their negotiations and struggles, but will support their commendable goals and will encourage the deliberate and responsible manner in which the independence settlements are being reached. We must also assert without reservation that we will welcome these new governments as members of the community of nations and will do everything we can to build good relations between their countries and ours.

The second provision of this amendment calls for U.S. recognition that Portugal's attempts to reach a peaceful and just settlement of a conflict that has lasted more than a decade are in keeping with her obligations under the North Atlantic Treaty. Article I of the treaty states:

> The parties undertake . . . to settle any international disputes in which they may be involved by peaceful means and in such a manner that international peace and security, and justice are not endangered . . .

The United States has been criticized in the past for continuing to give Portugal economic and military support as a NATO ally during the conflict in Africa. We insisted that our aid was not to be used to perpetuate Portuguese colonialism. But many understandably felt that the economic, military, and moral support that membership in the NATO alliance provided for Portugal helped enable her to continue fighting for her colonies. Some even believed that the United States preferred for strategic reasons that Angola, Mozambique, and Guinea-Bissau remain in the hands of our ally.

Now is the time to reaffirm the first and most fundamental principle of the NATO alliance: that disputes should be settled peacefully and that the only solid foundation for a lasting peace is justice for all concerned. The Government of Portugal made the first big step in the direction of peace and justice by ceasing the fight to maintain her colonies and recognizing their right to self-determination. In the negotiations that have followed, Portugal and the African leaders have demonstrated a commitment to an orderly transition to independence and to observing the human rights of all the citizens of the three territories. The inevitable outbreaks of violence have been responded to with moderation on both sides; and Portugal and the liberation movements have worked together to maintain order, calm fears, and build a solid foundation for independence. Indeed, an example is being set for the rest of the world of what can be achieved when negotiations are carried out in a spirit of tolerance, cooperation, and sincere commitment to a fair settlement and a lasting peace.

We must now reassert our full support of our ally, Portugal, as she makes this significant contribution to world peace and justice, the highest goals to the NATO alliance.

When President Spinola first announced Portugal's "immediate recognition of the right to independence" of the African territories, he stated:

> We have reentered the world after more than a decade of ostracism. We have . . . rejoined the community of nations.

The third provision of this amendment states that we should encourage United Nations support for Portugal's efforts to bring about an orderly transition to independence in her African territories.

Portugal obviously felt the community of nations would welcome the policy of independence and would give its support to her fulfillment of her obligations under the United Nations Charter, article I, section 2—

> To develop friendly relations among nations based on respect for the principle of equal rights and self-determination for all peoples.

Having been criticized by the U.N. in the past for her colonial policies, Portugal is convinced that the transition to independence in the African territories is a matter of international concern and that the United Nations can play a positive role in this process.

U.N. Secretary General Kurt Waldheim's participation in Portugal's negotiations with Guinea-Bissau was welcomed. Portugal asked members of the Security Council to vote in favor of Guinea-Bissau's admission to the U.N. even before a final independence settlement was reached. The Portuguese Government announced that it would welcome U.N. observers to assure that any votes prior to independence in the territories were fair and honest.

The United Nations has a responsibility to give its support to efforts to assure that the transition to independence will be peaceful, that human rights will be observed and that the independence of the new nations will be sound and viable. Now is not the time to criticize decisions reached in negotiations or to question the motives of Portuguese or African leaders. Now is not the time to take sides in the General Assembly or the Security Council over the timing and nature of the transition to independence. Now is certainly not the time for U.N. Member States to encourage one side or the other to take an uncompromising position. The United Nations can best fulfill the purposes for which it was established by mediating where necessary, by carefully observing developments to make certain that human rights are not being violated, and by supporting every effort to assure a peaceful transition to genuine independence for Angola, Mozambique, and Guinea-Bissau.

The fourth provision deals with our relations with the African territories themselves.

We must begin now to build good relations with the future leaders of these emerging African States on the basis of respect for their right to determine their own political and economic policies. We must establish open and frank communications with political leaders, labor leaders, and representatives of various groups within each society to find out their concerns and goals.

Our ties with those who will lead these states after independence are not as close as those of many other nations. The African States, the Scandinavian countries, the Soviet Union and the People's Republic of China all assisted in the movement toward independence and developed close working relationships with the political leadership of these territories. While we were not prepared to give our support to a military solution to the problem of colonialism in Portuguese Africa, we made a mistake in not communicating frequently at high levels with these leaders. We should have made every effort to find out how they sought to shape the future of their countries and to communicate to them the reasons for our policy position. We have a lot of catching up to do.

There is no reason to assume that these countries will seek good relations only with those nations that assisted in their struggle for independence. The current cooperation between liberation movement soldiers and the Portuguese army in Mozambique and Guinea-Bissau is evidence that even former adversaries will be welcomed if they wish to cooperate in the effort to build a sound basis for independence. These leaders realize, as do the leaders of the African nations that have been independent for some time, that it is essential to have constructive economic and political relations with all other nations in order to assure genuine independence.

Our diplomatic support for the independence of the Portuguese African territories must be combined with substantive support. One of the best ways for the United States to show its genuine commitment to independence for these territories is to be prepared to provide assistance to their future governments in their economic development programs. The fifth point of this amendment asks

that we begin preparations now to offer such assistance. This will be a valuable supplement to our policy of supporting Portugal, for Portugal has made clear her intention to cooperate in the economic development of these countries once they are independent. This is quite a burden for Portugal to assume, given her current economic problems and her own great development needs. I am sure she will welcome the participation of other donor nations.

We must consult with the future governments of Angola, Mozambique, and Guinea-Bissau as to their economic development goals and offer the kind of assistance that is consistent with these goals. Such an economic assistance program would provide tangible evidence of our recognition of these countries' right to self-determination and of our desire to build good, cooperative relations with them.

It is recommended that this preparation for a bilateral assistance program be combined with an effort to encourage other bilateral and multilateral donors to offer economic assistance. Just as the transition to political independence in Portuguese Africa is a matter of international concern, so is the transition from economic dependence to economic independence.

This amendment last calls for an immediate increase in our current programs of educational assistance to the Portuguese African territories. While economic development assistance will have to begin after the independence governments have determined how foreign assistance can best be used, these educational assistance programs were intended from the beginning to help prepare for independence. The needs of all three territories for skilled and educated manpower are said to be tremendous. Without African doctors, engineers, agricultural specialists, economic planners, teachers, and mechanics, these cannot be truly independent African States. The most significant and immediate contribution our country could make to a viable independence for these territories is to expand our programs of educational assistance.

Mr. President, the significance of the transition to independence in Portuguese Africa, and of our policy at this time, must not be underestimated. Our actions now will have a profound impact on our relations with Portugal, with the new nations, and with the independent African States for years to come. We must be clearly on the side of independence, economic and political self-determination, justice, and lasting peace for the people of Angola, Mozambique, and Guinea-Bissau. I believe that the policies outlined in this amendment will help provide a solid foundation for mutually beneficial relations between the United States and these emerging African States.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the votes by which the amendments were agreed to.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, that is on both amendments.

The PRESIDING OFFICER. The motion to lay on the table includes both amendments.

Mr. HUMPHREY. May I ask, is there any further business?

Mr. ROBERT C. BYRD. No.

Mr. HUMPHREY. I want to express my thanks to the acting minority leader, and for the cooperation of my colleagues.

ORDER FOR RECOGNITION OF SENATOR HELMS, SENATOR McCLURE, SENATOR EASTLAND, AND SENATOR MANSFIELD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for the recognition of Senators tomorrow be modified as follows: that the Senator from North Carolina (Mr. HELMS) be recognized first for not to exceed 15 minutes; that he be followed by Mr. McCLURE for not to exceed 15 minutes; that he be followed by Mr. EASTLAND for not to exceed 15 minutes; and that he be followed by Mr. MANSFIELD for not to exceed 15 minutes.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at the hour of 10:30 a.m. tomorrow.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized each for not to exceed 15 minutes and in the order stated: Mr. HELMS, Mr. McCLURE, Mr. EASTLAND, and Mr. MANSFIELD. There will then be a period for the transaction of routine morning business of not to exceed 15 minutes with statements limited therein to 5 minutes each.

At the conclusion of routine morning business, the Senate will resume consideration of the unfinished business, S. 3394, the Foreign Assistance Act. Rollcall votes are expected to occur on amendments thereto and, hopefully, on final passage tomorrow.

Conference reports may also be called up, as well as other measures that have been cleared.

ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and at 5:50 p.m. the Senate adjourned until tomorrow, Wednesday, October 2, 1974, at 10:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate October 1, 1974:

VETERANS' ADMINISTRATION

Richard L. Roudebush, of Indiana, to be Administrator of Veterans' Affairs.

(The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE OF REPRESENTATIVES—*Tuesday, October 1, 1974*

The House met at 12 o'clock noon.

Rev. Clyde V. Jetter, Shiloh Missionary Baptist Church, Indianapolis, Ind., offered the following prayer:

O Thou who encompasseth the whole Earth with Thy most merciful favor and willest not that any of Thy children should perish, I would call down Thy blessing today upon all who are striving toward the making of a better world. I pray, O God, especially for all who are valiant for truth; for all who are working for purer and juster laws; for all who are working for peace between the nations; for all who are engaged in the relief of poverty; for all who are working toward the restoration of the broken unity of Thy holy church; for all who suffer for righteousness' sake.

O that men would praise the Lord for His goodness, and for His wonderful works to the children of men; and let them sacrifice the sacrifices of thanksgiving, and declare His works with rejoicing. 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 had passed without amendment a bill of the House of the following title:

H.R. 16102. An act to amend the Emergency Daylight Saving Time Energy Conservation Act of 1973 to exempt from its provisions the period from the last Sunday in October 1974, through the last Sunday in February 1975.

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. 15323) entitled "An act to amend the