SENATE—*Wednesday, November 20, 1974*

The Senate met at 10 a.m. and was called to order by Hon. WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

PRAYER

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

O Lord, our God, grant to us a right spirit that we may approach Thee with reverent and trustful hearts. As men chosen for a great service help us to stand for truth and right. Assure us that we do not stand alone but in Thy supporting power, that we do not work in our own strength but in the strength Thou dost give us. Help us this day to be gentle without being weak, strong without being coarse, humble without being servile, positive without being intolerant. And may what we say and do and vote honor Thy name, enhance the Nation's life, and advance Thy kingdom.

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 20, 1974.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. WILLIAM PROXMIRE, a Senator from the State of Wisconsin, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. PROXMIRE 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 Tuesday, November 19, 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 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 ITEMS ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 1209 and 1217.

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

YUMA COUNTY, ARIZ.

The Senate proceeded to consider the bill (S. 3574) to relinquish and disclaim any title to certain lands and to authorize the Secretary of the Interior to convey certain lands situated in Yuma County, Ariz., which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, in line 4, strike out "that".

On page 2, in line 17 after "2." strike out "That the" and insert "The".

On page 2, in line 17, before "Interior", insert "the", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby disclaims any right, title, or interest in or to certain real property situated in Yuma County, Arizona, within the boundaries of the east half of the northwest quarter and the north half of the northeast quarter and the northwest quarter of the northwest quarter of section 13; and the northeast quarter of the southwest quarter and the south half of the southwest quarter of section 12, township 9 south, range 21 east, San Bernardino meridian as depicted by the original plat of survey of such township published by the United States Surveyor General's Office, dated March 21, 1857, being a portion of sections 23, 25, and 26, township 1 north, range 24 west, Gila and Salt River meridian as depicted by the dependent resurvey and accretion survey plat of said township published by the United States Department of the Interior, Bureau of Land Management, dated June 5, 1962, except that the provisions of this section shall not apply to the 52-acre portion of such property that was condemned by the United States pursuant to the complaint in condemnation filed by the United States on June 30, 1964, in the United States District Court for the District of Arizona (No. Civ. 5188–Phx.) and any portion of such property submerged in the bed of the Colorado River and owned by the States of California and Arizona.

SEC. 2. The Secretary of the Interior is authorized and directed to convey by patent to Wide River Farms, Incorporated, an Arizona corporation, 52 acres of land, more or less, described as the southwest quarter of the northwest quarter and the southwest quarter of the northeast quarter of section 13, township 9 south, range 21 east, San Bernardino meridian as depicted by the original plat of survey of such township published by the United States Surveyor General's Office, dated March 21, 1857, being a portion of section 26, township 1 north, range 24 west, Gila and Salt River meridian, as depicted by the dependent resurvey and accretion survey plat of said township published by the United States Department of the Interior, Bureau of Land Management, dated June 5, 1962, except that the provisions of this section shall not apply to any portion of such property that was described in the complaint in condemnation filed by the United States on June 30, 1964, in the United States District Court for the District of Arizona (No. Civ. 5188–Phx.) and any portion of such property submerged in the bed of the Colorado River and owned by the States of California and Arizona.

SEC. 3. The Secretary of the Interior is authorized and directed to prepare and execute without consideration such instruments as may be appropriate to carry out the purposes of this Act.

The amendments were agreed to.

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

HORSE PROTECTION ACT AMENDMENTS OF 1974

The Senate proceeded to consider the bill (S. 2093) to amend the Horse Protection Act of 1970 to better effectuate its purposes, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Horse Protection Act Amendments of 1974".

SEC. 2. Section 1 of the Horse Protection Act of 1970 (Public Law 91–540) is amended to read as follows: "That this Act may be cited as the 'Horse Protection Act'.".

SEC. 3. Section 2 of the Horse Protection Act of 1970 (15 U.S.C. 1821) is amended to read as follows:

"DEFINITIONS

"SEC. 2. As used in this Act, unless the context otherwise requires—

"(a) 'commerce' means commerce among the several States or with foreign nations or in or through any State or between any State and foreign nation;

"(b) 'management' refers to any person who organizes, exercises control over, or is responsible for organizing, directing, or administering;

"(c) 'Secretary' means the Secretary of Agriculture, or his delegate;

"(d) 'sore', with respect to a horse, means that (1) an irritating or blistering agent has been applied, internally or externally, to any of its limbs: (2) any burn, cut, or laceration has been inflicted on any of its limbs; (3) any tack, nail, screw, or chemical agent has been injected into or used on any of its limbs; or (4) any other method or device has been used on any of its limbs, and, as a consequence of such application, infliction, injection, or other use, the subject of such use suffers, or reasonably can be expected to suffer, physical pain, physical distress, inflammation, or lameness when walking, trotting, or otherwise moving. A horse shall be considered sore if it manifests abnormal sensitivity of the hoof, pastern, or fetlock;

"(e) 'State' means any State, the District of Columbia, the Commonwealth of Puerto, Rico, the Virgin Islands, Guam, and any territory or possession of the United States; and

"(f) 'unsound limb' means any condition in any limb of a horse that results in, or reasonably can be expected to result in, physical pan, physical distress, inflammation, or lameness to the horse when walking, trotting, or otherwise moving.".

SEC. 4. (a) GENERAL.—(1)(A) Section 3 of the Horse Protection Act of 1970 (15 U.S.C. 1822) is amended to read as follows:

"FINDINGS

"SEC. 3. The Congress finds and declares that—

"(a) the soring of horses is cruel and inhumane;

"(b) horses shown or exhibited which are sore or which have any unsound limb, may, where such soreness or unsoundness im-

proves the performance of such horse, compete unfairly with horses which are not sore and which have sound limbs;

"(c) the movement, showing, exhibition, or sale of sore horses in intrastate commerce adversely affects and burdens interstate or foreign commerce;

"(d) the showing or exhibition of horses that have any unsound limb is cruel and inhumane and adversely affects and burdens interstate or foreign commerce;

"(e) all horses which are subject to regulation under this Act are either in interstate or foreign commerce or substantially affect such commerce; and

"(f) regulation by the Secretary is appropriate to prevent and eliminate burdens upon commerce and to effectively regulate commerce.".

SEC. 5. Section 4 of the Horse Protection Act of 1970 (15 U.S.C. 1823) is amended to read as follows:

"RESPONSIBILITIES

"SEC. 4. (a) GENERAL.—(1)(A) The management of any horse show or horse exhibition shall disqualify any horse which is sore or which has any unsound limb from being shown or exhibited; and

"(B) The management of any public horse sale or auction shall prohibit the sale or auction of any horse which is sore; or

"(2) The management of any horse show, horse exhibition, or public horse sale or auction, in accordance with regulations which the Secretary shall issue, may appoint and retain any person who is qualified to detect and diagnose a sore horse and a horse with any unsound limb, other than a person who has been disqualified by the Secretary, after notice and an opportunity for a hearing, to inspect horses for purposes of this Act, at any place or at any time on the show or exhibition grounds and before, during and after the horses are shown, exhibited, or sold: *Provided*, That if any such qualified person is appointed by management (i) the management of any horse show or horse exhibition shall disqualify from being shown or exhibited any horse which, in the opinion of such qualified person, is sore or has an unsound limb or limbs; and (ii) the management of any public horse sale or auction shall prohibit the sale of any horse which, in the opinion of such qualified person, is sore.

"(b) RECORDS.—Each person who organizes, promotes, directs, manages, or conducts a horse show, horse exhibition, or public horse sale or auction shall keep such records relating thereto as the Secretary may on the record after opportunity for hearing by regulation prescribe. Such persons shall submit to the Secretary, in such form and with such content as the Secretary shall prescribe, any notification, report, or other material relating to any matter regulated under this Act as the Secretary shall on the record after opportunity for hearing by regulation prescribe.

"(c) INSPECTION.—The Secretary is authorized to make such inspection of any horse at any horse show, horse exhibition, or public horse sale or auction as the Secretary may by regulation prescribe or as he deems necessary for the effective enforcement of this Act. The Secretary is further authorized to inspect and copy, at all reasonable times, such records as are required to be kept under subsection (b) of this section.".

SEC. 6. Section 5 of the Horse Protection Act of 1970 (15 U.S.C. 1824) is amended to read as follows:

"PROHIBITED ACTS

"SEC. 5. The following acts, and the causing thereof, by any person are prohibited:

"(a) shipping, transporting, moving, delivering, or receiving any horse which is sore except a horse which is sore as a result of therapeutic treatment by a person licensed to practice veterinary medicine in the State or political subdivision thereof in which such treatment was given, with reason to believe that the horse may be shown, exhibited, or entered for the purpose of being shown or exhibited, or sold, auctioned, or offered for sale, in any horse show, horse exhibition, or public horse sale or auction: *Provided*, That this provision shall not apply to an act performed by a person engaged in the transport of horses for hire in the course of such transport unless such person has reason to believe such horse is sore;

"(b) showing, exhibiting, or entering for the purpose of showing or exhibiting, or selling, auctioning, or offering for sale, in any horse show, horse exhibition, or public horse sale or auction, any horse which is sore;

"(c) showing, exhibiting, or allowing to be shown or exhibited, any horse, after having been advised by a qualified person, management, or a representative of the Secretary that the horse has an unsound limb;

"(d) failure by the management of any horse show or horse exhibition, which does not appoint and retain a qualified person in accordance with section 4(a)(2) of this Act, to disqualify from being shown or exhibited any horse which is sore or which has any unsound limb;

"(e) failure by the management of any public horse sale or auction, which does not appoint and retain a qualified person in accordance with section 4(a)(2) of this Act, to prohibit the sale, offering for sale, or auction of any horse which is sore;

"(f) failure by the management of any horse show or horse exhibition, which has appointed and retained a qualified person in accordance with section 4(a)(2) of this Act, to disqualify from being shown or exhibited any horse, which, in the opinion of such qualified person is sore or has any unsound limb;

"(g) failure by the management of any public horse sale or auction, which has appointed and retained a qualified person in accordance with section 4(a)(2) of this Act, to prohibit the sale, offering for sale, or auction of any horse which, in the opinion of such qualified person, is sore;

"(h) showing or exhibiting at a horse show or horse exhibition; selling or auctioning at a public horse sale or auction; allowing to be shown, exhibited, or sold at a horse show, horse exhibition, or public horse sale or auction; entering for the purpose of showing or exhibiting in any horse show or horse exhibition; or entering for the purpose of selling at a public horse sale or auction, any horse which is wearing or bearing any equipment, device, paraphernalia, or substance which the Secretary does not allow to be used on the limbs of a horse, in the interest of preventing the practice of soring and pursuant to regulations to be issued under this Act;

"(i) failing to maintain or submit records, notices, reports, or other material required by this Act or regulations issued under this Act;

"(j) refusing to permit the Secretary to enter and to make inspection of any horse show, horse exhibition, or public horse sale or auction or of any horse at any horse show, horse exhibition, or public horse sale or auction, for purposes of determining compliance with this Act or any regulations issued under this Act;

"(k) failing to provide the Secretary with adequate space or facilities, as the Secretary may by regulation prescribe, in which to conduct inspections or any other activity authorized to be performed by the Secretary under this Act.".

SEC. 7. Section 6 of the Horse Protection Act of 1970 (15 U.S.C. 1825) is amended to read as follows:

"ENFORCEMENT

"SEC. 6. (a) CRIMINAL VIOLATION.—Except as otherwise provided in paragraphs (6) and (7) of subsection (d) of this section and in section 9 of this Act any person who knowingly commits any act prohibited under section 5 of this Act shall be subject to criminal prosecution and, upon conviction thereof, shall be fined not more than $3,000, or imprisoned for not more than 6 months, or both. An action against such person may be brought before any United States magistrate in the district court of the United States in any judicial district in which such person is found, and such magistrate shall have jurisdiction to hear and decide such action.

"(b) CIVIL ACTION.—(1) Except as otherwise provided in subsection (d)(8) of this section, any person who commits any act prohibited under section 5 of this Act shall be liable to the United States for a civil penalty of not more than $500 for each day of violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing before the Secretary with respect to such violation. The amount of such civil penalty shall be assessed by the Secretary, or his delegate, by written notice. In determining the amount of such penalty, the Secretary shall take into account all factors relevant to such determination, including the nature, circumstances, extent, and gravity of the prohibited act or acts committed and, with respect to the person found to have committed such act or acts, the degree of culpability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

"(2) Any person against whom a violation is found and a civil penalty assessed under paragraph (1) of this subsection may obtain review in the appropriate court of appeals of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found and such penalty imposed, as provided in section 2112 of title 28, United States Code. The findings of the Secretary shall be set aide if found to be unsupported by substantial evidence, as provided by section 706(2)(e) of title 5, United States Code.

"(3) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

"(4) The Secretary may, in his discretion, compromise, modify, or remit with or without conditions, any civil penalty assessed under this subsection.

"(c) DISQUALIFICATION.—In addition to any fine, imprisonment, or civil penalty authorized under this Act, any person convicted or assessed a civil penalty for any violation of any provision of this Act or any regulation issued under this Act may be disqualified by order of the Secretary, after notice and an opportunity for a hearing before the Secretary, from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or public horse sale or auction, or participating in any horse show,

horse exhibition, or public horse sale or auction, for a period of not more than one year for the first offense and not less than one year for any subsequent offense. Any person who knowingly fails to obey an order of disqualification shall be subject to a civil penalty of $1,000 for each offense. Each day during which such failure continues shall be a separate offense. Any horse show, horse exhibition, or public horse sale or auction, or the management thereof, collectively and severally, which knowingly allows any person who is under an order of disqualification to show or exhibit any horse, to enter for the purpose of showing or exhibiting any horse, to take part in managing or judging, or otherwise to participate in any horse show, horse exhibition, or public horse sale or auction in violation of an order shall be subject to a civil penalty of $1,000 for each offense to be assessed by the Secretary in accordance with subsection (b) of this section. Each day during which the violation continues shall be a separate offense.

"(d) PROCEDURE.—(1) The Secretary may require any person subject to this Act to file with the Secretary, in such form as he may by regulation prescribe, annual or special reports, or both, in writing, furnishing the Secretary information which he may require about the organization, business conduct, practices, or management of any activities subject to this Act. Reports shall be made under oath or otherwise as the Secretary may prescribe, and shall be filed with the Secretary within a reasonable period of time prescribed by the Secretary, unless he grants additional time.

"(2) The Secretary may require by subpena the attendance and testimony of witnesses and the production of books, papers, and documents relating to any matter under investigation or the subject of a proceeding. Witnesses summoned before the Secretary shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(3) The attendance of witnesses, and the production of books, papers, and documents, may be required at any designated place from any place in the United States. In case of disobedience to a subpena, the Secretary, or any party to a proceeding before the Secretary, may invoke the aid of any appropriate district court of the United States in requiring attendance and testimony of witnesses and the production of such books, papers, and documents under the provisions of this Act.

"(4) The Secretary may order testimony to be taken by deposition under oath in any proceeding or investigation pending before him, at any stage of the proceeding or investigation. Depositions may be taken before any person designated by the Secretary who has power to administer oaths. The Secretary may also require the production of books, papers, and documents at the taking of depositions.

"(5) Witnesses whose depositions are taken and the persons taking them shall be entitled to the same fees as paid for like services in the courts of the United States or in other jurisdictions in which they may appear.

"(6) Any person who knowingly neglects or refuses to attend and testify, or to produce books, papers, and documents in reply to a subpena, or to submit a report required by the Secretary, shall be guilty of an offense against the United States, and upon conviction thereof shall be fined not more than $1,000, imprisoned for not more than 1 year, or both.

"(7) Any person who willfully makes, or causes to be made, a false entry or statement in any report required under this Act; who willfully makes, or causes to be made, any false entry in any account, record, or memorandum kept by any person subject to this Act or in any notification or other material required to be submitted to the Secretary under section 4(b) of this Act; who willfully neglects or fails to make, or cause to be made, full, true, and correct entries in such accounts, records, memoranda, notification, or other materials; who willfully removes any such documentary evidence of any person subject to this Act out of the jurisdiction of the United States; who willfully mutilates, alters, or by any other means falsifies any such documentary evidence of any person subject to this Act; or who willfully refuses to submit any such documentary evidence to the Secretary for inspection and making shall be guilty of an offense against the United States, and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than 3 years, or both.

"(8) If any person required by this Act to file an annual or special report fails to do so within the time fixed by the Secretary, and his failure continues for 30 days after notice of his default, he shall forfeit to the United States $100 for each day such failure continues. Such forfeiture shall be recoverable in a civil suit in the name of the United States brought in any district where the person may be found, resides, or transacts business.

"(9) The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in sections 6(b) and (c) of this Act.

"(e) DETENTION AND SEIZURE.—The Secretary is authorized to—

"(1) detain for further examination any horse at any horse show, horse exhibition, or public horse sale or auction, which is sore, or is suspected by the Secretary of being sore, for a period not to exceed 24 hours;

"(2) disqualify from competition at any horse show or horse exhibition any horse which he has probable cause to believe is sore or has any unsound limb;

"(3) prohibit the sale of any horse at any public horse sale or auction which he has probable cause to believe is sore;

"(4) seize any equipment, device, paraphernalia, or substance which he has probable cause to believe was used in violation of any provision of this Act or any regulation issued under this Act or which he has probable cause to believe contributed to the soring of any horse at or prior to any horse show, horse exhibition, or public horse sale or auction.".

SEC. 8. Section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830) is amended by striking out "twenty-four-calendar-month period" and inserting in lieu thereof "12-calendar-month period".

SEC. 9. Section 12 of the Horse Protection Act of 1970 (15 U.S.C. 1831) is amended to read as follows: "There are authorized to be appropriated to the Secretary for purposes of carrying out the provisions of this Act not to exceed $1,000,000 for the fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977.".

SEC. 10. The Horse Protection Act of 1970 (15 U.S.C. 1831 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 13. Any person who forcibly assaults, resists, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than $5,000, or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than $10,000, or imprisoned not more than ten years, or both. Whoever kills any persons while engaged in or on account of the performance of his official duties under this Act shall be punishable as provided under sections 1111 and 1114 of title 18, United States Code.".

The amendment was agreed to.

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

ORDER OF BUSINESS

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

Mr. GRIFFIN. Mr. President, I do not seek recognition.

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

THE CHALLENGE OF DÉTENTE

Mr. MCCLURE. Mr. President, I must take this time to alert the people of this country to a grave threat to our national security—a threat that demands immediate response by our national leadership.

The American people are sick of war, and the Government is aware of it. They are so conscious of this national mood that they seem to want, above all, to assure the American people that we can avoid any hostility. In their anxiety to appeal to this national mood, they appear willing to sacrifice our security in order to avoid any apparent conflict. And, even worse, while it appears that our own leaders prefer disarmament to disharmony, it seems evident that the Russians are boldly confident that this mood paralyzes our willingness to confront reality.

In today's climate, it may appear a bit bold to suggest to our people that a country which specializes in overrunning its neighbors, exporting its revolution and promoting its own form of government by force and terror, is somewhat less than a reliable friend. Let us not, however, allow our desire for peace to dim our perception or dull our wits.

The greatest challenge of détente lies, not in achieving it, but, in keeping alive a clear recognition of what it is not. Détente is not a blissful state of peaceful cooperation. It is not even a trustful coexistence. It is simply a relaxation of tensions which makes armed conflict less of an imminent threat. It demands, simply, that we lower the musket from our shoulder—but that we keep our powder dry. The word "détente" should never replace our two-century-old tradition of proud self-defense. There have been people who ignored "détente," considering it harmless if not important. It has been dismissed in much the same manner as has the United Nations, as just

talk. It may not be accomplishing anything, but neither does it do any harm.

But, Mr. President, I am not so sure. There may be those who see détente as the pearl of great price which we must attain at the expense of anything or everything we value. The case in point is this. The United States has uncovered compelling evidence of Soviet treaty violations and is doing nothing about them. I have learned this from sources I consider quite reliable. But if confirmation is needed, then there is a source you might want to turn to for at least partial confirmation.

An article in Aviation Week and Space Technology lays out the facts. The article states that:

The U.S. has detected Soviet concealment efforts and development of a new mobile anti-ballistic missile system now being engineered at Sary Shagan ABM development center on Lake Balkhash near the Sino-Soviet border.

There are two violations involved in this action. The first is concealment. Since the Soviets have never been willing to agree to on-site inspection to assure that treaties were being observed, the United States and Russia have depended on satellites and electronic detection methods to keep track of the other side. Both nations committed themselves not to interfere with these detection systems, but the Russians have systematically increased their concealment operations. The second violation involves the upgrading of the defensive high altitude SA–5 surface-to-air missile. The ABM treaty stipulates that neither nation may develop or build new anti-ballistic-missile systems. The reason for this agreement was that at the time of the talks, the United States had a limited system under development and both our administration and the Soviets found it desirable to limit United States expenditure and development of an ABM system. A single point-defense system per nation was to have been the cutoff point. But what the Russians are doing in secret is taking the old SA–5 which was an anti-aircraft system and modifying its radar so that it can track down and destroy ballistic missiles which may have penetrated its primary defense, thus effectively assuring them of a two-tier mobile defense system, while the United States remains half defended by comparison. The fact that they chose to call the new system by the old name should not confuse grownups.

Now instead of the legitimate outcry that you would expect your Government to make upon such a discovery, we are hearing a deafening silence from our officials. They are so busy pursuing the ephemeral goal called "peace" that their main business—that of defending you and me—is going by the board. Americans have sometimes shown an extraordinary ability to ignore the obvious. Hitler explained his objectives ahead of time, but who read "Mein Kampf" until after World War II? Lenin has dropped minibombs like, "When the capitalist nations begin to trade with us, on that day they will have begun their downfall." Handbooks by Mao and Che Guevera on guerrilla warfare were available before Vietnam, but who read them? The ostrich approach is dangerous.

There are two essential ingredients to any agreement. One is the good faith of the participants and the second is protection from violation of the agreement. Russia has already demonstrated that her good faith is only as good as it is convenient. Even the most naive liberal would not suggest that the U.N. or the World Court can make the U.S.S.R. live up to its agreements. Even our own Government fails the test. Instead of insisting that the Soviets make good on their bargains, we carefully conceal the harsh evidence of their perfidy. Their moral corruption becomes ours. Harsh words? Let me detail but one example.

We have pursued the goal of peace by agreement for a long while. One chapter in that book was the Space Treaty. It was widely heralded by our liberals as a great step toward international cooperation and evidence of universal brotherhood. Its facts are that the Russians were testing an orbital bombing system while we were negotiating the treaty. They continued the testing after it was signed and its ratification was being considered. And it was perfected after the Senate voted confirmation of the treaty forbidding the system. Instead of protesting, our Government covered up the fact that the tests were being conducted. Our officials were so anxious to reach an agreement that they concealed the violation. They even invented the term "fractional" orbital bombing system—FOBS—to excuse the violation. Nothing must stand in the way of the agreement. Not even our own security. Must we repeat that perfidious litany?

Instead of logical thinking and determined action, we are handed the fuzzy warm emotional blanket of détente at any price. Officials conducting the SALT talks must be made to remember that their primary responsibility is to the American people. If they are not sure what the American people want, I would like to offer them the attached poll as a start. They can take their own if they doubt it.

The Opinion Research Corp. found that 67 percent of the people they interviewed think the United States should have stronger military strength than the Soviet Union—not equal to, but stronger; 74 percent have stated that they find the Soviet Union untrustworthy as an agreement partner, and—listen and shudder—73 percent believe the United States should have the objective of turning back the growth of communism.

Instead of this, we find ourselves facing another round of probable concessions called SALT II. I should like to associate myself with the statement of my colleague, the distinguished Senator from New York (Mr. BUCKLEY), who said that:

A growing awareness of the extent of the advantages conferred upon the Soviets by SALT I, as well as of the degree to which the Soviets are exploiting every one of these, is guarantee enough that the approval of the Congress will be anything but automatic.

This subject is one which ought to be made a part of the public debate, and I should like to state my commitment to help bring that about. I have written to President Ford asking—no, begging—that he level with the American people on this problem. I think that he and they would benefit from that candor.

I have also written Secretary Kissinger, urging that he confront the Soviets. If we are to survive as a free people, and if we are to continue as the one sure symbol to the oppressed peoples of the world, we must have the courage and the integrity to face reality. The reality is that the Soviet Union is proving that agreements are made to be broken, not kept.

Mr. President, I ask unanimous consent that an article from Aviation Week and Space Technology, by Clarence A. Robinson, Jr., and the results of the Opinion Research Corp. poll be included in the RECORD at this point.

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

SOVIET TREATY VIOLATIONS DETECTED—U.S. COMPILING EVIDENCE OF U.S.S.R. ACTIONS PROHIBITED UNDER BOTH OFFENSIVE STRATEGIC, ABM SYSTEM AGREEMENTS

(By Clarence A. Robinson, Jr.)

WASHINGTON.—U.S. is compiling evidence of major Soviet violations of both the interim offensive strategic arms limitation and anti-ballistic missile systems treaties. Detection of the actions is being made despite Soviet efforts to thwart strategic weapons systems detection by U.S. electronic and photographic intelligence gathering techniques.

The key to the present strategic arms limitation treaties with the Soviet Union is a commitment by both nations not to interfere with electronic or satellite systems used to gather data to verify that neither nation is violating the agreements.

This detection capability is referred to in the agreements as "national means of technical verification."

It prohibits either the U.S. or USSR from interference with satellites in orbit or electronic detection methods and from using concealment measures to impede detection.

The U.S. has detected Soviet concealment efforts and development of a new mobile anti-ballistic missile system now being engineered at Sary Shagan ABM development center on Lake Balkhash near the Sino-Soviet border. Despite this, the Defense and State departments are still at odds over what position to take at strategic arms negotiations later this month.

Secretary of State Henry A. Kissinger is scheduled to leave the U.S. this week to resume talks with Soviet officials on reaching a permanent treaty limiting offensive strategic arms.

This will be the first high-level meeting since the unsuccessful June summit, and President Ford has promised a unified bargaining position for U.S. negotiators.

NEGOTIATING OPTIONS

The Pentagon has provided a so-called "infinite list of negotiating options" to Kissinger for his Moscow meeting. But they are all based on the concept of reducing the aggregate strategic force structure. This means reducing the Soviet deployment of multiple independently-targetable reentry vehicles (MIRV) on intercontinental ballistic missiles (ICBM).

Kissinger is believed to be in substantial disagreement with the position offered by the Pentagon for the upcoming negotiations.

Rather, he believes that the Soviets will

not continue the negotiations if pressed for further reductions and that any permanent treaty on offensive weapons must be within the constraints of the present interim agreement, which does not call for major reductions in the strategic force structure.

"Kissinger has taken the position that [Defense Secretary James R.] Schlesinger's options for the Moscow negotiations are not to be considered as more than an obstacle by the bureaucracy, which can be coped with if a successful permanent treaty is negotiated," an official outisde the Defense Dept. said.

The Secretary of State has told Congress that the Soviets will deal only at the highest level—meaning himself—when negotiating on strategic arms agreements, rather than the so-called bureaucracy. Kissinger uses that term to identify those who deal at the working level in negotiations, detailing problems and providing possible positions for negotiators.

"FLAGRANT VIOLATION"

Development of a mobile anti-ballistic missile radar system at the Soviet's ABM test site in Sary Shagan is considered by many U.S. officials to be a flagrant violation of the permanent ABM treaty, but without on-site inspection it is impossible to pin down the Soviet development precisely.

An element of the anti-ballistic missile agreement signed by the U.S. and Soviets in May, 1972 is prohibition of development and testing, as well as deployment, of sea-based, space-based or land-mobile anti-ballistic missile systems and components.

To avoid circumvention of the ban on ABM advances through development of non-ABM systems such as antiaircraft surface-to-air missiles both countries agreed to halt conversion of such tactical missile systems or their components to perform in the ABM role.

Development of the mobile system now being tested at Sary Shagan is an outgrowth of technology which was developed by the Soviets in the SA–5 Griffon long-range air-defense missile system.

Others disagree, believing that the development of a mobile radar for ABM use is new technology and unrelated to the SA–5.

All tend to agree that the system is mobile and is capable of being integrated with the present ABM radar systems to detect and track U.S. ICBMs and to avoid radar blackout during a nuclear warhead detonation.

Some believe that the development at Sary Shagan is a modification of the SA–5 radar, which has been code named Square Pair by the North Atlantic Treaty Organization, and that the system uses a phase-array radar with both mechanical and electronic steering of the beam in azimuth and elevation.

One reason for this belief that the system is an improvement to the SA–5 radar is that the same Soviet team that developed the Griffon weapons system is involved in the present radar development.

RADAR HOUSING

The radar modified for ABM use is housed in several vans, but the system is mobile. The ballistic missile defense functions of the radar would be slightly limited by its power capability if it has been correctly estimated by the U.S. But that also depends on what phase of the ballistic missile defense role will be performed by the system and whether it is used in conjunction with other ABM radars.

The SA–5 missile has no exo-atmospheric capability and the U.S. believes that there is no connection between the ABM radar development and the Griffon missile as an interceptor.

The Soviets also are developing a new intercontinental ballistic system beyond the capability of the SSX–19, a 5,500-naut.-mi. liquid-fueled missile (AW&ST May 27, p. 14; Apr. 29, p. 73) designed as a possible replacement for the present SSX–11, which is now deployed in large numbers. The SSX–19 uses a cold-launch "pop-up" technique designed to permit increased performance while remaining within the missile silo size constraints of the interim strategic arms agreement. The new ICBM also will have a MIRV capability.

Soviets have sought to prevent the U.S. from detecting developments in the USSR by concealing Soviet missile silo work and by interfering with electronic monitoring of intercontinental ballistic missile tests.

The Soviets are permitted approximately 1,618 operational land-based ICBM silos, the number they were estimated to have operational or under active construction when the interim agreement froze further construction of launchers. The U.S. has 1,054 silos operational.

New construction of Soviet silos has been detected in spite of attempts by the Russians to conceal such construction.

Those detected have been described by the Soviets as command and control centers and not launchers.

Since launchers for testing and training purposes are not banned by the interim agreement, the Soviets are claiming that silos added to the ICBM belt along the trans-Siberian railway in Soviet Asia are for training only.

The Soviets appear to be building a substantial number of new silos, which some estimate may total as many as 200 above the freeze level specified in the interim treaty.

The Soviets have announced that their test area in the Pacific, about 500 naut. mi. north of Midway Island, will be closed to shipping and aircraft from Oct. 20–30.

Defense Dept. officials expected that submarine-launched ballistic missiles will be fired into the area. They believe the launches are to be timed to coincide with the Moscow visit of Kissinger.

The Soviet Union already has fired two SS–N–8 SLBMs into the target area in the Pacific from a Delta-class submarine in the Barents Sea, north of Moscow. The flight was about 4,500 naut. mi. The tests included only single reentry vehicles and not MIRV's.

The upcoming tests are expected to be a continuation of SLBMs in the SS–N–8 class but could include multiple reentry vehicles.

PUBLIC SPEAKS ON DEFENSE

In 1974, the Opinion Research Corp. conducted 1,006 telephone interviews with a national probability sample of the general public of age 18 and over during the period April 8 through April 13.

The results included the following responses:

1. Should the United States have military strength greater than that of the Soviet Union?

Yes—67% No—25% Undecided—8%

2. Should the United States have a military research and development program at least as large as that of the Soviet Union?

Yes—86% No—10% Undecided—4%

3. In the first strategic arms limitation treaty, the United States and Russia agreed not to protect their citizens against nuclear missiles. Would you prefer that the United States develop the capability to destroy most missiles before they can strike our cities?

Yes—85% No—11% Undecided—4%

4. Let's assume for a moment that Russia had gained military superiority over the United States and that it would cost $20 billion a year more for the U.S. to regain superiority. Would you favor spending the $20 billion per year?

Yes—65% No—27% Undecided—8%

5. Do you trust the Soviets to keep the strategic arms limitation agreement even though there is no provision for on-site inspection by either side?

Yes—19% No—74% Undecided—7%

6. In what is known as the Cold War, do you believe the United States should have the objective of turning back the growth of communism?

Yes—73% No—18% Undecided—9%

The above six basic majority views were not presented on CBS–TV Evening News during 1972.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

ORDER OF BUSINESS

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

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.

THE TIME HAS COME FOR WAGE-PRICE-PROFIT CONTROLS

Mr. MANSFIELD. Mr. President, there is a good deal of talk going around about the economy, but that is all it is—talk. We note in this morning's paper that Chrysler is laying off something on the order of 44,000 workers. At the same time, Chrysler has increased its prices.

We see GM laying off workers, and we see Ford laying off workers. They, too, have raised their prices.

We see a situation developing which could, in my opinion, take us back to the terrible days of the depression of the thirties if we do not face up to our responsibilities. There are those of us who advocate wage, price, rent, profit, and other kinds of controls, and there are those of us who are opposed to them. But both of us are just talking unless we want to face up to the realities of today.

Volunteerism is not the answer. Wearing a button on one's lapel is not the answer. Cleaning one's plate is not the answer. Oil shortages alone are not the problem.

In my opinion, Mr. President, the basic reason for the recession in which we find ourselves today is twofold: Vietnam, a tragedy if ever there was one, and the turning off of the oil spigot just about a year ago. Vietnam, an unnecessary, brutal war which was not tied to the interests of the United States, cost this Nation 55,000 American dead. Vietnam cost this Nation 303,000 American wounded. Vietnam caused this Nation to spend 140 billion American dollars, and before we are through, according to the "Statistical Abstract of the United States, 1973," issued by the Department of Commerce, Vietnam is going to cost us $352 billion, a cost that will extend into the latter part of the first half of the next century.

As to the other factor, petroleum, let us see what we are paying. In 1972, the cost of petroleum imports was about $4.7 billion. In 1973 the cost was about $8.3

billion. This year, the cost is going to be in excess of $27 billion. And the oil from these sources can be turned off at any time the exporters desire to.

We talk a lot about the Middle East when we speak of oil, but I think it is well to keep in mind that not more than a third of our imports come from the Middle East. In fact, 27.7 percent comes from Venezuela; 17.7 percent comes from Canada and half of that is Venezuelan crude refined; 9.5 percent comes from Nigeria; 4 or 5 percent comes from other areas throughout the world, 10 percent from Iran. The first Middle East country with any substantial export of petroleum to the United States is Saudi Arabia. From that country, we get 9.5 percent of our imports.

Furthermore, as far as the OPEC countries are concerned, OPEC was founded by Venezuela, and Venezuela was the first country which tied the cost of oil to the rate of production. So what we are facing is not something which is tied only to the Middle East, but we are facing a factor which must be considered on a worldwide basis.

Those are the two things which I think are most responsible for the recession in which we find ourselves today: Vietnam and the shortage of petroleum, plus the policy of turning the spigot off and on to regulate the price and apply the pressure. But these are facts and history; our responsibility is for now and tomorrow.

Mr. President, in 1970, when the President told us that economic standards should never be used, Congress passed standby wage, price, profit, and rent controls. Over a year later, President Nixon finally used that standby authority to control the mounting inflation then considered rampant in the country.

The inflation rate in August, 1971, was 4.5 percent. Today the inflation is triple that figure. In fact, we have the same rhetoric against the strong remedy of controls from this administration. But in the past 100 days unemployment has increased in America to 5½ million or 6 percent of the total work force. It is expected to jump to 7 percent or more before the new Congress convenes in January. Automobile sales are down 38 percent from a year ago, but the cost of cars has increased by $386 on the average. Assembly line layoffs are beginning to snowball. The cost of living keeps going up. Last month on the eve of the election wholesale prices increased at an annual rate of nearly 28 percent; wholesale prices for food increased by over 50 percent; the gross national product dropped 2.9 percent in the third quarter of this year. These statistics keep telling the story, but a sense of urgency seems to escape all but those in the grocery store lines.

A program of voluntary restraint—in effect since President Nixon's phase II was abandoned—is inadequate to meet the economic crisis of the Nation.

What is needed is a strong, fair and total program to control the spiral of this Nation. It is not satisfactory to blame it on an international oil conspiracy alone. Assessing blame does not provide a remedy. Getting our domestic house in order through a balanced program of energy conservation and economic restraint will do more to remedy the international recession than the rhetoric of countless international conferences.

The measure I introduce today should be considered as but one part of an overall program to meet the urgent needs of this Nation. It will provide for the authority to exercise the appropriate control over our economy during this period of crisis. It is similar to the authority granted to President Nixon in 1970. It includes authority over wages, prices, profits, rents, dividends, interest rates, and other economic transfers with a base period of April 30, 1974, the date the 1970 control authority expired.

A newly added feature will require the administration to submit to the Congress within 60 days after enactment a detailed plan on how this authority would be implemented if called upon by the President. This report will include specific descriptions of the manner in which such authority would be exercised and the organizational and administrative structures that would be undertaken. These reports would give Congress the ability to adjudge what measures are contemplated to assure that all sectors of the economy are to receive a comparable level of control; that all sections are to be treated fairly and equitably; and that comparable duties and sacrifices on individuals and organizations will be distributed throughout the economy.

I hope that the Committee on Banking, Housing and Urban Affairs—and I see the next chairman of that committee (Mr. PROXMIRE) presiding over the Senate at the present time—will give this matter its earliest consideration, because, Mr. President, the bells are tolling, and we know for whom.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. McCLELLAN. Does the measure that the Senator is introducing today provide for mandatory action on the part of the Executive, or is it chiefly discretionary, as we have always provided in the past?

Mr. MANSFIELD. Standby authority would be granted to the President.

Mr. McCLELLAN. What does the Senator propose in his bill by way of standby authority that the President does not have now?

Mr. MANSFIELD. The President has indicated, or at least his predecessor did, that he does not have the authority to impose wage, price, profit, rent, and interest rate controls; that authority expired on April 30, 1974, and is not in operation at the present time.

If I could ask the Presiding Officer to speak as a Senator from the State of Wisconsin, I would like to have my statement either refuted or accepted.

The ACTING PRESIDENT pro tempore (Mr. PROXMIRE). The Senator from Montana is correct. The authority of the President expired April 30, 1974.

Mr. McCLELLAN. It has expired. What the Senator is doing, then, with his bill, is seeking primarily to renew authority that had heretofore been granted to the President, that is discretionary authority?

Mr. MANSFIELD. In general, yes, because he would be the one to implement the controls, to invoke or not the authority in this bill. The question will be raised, "Well, we are just trying to pass the buck to the President."

Not at all. If there was any way in which I could devise a measure which would pass Congress on a substantial basis and which would give Congress coequal control with the President, I would be delighted to do it. But the only way it can be done, as I see it, is on this basis, because the President is the Chief Executive Officer of our Government, the designated leader of the Nation, and he is the one who must furnish the leadership in mobilizing the Nation to get its economic house in order.

Mr. McCLELLAN. There is no doubt in my mind, that Congress has the power, and can by legislation as proposed by the distinguished Senator, confer upon the President the discretionary authority to act and to invoke and impose controls, regulations, and limitations on various aspects of the economy. But, as the Senator pointed out earlier in his remarks, we are doing a lot of talking with little action, and the situation is worsening all the time. I am wondering if we are approaching a time, or if we have not already reached such a time of economic distress, when it becomes imperative that Congress take the responsibility for enacting laws that require action, rather than leave it to the discretion of the executive branch of the Government.

These are just thoughts, Mr. President. I am not trying to pick flaws. I am simply discussing the matter from the standpoint that if we act and give the President the power, in the past it has been said, "We do not need congressional help; it is not time yet for that; wait and see."

I am not saying this in criticism of the President as he performs as Chief Executive. There are often honest differences of opinion in areas where discretion is permitted. But I wonder if the time is not here for Congress to assert itself, and legislate to require certain acts to be accomplished.

Mr. MANSFIELD. Mr. President, I appreciate the comments of the distinguished chairman of the Appropriations Committee. As far as I am concerned, I would be delighted to support legislation, unpleasant though it might be, which would make it mandatory to undertake certain actions to forestall, alleviate, or reverse the recession which is upon us.

I would point out, though, that no matter what Congress did, even if it did mandate the type of legislation which the Senator from Arkansas and I agree would be worthwhile, it would have to be administered by the executive branch of the Government, and that is a factor which we cannot close our eyes to.

May I say I agree with the Senator; I think that President Ford is a man of good heart and good intentions, and I think that the Congress is made up of men and women of good hearts and good intentions, but it is going to take more

than that to face up to this difficulty which now confronts us with 12.1 percent inflation from September 1973 to September 1974, and the trend is up, with 6 percent unemployment, according to figures about 3 weeks ago, and I dare say the figure right now is in excess of 6 percent; and if the coal strike continues, which affects other industries as well, the trend will go well beyond that.

It is time for us to take stock and face up to our responsibilities, because we owe a duty and a responsibility to the American people which I think up to this time both the executive and legislative branches have been shying away from assuming.

Mr. McCLELLAN. The question in my mind is whether Congress should make a quick indepth study and reexamine the whole economic situation, and make a determination—about whether discretionary authority may or may not be used. Or, whether discretionary authority, used sparingly instead of forcefully and effectively, is going to solve our problems. I am beginning to think it will not.

I had a letter the other day—from a farmer in my State, and I was much impressed with his fairmindedness. He spoke of the complaints about high prices for food.

He was perfectly willing to place some limit on what the agricultural products may sell for, but he pointed out that there should be no reduction on the price the farmer could get for his product. If there was no price limitation placed on restrictions on the cost the farmer would have to pay for his fuel, which has risen three or four times over what it was a year ago, and on the chemicals he has to buy which have also risen, and on the fertilizer that he has to buy which is being shipped abroad, then no price limitation should be placed on the crops.

It is not simple matter and it is very well to say that the farmer is getting more than he ever received, and maybe he is in some areas. But it is also costing him far more to operate, and if we are going to hold down the cost of living in this country, we have got to hold down the cost of food production.

Mr. MANSFIELD. Mr. President, in my State of Montana we face a triple difficulty. Our timber operations are down. What mills are functioning are operating on a shortened-hour basis, our beef industry is in bad shape because the prices are too low and the costs are too high, but somebody is making money out of beef and it is not the cattlemen.

When I was home during the election, just the day before the election it was announced that three of the four mines in Butte would be closed down and the men would be laid off. That is going on at the present time.

In Montana, I think the rate of unemployment is somewhere between 7 percent and 8 percent. In the President's home State of Michigan, I think it is around 10 percent, if not more. The trend in almost every State is up.

Getting back to the suggestion made by the distinguished Senator from Arkansas, I am delighted that we have in the chair at this time the distinguished Senator from Wisconsin (Mr. PROXMIRE) because he has undertaken, I believe, the kind of a study which was mentioned and I would express the hope that in his capacity as chairman of the Joint Economic Committee he would continue that study and come forth with recommendations so that the Senate and the Congress would in time be in a position to act in a positive manner and in a way which hopefully would be beneficial to the people of the Nation as a whole.

Mr. McCLELLAN. Mr. President, if the Senator will yield. I have the same situation in Arkansas, a lumber-producing State. As the Senator knows, many of our mills are completely closed down.

Mr. MANSFIELD. That is right.

Mr. McCLELLAN. And, of course, homebuilding is at a standstill. People cannot get money to finance homebuilding, except at excessive interest rates, and they are lucky if they can get financing at all.

Something is wrong with our economy and it has got to be straightened out if we are to pull out of the recession now and avoid going into a deep depression.

I think the leader is right and I want to support him in his expressions of concern, and I, too, desire to get moving and quit talking.

I hope that the distinguished Senator from Wisconsin, with the committee study he is making, can come forth at a very early date with some concrete recommendations that will be helpful to us.

I do not think we can continue drifting and expect to reverse the trends that are now upon us. We are going to have to take some action.

Mr. MANSFIELD. The Senator is correct; he used the right word, "drift."

The administration and the Congress both are drifting and we are not drifting in the right direction.

Mr. YOUNG. Will the Senator yield?

Mr. MANSFIELD. Yes.

Mr. YOUNG. I was impressed by the comments made by the Senator from Arkansas with respect to the letter he received from a farmer.

Farm operating costs have gone up far more than most people realize, and the end is not in sight. There are some farm prices that are way down. My friend from Montana knows the cattle prices now are probably at the lowest point since they were in 1955. Cattle are selling now for only about one-third what they were a year ago, and this segment of our agricultural economy is in serious trouble, but the meat over the counter here in Washington seems to be selling for about the same price it always was before.

Mr. MANSFIELD. Or higher.

Mr. YOUNG. These cattle people with the very high interest rates just cannot stay in business if prices continue the way they are.

Mr. MANSFIELD. The Senator is correct; no one knows more about the farm economy than the distinguished senior Senator from North Dakota, and what we apply to the beef producers, cattlemen who produce beef on the hoof, we can also apply to the feed-lot operators.

It is a most difficult situation which this country finds itself in, and I think the time calls for cooperation between the parties and cooperation between the Congress and the Executive, but most of all, a confrontation by all of us to hard realities of this Nation's economy.

Mr. President, I ask unanimous consent that the text of the bill I introduce today, the Economic Stabilization Act of 1974, be printed at this point in the RECORD.

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

S. 4174

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

§101. Short title

This Act may be cited as the "Economic Stabilization Act of 1974."

§102. Presidential authority

The President is authorized to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, salaries, profits, dividends, interest rates, and other comparable economic transfers at levels not less than those prevailing on April 30, 1974. Such orders and regulations shall provide for—

(1) the making of such adjustments as may be necessary to prevent gross inequities;

(2) wage and salary increases or adjustments, after April 30, 1974, based on the application of cost of living and productivity formulas;

(3) price, rent, or interest rate increases or adjustments, after April 30, 1974, based on cost or productivity increases; and

(4) profit or dividend increases, after April 30, 1974, attributable to increased productivity, efficiency, or sales or revenues.

§ 103. Delegation

The President may delegate the performance of any function under this Act to such officers, departments, and agencies of the United States as he may deem appropriate.

§ 106. Expiration

Whoever willfully violates any order or regulation under this Act shall be fined not more than $5,000.

§ 104. Penalty

Whenever it appears to any agency of the United States authorized by the President to exercise the authority contained in this Act to enforce orders and regulations issued under this Act, that any person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of any regulation or order under this Act, it may bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such act or practice, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the agency, any such court may also issue a mandatory injunction commanding any person to comply with any regulation or order under this Act.

§ 105. Injunctions

The authority to issue and enforce orders and regulations under this Act expires at midnight September 30, 1977, or upon the date provided in a concurrent resolution of the Congress whichever is earlier but such expiration shall not affect any proceeding under section 104 for a violation of any such order or regulation committed prior to October 1, 1977, or for the punishment for contempt for a violation of any injunction issued under section 105 committed prior to October 1, 1977.

§ 107. Transmittal of detailed plan

(a) Not later than 60 days after the date of enactment of this Act, the President or his

delegate shall transmit to the Congress a plan setting forth detailed proposals for the implementation of the authority conferred by this Act, including specific descriptions of the manner in which such authority would be exercised and the organizational and administrative provisions which would be used.

(b) The plan required under this section shall—

(1) be generally fair and equitable;

(2) provide for a comparable level of control of all sectors of the economy; and

(3) impose comparable duties and sacrifices on individuals and organizations in all segments of the economy.

(c) The President or his delegate shall make and transmit to the Congress from time to time such revisions of the plan transmitted under this section as may be necessary.

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 not to exceed beyond 10:45, with statements therein limited to 5 minutes.

ORDER TO HOLD H.R. 17434 AT DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the message on H.R. 17434, the National Wildlife Refuge System Administration Act Amendments of 1974, be held at the desk when it arrives from the House.

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

MESSAGES FROM THE HOUSE

At 12:30 p.m., a message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 15223) to amend the Federal Railroad Safety Act of 1970 and the Hazardous Materials Transportation Control Act of 1970 to authorize additional appropriations, and for other purposes; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. STAGGERS, Mr. JARMAN, Mr. DINGELL, Mr. DEVINE, and Mr. KUYKENDALL were appointed managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 14215) to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that act; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. STAGGERS, Mr. ROGERS, Mr. SATTERFIELD, Mr. KYROS, Mr. DEVINE, Mr. CARTER, and Mr. HASTINGS were appointed managers of the conference on the part of the House.

The message further announced that the House has passed the bill (S. 782) to reform consent decree procedures, to increase penalties for violation of the Sherman Act, and to revise the Expediting Act as it pertains to appellate review; and the joint resolution (S.J. Res. 133) to provide for the establishment of the American Indian Policy Review Commission, each with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 12071. An act to amend the Department of Agriculture Organic Act of 1944 to authorize the Secretary of Agriculture to enter into negotiated contracts for the protection from fires of lands under the jurisdiction of the Department of Agriculture, and for other purposes;

H.R. 15229. An act to expand the authority of the Canal Zone Government to settle claims not cognizable under the Tort Claims Act; and

H.R. 17434. An act to amend the National Wildlife Refuge System Administration Act of 1966 to require payment of the fair market value of rights-of-way or other interests granted in such areas in connection with such uses, and for other purposes.

At 1:45 p.m., a message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 11929) to amend section 15d of the Tennessee Valley Authority Act of 1933 to provide that expenditures for pollution control facilities will be credited against required power investment return payments and repayments; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. JONES of Alabama, Mr. KLUCZYNSKI, Mr. JOHNSON of California, Mr. HARSHA, and Mr. BAKER were appointed managers of the conference on the part of the House.

The message also announced that the House has passed the bill (H.R. 16757) to extend the Emergency Petroleum Allocation Act of 1973 until August 31, 1975, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 1227. An act to amend section 415 of the Communications Act of 1934, as amended, to provide for a two-year period of limitations in proceedings against carriers for the recovery of overcharges or damages not based on overcharges.

S. 1479. An act to amend subsection (b) of section 214 and subsection (c)(1) of section 222 of the Communications Act of 1934, as amended, in order to designate the Secretary of Defense (rather than the Secretaries of the Army and the Navy) as the person entitled to receive official notice of the filing of certain applications in the common carrier service and to provide notice to the Secretary of State where under section 214 applications involve service to foreign points.

S. 2457. An act to amend the Communications Act of 1934, as amended, to permit the Federal Communications Commission to grant radio station licenses in the safety and special and experimental radio services directly to aliens, representatives of aliens, foreign corporations, or domestic corporations with alien officers, directors, or stockholders, and to permit aliens holding such radio station licenses to be licensed as operators.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

At 4:08 p.m., a message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that, on reconsideration and two-thirds of the House agreeing, the bill (H.R. 14225) to extend the authorizations of appropriations in the Rehabilitation Act of 1973 for 1 year, to transfer the Rehabilitation Services Administration to the Office of the Secretary of Health, Education, and Welfare, to make certain technical and clarifying amendments, and for other purposes; to amend the Randolph-Sheppard Act for the blind; to strengthen the program authorized thereunder; and to provide for the convening of a White House Conference on Handicapped Individuals, which had been returned by the President of the United States with his objections, was passed.

The message also announced that, on reconsideration and two-thirds of the House agreeing, the bill (H.R. 12471) to amend section 442 of title 5, United States Code, known as the Freedom of Information Act, which had been returned by the President of the United States with his objections, was passed.

The message further announced that, on reconsideration and two-thirds of the House not agreeing, the bill (H.R. 6624) for the relief of Alvin V. Burt, Jr., Eileen Wallace Kennedy Pope, and David Douglas Kennedy, a minor, returned by the President of the United States with his objections, was not passed.

The message also announced that the House has passed the bill (S. 433) to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes, with amendments in which it requests the concurrence of the Senate.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15977) to amend the Export-Import Bank Act of 1945, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED LEGISLATION BY THE OFFICE OF MANAGEMENT AND BUDGET

A letter from the Director of the Office of Management and Budget transmitting a draft of proposed legislation to provide flexibility in carrying out the national interest or humanitarian objectives of Public Law 480 (with accompanying papers). Referred to the Committee on Agriculture and Forestry.

PROPOSED LEGISLATION BY THE OFFICE OF MANAGEMENT AND BUDGET

A letter from the Director of the Office of Management and Budget transmitting a draft of proposed legislation to eliminate three provisions of the Commodity Futures Trading Commission Act of 1974 which encroach on the separation of powers (with accompanying papers). Referred to the Committee on Agriculture and Forestry.

REPORT OF THE DEPARTMENT OF DEFENSE

A letter from the Assistant Secretary of Defense reporting, pursuant to law, on the value of property, supplies, and commodities provided by the Berlin Magistrate, and under German Offset Agreement for the quarter July 1, 1974 through September 30, 1974. Referred to the Committee on Appropriations.

REPORT OF THE ATTORNEY GENERAL

A letter from the Attorney General of the United States transmitting a report, pursuant to law, on the enforcement of title II of the Consumer Credit Protection Act for the fiscal year 1974 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

PROPOSED LEGISLATION BY THE FEDERAL HOME LOAN BANK BOARD

A letter from the General Counsel of the Federal Home Loan Bank Board suggesting certain amendments to the National Housing Act. Referred to the Committee on Banking, Housing and Urban Affairs.

INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

A letter from the Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, copies of international agreements other than treaties entered into within the past 60 days (with accompanying papers). Referred to the Committee on Foreign Relations.

PUBLICATIONS OF THE GENERAL SERVICES ADMINISTRATION

A letter from the Administrator of General Services transmitting several publications of the General Services Administration concerning high rise fire safety systems (with accompanying publications). 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 "Getting the New Communities Program Started: Progress and Problems" (with an accompanying report). Referred to the Committee on Government Operations.

REPORT OF THE FEDERAL ENERGY ADMINISTRATION

A letter from the Administrator of the Federal Energy Administration transmitting, pursuant to law, a report entitled "Project Independence" (with an accompanying report). Referred to the Committee on Interior and Insular Affairs.

REPORT OF THE ATTORNEY GENERAL

A letter from the Attorney General of the United States transmitting, pursuant to law, the annual report of the Attorney General for the fiscal year 1973 covering the responsibilities and activities of the Department of Justice (with an accompanying report). Referred to the Committee on the Judiciary.

REPORT OF THE COMMISSION ON CIVIL RIGHTS

A letter from the Chairman and members of the Commission on Civil Rights transmitting, pursuant to law, a report entitled "The Federal Civil Rights Enforcement Effort—1974" (with an accompanying report). Referred to the Committee on the Judiciary.

REPORT OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report entitled "Marihuana and Health" (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

PROPOSED CRITERIA OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Under Secretary of Health, Education, and Welfare transmitting, pursuant to law, a copy of proposed criteria for funding of applications for graduate and undergraduate international studies programs (with accompanying papers). Referred to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION BY THE OFFICE OF MANAGEMENT AND BUDGET

A letter from the Director of the Office of Management and Budget transmitting a draft of proposed legislation to extend the uniform national speed limit indefinitely and to extend for 1 year the authority to make grants for demonstration carpooling programs (with accompanying papers). Referred to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 428. A resolution to provide authorization for supplemental expenditures by the Committee on Public Works (Rept. No. 93-1289).

S. Res. 435. An original resolution authorizing additional expenditures by the Committee on Rules and Administration for routine purposes (Rept. No. 93-1290).

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

S. 4178. An original bill to provide for the extension of Headstart, community action, community economic development, and other programs under the Economic Opportunity Act of 1964, to provide for increased involvement of State and local governments in antipoverty efforts, and for other purposes (Rept. No. 93-1292).

H.R. 14449. An act to provide for the mobilization of community development and assistance services and to establish a Community Action Administration in the Department of Health, Education, and Welfare, to administer such programs (Rept. No. 93-1291).

HOUSE BILLS REFERRED

The following House bills were each read twice by their titles and referred as indicated:

H.R. 12071. An act to amend the Department of Agriculture Organic Act of 1944 to authorize the Secretary of Agriculture to enter into negotiated contracts for the protection from fires of lands under the jurisdiction of the Department of Agriculture, and for other purposes; to the Committee on Agriculture and Forestry.

H.R. 15229. An act to expand the authority of the Canal Zone Government to settle claims not cognizable under the Tort Claims Act; to the Committee on Commerce.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, November 20, 1974, he presented to the President of the United States the following enrolled bills:

S. 1227. An act to amend section 415 of the Communications Act of 1934, as amended, to provide for a two-year period of limitations in proceedings against carriers for the recovery of overcharges or damages not based on overcharges.

S. 1479. An act to amend subsection (b) of section 214 and subsection (c)(1) of section 222 of the Communications Act of 1934, as amended, in order to designate the Secretary of Defense (rather than the Secretaries of the Army and the Navy) as the person entitled to receive official notice of the filing of certain applications in the common carrier service and to provide notice to the Secretary of State where under section 214 applications involve service to foreign points.

S. 2457. An act to amend the Communications Act of 1934, as amended, to permit the Federal Communications Commission to grant radio stations licenses in the safety and special and experimental radio services directly to aliens, representatives of aliens, foreign corporations, or domestic corporations with alien officers, directors, or stockholders, and to permit aliens holding such radio station licenses to be licensed as operators.

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. MANSFIELD:

S. 4174. A bill to stabilize prices, rents, wages, salaries, profits, dividends, interest rates, and other economic transfers. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. PROXMIRE:

S. 4175. A bill for the relief of Soon Ja Jung. Referred to the Committee on the Judiciary.

By Mr. BENTSEN (for himself, Mr. RIBICOFF, and Mr. HUMPHREY):

S. 4176. A bill to provide an income tax credit for savings for the payment of postsecondary educational expenses. Referred to the Committee on Finance.

By Mr. PACKWOOD:

S. 4177. A bill to amend the Fair Labor Standards Act of 1938 with respect to effective dates of overtime provisions relating to employees in fire protection activities and law enforcement activities. Referred to the Committee on Labor and Public Welfare.

By Mr. NELSON, from the Committee on Labor and Public Welfare:

S. 4178. An original bill to provide for the extension of Headstart, community action, community economic development, and other programs under the Economic Opportunity Act of 1964, to provide for increased involvement of State and local governments in antipoverty efforts, and for other purposes. Placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MANSFIELD:

S. 4174. A bill to stabilize prices, rents, wages, salaries, profits, dividends, interest rates, and other economic transfers. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. MANSFIELD'S remarks on the introduction of the Economic Stabilization Act of 1974 are printed earlier in the RECORD.)

By Mr. BENTSEN (for himself, Mr. RIBICOFF, and Mr. HUMPHREY):

S. 4176. A bill to provide an income tax credit for savings for the payment of postsecondary educational expenses. Referred to the Committee on Finance.

EDUCATIONAL SAVINGS PLAN

Mr. BENTSEN. Mr. President, today I am introducing legislation to provide greater educational opportunities for an estimated 33 million young Americans

through the creation of "Educational Savings Plans."

The educational savings plans provided for in this bill will allow a Federal tax credit for individuals who save for either vocational or other higher educational expenses. Funds deposited in these educational savings plans will be channeled into savings and loan associations, mutual savings banks and other federally insured financial institutions—the majority of whose loans are related to housing. These savings plans will not only make postsecondary education more readily available to millions of this country's youth, they will provide a stable source of private funds at reasonable interest rates to potential American homeowners.

The average American has four basic economic goals beyond the day to day physical needs for survival—he wants to be able to purchase his own home, to provide for his children's education, to meet his family's health needs and finally, to provide for his own retirement when those working years are behind him.

Despite the progress of the last several decades, in recent years these four basic goals of home ownership, education, health care, and retirement have become further from the reach of millions of Americans. I believe it is the duty of government to provide policies that enhance the opportunity for working Americans to accomplish the goals which they have chosen.

This past year, the Congress passed a major piece of legislation to reform the private pension system and I was pleased to have played a role in that effort. Next year we expect to pass legislation to provide a national system of health insurance and I hope to play a role in seeing that legislation enacted as well. But in addition to retirement income and health care, I believe we must take steps to assist American families in meeting the educational needs of their children and those families' needs for housing.

In the 10 years between 1962 and 1972, the costs of tuition, room, and board at public colleges and universities increased 50 percent, compared to 38-percent increase in the Consumer Price Index. During the same period, the costs of private higher education have escalated 80 percent, more than twice the rise in the Consumer Price Index. Equally important, vocational education programs have also seen substantial cost increases.

Middle- and lower-middle-income students have been increasingly priced out of postsecondary education. With limited funds available under the various programs of student financial aid, and with college costs increasing, we confront a situation in which the costs of a secondary education tend to eliminate those who fall between the categories of the very poor and the very rich. The children of the very poor frequently qualify for full scholarship aid, and those who are very rich can afford high tuitions. It is primarily moderate-income Americans who are frequently ineligible for Federal student assistance who have been suffering during the cost squeeze in education. The educational savings plan provided for in this legislation should be of considerable benefit to these families. It should also provide an element of predictability to families concerned about how they are going to meet the cost of their children's higher education.

In addition, Mr. President, these educational savings plans can give strong impetus to our efforts to provide a better trained work force and to improve the productivity of the American worker. In recent years, many countries have been outstripping the United States in productivity as they have adopted American management techniques and improved their technologies. One of the lessons of the economic summit was that our country badly needs the new technology and higher level of skills created by a vigorous postsecondary education program in both our colleges and vocational schools.

When American youth becomes more productive, the individual and the economy benefit. The educational savings plan should channel increasing numbers of students into career education, develop their skills, lower unemployment rates, and provide the Nation with a more effective work force.

The Department of Treasury estimates that as many as 15 million families would utilize these plans to save for the education of 33 million children. This would mean approximately $9 billion would be deposited in educational savings plans annually. Since these plans will be managed by savings and loan associations, mutual savings banks, and any other institutions placing 50 percent of their assets into housing-related loans, these plans will provide a stable source of financing for home mortgages and constructions loans.

Mr. President, the unavailability of a steady flow of capital into housing is creating unnecessary shortages of housing and inefficiencies in construction.

Thrift institutions, such as savings and loan associations and mutual savings banks which will be able to offer educational savings plans, made 65 percent of this Nation's loans for the purchase of homes in 1973 and have been the traditional source of such lending. Savings and loan associations put approximately 85 percent of their funds into mortgages generally and 75 percent into single-family dwellings. Mutual savings banks have over 60 percent of their assets in mortgages. But, Mr. President, these institutions suffer serious shortages of funds during periods of tight money and high interest rates.

During the last period of tight money in 1969 there was a net outflow from savings and loan associations of over a billion dollars during the course of the year. As interest rates eased in 1970 and 1971, funds began to move back into these institutions for a peak new inflow of over $23 billion in 1972. But when interest rates began to climb again in 1973, that net inflow was more than cut in half to only $10½ billion. When the administration's tight money policies of this year began to really be felt that inflow was further cut to $2.7 billion for the first 9 months of this year. We are never going to be able to provide the almost 2 million new homes Americans need every year when the principal source of funds for housing is subject to this type of fluctuation.

The $9 billion in annual deposits for educational savings plans provided by my legislation would not be subject to such market fluctuations and would provide a steady source of financing for as many as 300,000 new homes per year—three times as many homes as the emergency housing legislation we just passed.

As a result of the unavailability of financing, the current depression in housing appears to be the worst since the 1930's. Housing starts have dropped from an annual rate of over 2½ million in October 1972 to a present annual rate of slightly over 1 million. Forty percent of the total decline in our entire economy during the first quarter of this year came in residential construction even though residential construction accounts for only about 4 percent of our Nation's total output.

Fluctuations such as these not only drive up home prices by creating a housing shortage, they cause serious inefficiencies in every phase of home construction by increasing the cost of materials and skilled labor and contributing to home builder bankruptcies. Over 50,000 construction workers lost their jobs in September alone for a total of over half a million out of work. Over 1,000 home builders have been forced out of business since the first of the year. Inflation in housing cannot be controlled by forcing skilled construction workers and homebuilders in other lines of work or by continuing to create artificial shortages of housing units available.

Mr. President, the periodic unavailability of funds for housing has created seven major housing cycles since World War II. Past experience indicates that a substantial increase in construction costs occurs during the 2 years following the bottom of the cycle. We will be paying for the present depression in the housing industry with higher construction costs in 1975 and 1976. And, Mr. President, most Americans have already been priced out of the market for a new home. A home that cost $32,000 in 1971 now costs $45,750—a 43-percent inflationary increase over 3 years. Moreover, when the extra cost of the 2½-percent increase in interest rates during that period is included, the monthly payments have gone up 78 percent. A more stable and lower cost source of funds must be made available if the opportunity for home ownership is to be a reality for millions of American families.

The Treasury estimates that a $1.7 billion annual revenue loss will occur from the tax credits allowed on these educational savings plans. However, this estimate does not take into consideration the benefits to the Treasury of lower unemployment rates and more stable profits in construction and construction-related industries. I believe most if not all of the direct revenue loss of this legislation, would be offset by the benefits of steadier economic growth. I am sure that when the long-term benefits of greater educational opportunity are considered, we will find, as we did with the veterans' education programs,

the country reaps a healthy return on its investment.

Mr. President, with the twin goals of encouraging long-term savings and education and stabilizing the flow of funds into housing, the educational savings plan addresses two of the most serious social issues confronting the American people. I believe this is the kind of tax incentive the American people want—one which addresses the basic needs of our society and one which benefits millions of average citizens.

I ask unanimous consent that a brief analysis of the legislation and the text of the legislation be printed at the conclusion of my remarks.

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

S. 4176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by redesignating section 42 as 43, and by inserting after section 41 the following new section:

"SEC. 42. POST-SECONDARY EDUCATION SAVINGS PLAN

"(a) GENERAL RULE.—There is allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 20 percent of the amounts deposited by the taxpayer in an educational savings plan (as defined in subsection (c)(1)) for himself or a dependent.

"(b) LIMITITIONS—

"(1) TAXPAYER ACCOUNT—In determining the amount of the credit allowable under subsection (a) for the taxable year with respect to any educational savings plan maintained by the taxpayer for his own benefit, amounts deposited in any taxable year in excess of $250 and amounts deposited during any taxable year in which the taxpayer is enrolled in any eligible post-secondary educational institution shall be disregarded.

"(2) DEPENDENT ACCOUNT—In determining the amount of the credit allowable under subsection (a) for the taxable year with respect to any educational savings plan maintained by the taxpayer for the benefit of his dependents, amounts deposited in any taxable year in excess of $250 per dependent and amounts deposited during any taxable year for any dependent who is enrolled in an eligible post-secondary educational institution shall be disregarded.

"(c) DEFINITIONS—For purposes of this section—

"(1) EDUCATIONAL SAVINGS PLAN—The term 'educational savings plan' means a savings account maintained by the taxpayer for the benefit of himself or of a dependent in a savings institution exclusively for the purpose of paying expenses of post-secondary education incurred by the taxpayer for himself or his dependent.

"(2) SAVINGS ACCOUNT—The term 'savings account' means an interest-bearing deposit or account which is not payable on a specified date or at the expiration of a specified time after the date of deposit (although the individual who maintains the deposit or account may be required by the bank or savings and loan association with which the deposit or account is maintianed to give notice in writing of an intended withdrawal not less than 30 days before withdrawal is made).

"(3) SAVINGS INSTITUTION—The term 'savings institution' means—

"(A) a savings and loan association, the deposits or accounts of which are insured by the Federal Savings and Loan Insurance Corporation, or

"(B) a mutual savings banks, the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, or

"(C) any other financial institution which invests at least 50 percent of its assets in residential realty mortgages, residential construction loans, residential realty improvement loans, or mobile home loans.

"(4) EXPENSES OF POST-SECONDARY EDUCATION.—The term 'expenses of post-secondary education' means, subject to regulations of the Commissioner of Internal Revenue and Commissioner of Education, the actual per-student charges for tuition, fees, room and board (or expenses related to reasonable commuting), books, and an allowance for such other expenses as determined by regulation to be reasonably related to attendance at an eligible post-secondary educational institution."

"(5) ELIGIBLE POST-SECONDARY EDUCATIONAL INSTITUTION.—The term 'eligible post-secondary educational institution' means formal instruction, research, and other learning opportunities offered by educational institutions that primarily serve persons who have completed secondary education or who are beyond the compulsory school attendance age and that are accredited by agencies officially recognized for that purpose by the U.S. Office of Education or are otherwise eligible to participate in federal programs."

"(d) RECAPTURE OF CREDIT ALLOCABLE TO NON-QUALIFIED USE.—

"(1) DISQUALIFICATION FOR NON-EDUCATIONAL PURPOSE.—If any amount in such account is withdrawn and expended for anything other than an expense of post-secondary education, a tax shall be imposed on the amount expended for a non-educational purpose equal to the credits allowed under this section for all prior taxable years on this amount.

"(2) DISQUALIFICATION FOR FAILURE TO USE ACCOUNT.—

"(A) TAXPAYER ACCOUNT.—An educational savings plan maintained by the taxpayer for the payment of expenses of post-secondary education incurred by him for his own education is terminated for the taxable year following the taxable year (of the taxpayer) in which the taxpayer attains the age of 25 years, or if the taxpayer is enrolled in an eligible post-secondary educational institution at that time, when the taxpayer terminates such enrollment. A tax shall be imposed on any amount remaining in such account upon termination, equal to the credits allowed under this section for all prior taxable years on this amount. However, no tax shall be imposed under this subparagraph in the event of the death of the taxpayer or disability (within the meaning of section 72(m)(7)).

"(B) DEPENDENT ACCOUNT.—An educational savings plan maintained by the taxpayer for the payment of expenses of post-secondary education incurred by him for the education of dependents of the taxpayer is terminated for the taxable year following the taxable year (of the taxpayer) in which the youngest dependent for whose benefit the account is maintained attains the age of 25 years or if that dependent is enrolled in an eligible post-secondary educational institution at that time, when that dependent terminates such enrollment. A tax shall be imposed on any amount remaining in such account upon termination, equal to the credits allowed under this section for all prior taxable years on this amount. However, no tax shall be imposed under this subparagraph in the event of the death or disability (within the meaning of section 72(m)(7)) of all dependents.

"(e) APPLICATION WITH OTHER CREDITS.—The credit allowed by this section to the taxpayer shall not exceed the amount of the tax imposed on the taxpayer for the taxable year by this chapter, reduced by the sum of the credits allowable under this subpart (other than under this section and section 31).

"(f) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"SEC. 42. Post-secondary educational savings plan

"SEC. 43. Overpayments of tax.".

SEC. 2. The amendments made by this Act shall apply to taxable years beginning after December 31, 1974.

PROVISIONS OF THE "EDUCATIONAL SAVINGS PLAN"

1. A taxpayer can contribute as much as $250 annually for each dependent child to an "educational savings plan" and subtract a tax credit equal to 20% of that contribution from the taxpayer's federal income tax. If no plan is opened for an individual by his parents or guardian, he can contribute $250 annually to an educational savings account for his own education and subtract a credit equal to 20% of that contribution.

Example: A family saving for the education of two dependent children in a qualified plan could save $500 annually and reduce their tax liability by $100.

2. Any funds which are withdrawn from an educational savings plan and used for an educational purpose such as tuition or fees at an eligible educational institution or for reasonable living expenses during participation in such a program would be free of any further taxation. However, if the plan is terminated or the funds withdrawn for other than an educational purpose, the tax credits must be repaid to the Treasury. This provision is waived if the person for which the plan was established has died or become disabled.

3. The definition of "eligible educational institution" would closely follow the definition of post-secondary education adopted by the National Commission on the Financing of Post Secondary Education. This would include institutions of higher education and vocational schools either accredited by an official accrediting agency and recognized by the Office of Education or institutions otherwise eligible to participate in federal programs, such as those recognized by the Veterans Administration. Presently, approximately 10,000 public and private post secondary educational institutions would be accessible to students and families under this definition.

4. A plan established for dependents could continue until the youngest child reaches 25 years of age or as long as the child remains a student, at which time the plan automatically would terminate. A plan established by the taxpayer for himself could continue until the taxpayer was 25 years old or as long as he remains a student.

5. During the years that a taxpayer withdraws money from one of these plans, the taxpayer would be required to file a supplemental tax form specifying the use of these funds. Falsification of this supplemental return would subject the taxpayer to existing penalties for tax fraud.

6. Educational savings plans can be administered by savings and loan associations, mutual savings banks, and other federally insured financial institutions that invest at least 50% of their assets in housing. The earnings in these plans would be determined by competition as well as the existing authority of the various government agencies that regulate such financial institutions.

IMPACT OF THE "EDUCATIONAL SAVINGS PLAN"

The savings plan is directed at meeting two of the most basic goals of the American

people—the opportunity for a better education and for home ownership.

The Department of the Treasury estimates that 15 million families would save for the education of 33 million children through these plans and that approximately $9 billion would be deposited annually in the thrift institutions which offered them. Most of these funds would be channeled into home mortgages and provide the nation with a more stable source of financing for as many as 300,000 new homes a year.

The Treasury estimates a $1.7 billion annual revenue loss from the tax credits allowed on educational savings plans. However, the building of an additional 300,000 homes would result in over a billion dollars in federal revenue from taxes on wages and profits in the home building industry. Reductions in government expenditures on unemployment compensation for construction workers would further reduce this revenue loss.

By Mr. PACKWOOD:

S. 4177. A bill to amend the Fair Labor Standards Act of 1938 with respect to effective dates of overtime provisions relating to employees in fire protection activities and law enforcement activities. Referred to the Committee on Labor and Public Welfare.

OVERTIME FOR FIRE AND POLICE EMPLOYEES

Mr. PACKWOOD. Mr. President, earlier this year, the Senate passed the Fair Labor Standards Amendments of 1974, later enacted into law as Public Law 93-259. This was legislation which I supported as an essential means of protecting workers at the lowest end of the wage scale.

Section 6 of Public Law 259 brought public employees under coverage of the Fair Labor Standards Act. Although this section included fire protection and law enforcement employees. Congress recognized the special nature of their work schedules by providing separate, more flexible overtime requirements for these fields.

Had regulations to define and implement section 6 coverage of fire and law enforcement employees — particularly their overtime requirements—been published in a timely fashion, most municipalities would have faced serious budgetary difficulties, due to the substantial additional budgetary funds which will be required, and at a midyear point in their budget process.

However, the Labor Department delayed publication of proposed regulations and definitions until November 1—60 days before the effective date—and final regulations will not be published until at least mid-December. This being the case, it is virtually impossible for local fire and police districts to come into compliance by the January 1, 1975, effective date written in the law.

Mr. President, we cannot expect, much less demand, compliance with but 2 weeks' notice of what is expected. I am therefore today introducing for the Senate's consideration, an amendment to the Fair Labor Standards Act which would simply delay for 1 year the effective dates of the act's overtime provisions as they relate to fire and law enforcement employees. This amendment will not affect other public employees, and will not alter the phasein of the overtime requirements, except to postpone those dates by 1 year. This will give local fire and police districts the time they need to make necessary budgetary arrangements to finance the additional expense involved.

I ask unanimous consent to include at this point in the RECORD a letter from the Washington County Paid Firefighters Association in Beaverton, Oreg., outlining some of the difficulties they are facing. I believe this dilemma is typical of fire departments throughout the Nation.

I also ask unanimous consent to include a copy of an emergency resolution passed recently by the Oregon Fire Chief's Association, indicating their strong concurrence in the need for a 1-year delay in the effective date of the section 6 provisions.

Mr. President, we are once again facing a situation where Congress and a Federal agency are placing local communities in an untenable situation. I am hopeful that when the nature of this problem is brought to all Senators' attention, they will agree on the need for prompt action.

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

WASHINGTON COUNTY PAID FIRE FIGHTERS ASSOCIATION,
Beaverton, Oreg., November 11, 1974.

Hon. ROBERT PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: I am writing this letter on behalf of myself and my 250 brother Fire Fighters of Local 1660, International Association of Fire Fighters, to first of all congratulate you on your recent reelection to the Senate. Secondly I would like to discuss with you certain amendments recently adopted to the Fair Labor Standards Act.

I am specifically referring to the extension of the minimum wage and hour law to the fire and police services (29 CFR Part 553), that can be found on page 38663 of the Federal Register, Vol. 39, No. 212, published Friday, November 1, 1974. We certainly agree with the law, but we are very concerned about the starting date of January 1, 1975.

We are employed by a rural fire protection district whose operating budget is set on the fiscal year, from July 1st to June 30th. The current budget was approved by the voters of the district prior to March 28, 1974, when the Act was first published in the Congressional Record, with no provisions for overtime pay to comply with this new law.

In referring to the Congressional Record of March 28th, we understood that the Secretary of Labor was directed to compile some proposed rules to implement the Act sometime last summer. We have finally received these rules, but they weren't published until November 1st. This doesn't leave either us or our employers any time to try to work out some kind of a workable solution for the remaining 6 months of our operating budget.

I would like to ask you to use your influence to ask the Congress to "set back" the starting date of the Act so that our employers can include the increases in their next budget and not be burdened with trying to find the monies in this year's budget.

I am including a copy of a resolution that was adopted by the Western Fire Chief's Association. We are in full support of their resolution and are hoping you can assist us.

Thanking you, I remain,
Sincerely yours,
DAVID R. GILSON,
Secretary.

EMERGENCY RESOLUTION

Whereas, The 93rd Congress has extended the Fair Labor Standards Act to include all phases of the public sector, and

Whereas, All local governmental agencies came under the law effective May 1, 1974, and all Fire and Police Departments must comply with the new law effective January 1, 1975, and

Whereas, The Department of Labor to date has not been able to establish necessary rules and regulations to carry out the intent of this law, and

Whereas, The budgetary process does not allow sufficient time to provide for necessary local funding to meet the requirements of the law, and

Whereas, Until such rules and regulations are established, it is impossible for local governmental agencies to properly administer this act or to properly fund the implications of this act as it effects the fire and police services and particularly those states operating on a fiscal budget year,

Now, therefore, be it resolved, That the Western Fire Chiefs' Association in Conference at Tucson, Arizona, October 13th to October 17th, 1974 do hereby direct the office of the International Association of Fire Chiefs in Washington, D.C. to request that Congress delay the effective date of this act to January 1, 1976 to give the Department of Labor sufficient time to establish the rules and regulations and to give local governmental agencies sufficient time to budget for the selection, hiring, and training of additional personnel to maintain at least the same level of service, and

Be it further resolved, That a copy of this resolution be forwarded to all Senators and Representatives of all states within the Western Fire Chiefs' Association and to the office of the International Association of Fire Chiefs in Washington, D.C.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3418

At the request of Mr. ERVIN, the Senator from Tennessee (Mr. BROCK), the Senator from Michigan (Mr. HART), the Senator from California (Mr. CRANSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mr. BUCKLEY), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of S. 3418, to establish a Federal Privacy Board to oversee the gathering and disclosure of information concerning individuals, to provide management systems in Federal agencies, State, and local governments, and other organizations regarding such information, and for other purposes.

S. 4163

At the request of Mr. BAYH, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 4163, a bill to exempt fraternities and sororities from title IX coverage.

S. 4172

At the request of Mr. HUGH SCOTT, the Senator from South Carolina (Mr. THURMOND) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 4172, the Freedom of Information bill.

SENATE JOINT RESOLUTION 224

At the request of Mr. MONTOYA, the Senator from Iowa (Mr. CLARK) was added as a cosponsor of Senate Joint

Resolution 224, a resolution designating January of each year as "March of Dimes Birth Defects Prevention Month."

SENATE JOINT RESOLUTION 254

At the request of Mr. MONTOYA, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate *Joint Resolution* 254, authorizing the Administrator of the National Aeronautics and Space Administration to make a grant for the construction of facilities for the International Space Hall of Fame.

SENATE RESOLUTION 435—ORIGINAL RESOLUTION REPORTED FROM THE COMMITTEE ON RULES AND ADMINISTRATION AUTHORIZING ADDITIONAL EXPENDITURES

(Placed on the calendar.)

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

S. RES. 435

Resolved, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, during the Ninety-third Congress, $30,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946, and in Senate Resolution 317, Ninety-third Congress, agreed to May 7, 1974.

AMENDMENTS SUBMITTED FOR PRINTING

CONSUMER CONTROVERSIES RESOLUTION ACT—S. 2928

AMENDMENT NO. 1990

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

Mr. BURDICK submitted an amendment intended to be proposed by him to the bill (S. 2928) to establish national goals for the effective, fair, inexpensive, and expeditious resolution of controversies involving consumers, and for other purposes.

HOME HEALTH SERVICES UNDER SOCIAL SECURITY—S. 2690

AMENDMENT NO. 1991

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

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill (S. 2690) to amend title XVIII of the Social Security Act to liberalize the conditions under which post-hospital home health services may be provided under part A thereof, and home health services may be provided under part B thereof.

FEDERAL PRIVACY BOARD ACT—S. 3418

AMENDMENT NO. 1992

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

NET WORTH DISCLOSURE AMENDMENT

Mr. WEICKER. Mr. President, when the Senate tomorrow brings up for consideration the Federal Privacy Board Act, S. 3418, I intend to offer an amendment to provide for full disclosure of net worth by high-ranking public officials in the executive and congressional branches of the U.S. Government. The amendment is the same as the Net Worth Disclosure Act, S. 4059, which I introduced on September 30 of this year.

I strongly believe that the public has a right to know the financial interests of those who guide their Government. The disclosure of financial worth and interests by policymakers is one step toward strengthening the public's trust. I feel the Senate, for example, has an unprecedented opportunity to dispel public cynicism by adhering to the same standards of public disclosure that it has asked of Vice President nominee Nelson Rockefeller.

The net worth disclosure amendment would require that the President, Vice President, Members of the Congress, and all employees of the executive and legislative branches earning in excess of $30,000 a year, file each February 15 a net worth statement of assets and liabilities over $1,500 held alone or jointly within the family during the previous calendar year. Asset valuation would be based on fair market value as of December 30 of the disclosure year.

This amendment is similar to net worth disclosure provisions in title IV of the Federal Election Campaign Act Amendments of 1974, S. 3044, as passed by the Senate earlier this year. Unfortunately, these important provisions were dropped in conference.

Mr. President, I ask unanimous consent that the text of the amendment incorporating the Net Worth Disclosure Act, be printed at this point in the RECORD.

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

AMENDMENT NO. 1992

On page 54, line 8, strike out "This Act" and insert in lieu thereof "Titles II and III of this Act".

On page 54, line 14, strike out "this Act" and insert in lieu thereof "titles I, II, and III of this Act".

On page 54, immediately below line 14, insert the following new title:

TITLE IV—FINANCIAL DISCLOSURE

SEC. 401. This title may be cited as the "Net Worth Disclosure Act".

SEC. 402. (a) Each individual referred to in subsection (b) shall file annually with the Comptroller General of the United States a full and complete statement of net worth to consist of:

(1) A list of the identity and value of each asset held by him, or jointly by him and his spouse or by him and his child or children, and which has a fair market value in excess of $1,500 as of the end of the calendar year prior to that in which he is required to file a report under this Act.

(2) A list of the identity and amount of each liability owed by him, or jointly by him and his spouse or by him and his child or children, and which is in excess of $1,500 as of the end of the calendar year prior to that in which he is required to file a report under this Act.

(b) The provisions of this Act apply to the President, the Vice President, each Member of the Senate, each Member of the House of Representatives (including Delegates and the Resident Commissioner from Puerto Rico), and each officer and employee of the United States within the executive and legislative branches of Government receiving compensation at an annual rate in excess of $30,000.

(c) Reports required by this Act shall be in such form and shall contain such information in order to meet the provisions of this Act as the Comptroller General may prescribe. All reports filed under this Act shall be maintained by the Comptroller General as public records, open to inspection by members of the public, and copies of such records shall be furnished upon request at a reasonable fee.

SEC. 403. Each person to whom this Act applies on January 1 of any year shall file the report required by this on or before February 15 of that year. Each person to whom this Act first applies during a year after January 1 of that year shall file the report required by this Act on or before the forty-fifth day after this Act first applies to him during that year.

SEC. 404. Any person who knowingly and willfully fails to file a report required to be filed under this Act, or who knowingly and willfully files a false report required to be filed under this Act, shall be fined not more than $2,000, or imprisoned for not more than two years, or both.

SEC. 405. This title shall become effective on January 1, 1975.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1914

At the request of Mr. PERCY, the Senator from Connecticut (Mr. RIBICOFF) was added as a cosponsor of amendment No. 1914, concerning abuses of the social security number, intended to be proposed to S. 3418, a bill to establish a Federal Privacy Board to oversee the gathering and disclosure of information concerning individuals, to provide management systems in Federal agencies, State and local governments, and other organizations regarding such information, and for other purposes.

AMENDMENT NO. 1932

At the request of Mr. STEVENSON, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of amendment No. 1932, intended to be proposed to the bill (H. R. 8214) to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes.

NOTICE OF HEARINGS ON S. 1728—WAR CLAIMS ACT AMENDMENTS

Mr. BURDICK. Mr. President, I wish to announce that a hearing will be held on December 3, 1974, in room 6202, Dirksen Senate Office Building, commencing at 10 a.m., for the consideration of S. 1728—the War Claims Act amendments, by an ad hoc subcommittee consisting of Senators BAYH, FONG, and myself, as chairman.

Those who wish to testify or submit a statement for inclusion in the record should communicate as soon as possible with William P. Westphal, Chief Counsel of the Subcommittee on Improvements in Judicial Machinery, 6306 Dirksen Senate Office Building, Washington, D.C., 224-3618.

ADDITIONAL STATEMENTS

CLEANUP OF A LAKE

Mr. McGEE. Mr. President, a major problem in this Nation is the pollution of our lakes and streams. Not only does pollution of our water supplies create unnecessary health hazards for our citizens, but it also denies to us a food source at a time when world food problems are mounting.

In Wyoming, a group of concerned and dedicated people have taken matters into their own hands. They have brought a polluted lake back to a healthful and productive state. Known as Lake Viva Naughton, the body of water is located 15 miles north of Kemmerer in southwest Wyoming.

Lake Viva Naughton was nearly dead in 1960. However, the once popular fishing site was restored through the cooperative efforts of the Lincoln County Conservation District, the resource conservation and development program of the Soil Conservation Service, Utah Power & Light Co., and residents of the Kemmerer area, all working to keep the lake in service.

Mr. President, the story of this cleanup of Lake Viva Naughton is told by Richard L. Thompson, R.C. & D. coordinator for the Soil Conservation Service in Kemmerer. This story is a salute and tribute to the Federal Government and local residents working hand-in-hand to solve a problem.

I ask unanimous consent that the article entitled, "Clean-up of a Lake," appearing in the June 1974 issue of Soil Conservation, be printed in the RECORD.

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

CLEAN-UP OF A LAKE

(By Richard L. Thompson)

Lake Viva Naughton, about 15 miles north of Kemmerer in southwest Wyoming, has been both a boon to fishermen and a headache to nearby ranchers. Now, thanks to community cooperation, camping and ranching can be good neighbors.

One reason for this turnabout was the help provided by members of the Western Wyoming Resource Conservation and Development Project (RC&D) in the area.

Lake Naughton is on the Hams Fork River which runs through the small city of Kemmerer. In 1941, Kemmerer built a dam across Hams Fork River, creating a 100-acre lake for municipal water storage. It was open to everyone for fishing and remained open until 1960 when it was closed due to water pollution and a general degradation of the nearby area.

In 1962, the Utah Power & Light Company constructed a much larger dam across the Hams Fork River a mile above the city dam. This created the new 1,458-acre Lake Viva Naughton. It was used for water storage and fishing also.

Lake Viva Naughton's reputation for yielding "big ones" spread, and fishermen flocked into the area. But, once again, pollution became a serious problem.

Local ranchers lost patience—along with thousands of dollars—when fishermen drove cars, trucks, and campers through their grain and hay fields. Because there were few camping facilities, visitors stopped for the night under the willows, along the lakeshore, or at any wide spot in the access road. And when they left for home, garbarge and other refuse was strewn around the once-beautiful river and lakeshore.

The ranchers had only one choice left to protect their land; they fenced off a major part of the Hams Fork River shoreline. At the same time. Utah Power and Light threatened to close the large lake to visitors because of pollution problems.

The city of Kemmerer, Utah Power & Light, and some of the ranchers considered two possible ways to rejuvenate the lake. One was to develop a public recreation area administered by the community; the other was to look for a reliable concessionaire.

The first idea was tried, but problems arose over which community group should administer the lake area.

Next, two Wyoming residents proposed that they operate the Viva Naughton Marina concession. The two men promised to save the lakeshore and develop the lake to full recreation use—if the community helped them overcome pollution problems.

The RC&D and the Lincoln County Conservation District provided conservation and land use planning assistance. Soil Conservation Service specialists and field office personnel surveyed area soils, revised a number of separate conservation plans of landowners, incorporated the ideas of local people into plans for the marina, and drew up an area-wide conservation plan.

RC&D people also provided help on standard designs for buildings, boat ramps, and restroom facilities. And the Wyoming Game and Fish Department stocked the lake with 110,000 rainbow trout fingerlings.

In the spring of 1973, construction began on the marina. A well was dug, a complete sewage and garbage system was set up, and the entire area was fenced to keep out litterbugs. A cafe, showers, and other amenities were also completed.

In the first year, some 12,000 visitors have used the marina and camping facilities. As many as 500 campers remain at the lake overnight. Future plans call for A-frame summer houses to be built and rented, and an expansion of the lake itself.

The operation has boosted Kemmerer's economy, through increased sales of fishing gear, groceries, and other supplies. And, while a fee is charged to use marina facilities, campers seem to feel it's more than worth it. Their problem lake is now a popular recreation spot.

THE CONFIRMATION OF NELSON A. ROCKEFELLER AS VICE PRESIDENT OF THE UNITED STATES

Mr. PERCY. Mr. President, the confirmation of Vice President-designate Nelson A. Rockefeller is the most important business pending before Congress. Within the bounds of the responsibility of the committees charged with reviewing the nomination, and the responsibility of each Member of Congress to review the testimony gathered by these committees, the nomination should be considered with dispatch.

Based on the facts before us today, and based also on personal knowledge of his life and work for a period of a quarter century, I intend to vote for the confirmation of Governor Rockefeller to serve as the 41st Vice President of the United States. In my judgment, he possesses the qualities of leadership and expertise which we urgently need in America today. In considering a nominee for Vice President, one question stands out as most relevant: Does the nominee have the ability and experience to serve as President if for any reason he should have to assume that office? I answered this in the affirmative when I strongly supported him for the Presidency in 1968.

In the case of Governor Rockefeller the question can be answered even more in the affirmative today. In my judgment he now is clearly one of the best qualified people in America to hold high national office.

We are all familiar with Governor Rockefeller's long and distinguished record of public service. Over the past 30 years, his service in various public capacities has given him outstanding experience in domestic and international affairs. He has served five of our last six Presidents. He has served in the Departments of State, and Health, Education, and Welfare. And, most importantly, he served the people of New York as Governor for 15 years. Throughout his career, he demonstrated a rare talent for leadership. That, I believe, is Rockefeller's most outstanding quality.

There exists an urgent need for proven leadership in America today. Governor Rockefeller can significantly help meet this need.

I believe also that government at all levels is only as good as the people who serve it. Nelson Rockefeller has shown that he not only possesses the qualities of experience and expertise that bring distinction to public service, but that he is able to attract pepole to Government who possess the same qualities. As Vice President, his performance would be augmented by the people he would draw to Government service.

The Senate Rules and Administration Committee recently completed extensive hearings on the Rockefeller nomination. In those hearings, legitimate questions were raised about Governor Rockefeller's judgment on two points—first, the numerous financial gifts which he gave to his associates, and second, the financial backing by his brother, Laurance, of a campaign biography critical of Arthur Goldberg. On both counts, I believe Governor Rockefeller has satisfactorily answered those questions raised by the committee. I for one am convinced the gifts were given out of friendship with no intention of affecting public policy. He candidly stated that his family's participation in the publication of the Goldberg book was a mistake, and he has apologized to Mr. Goldberg.

The members and staff of the Rules Committee should be commended for their fairness and attention to detail in considering the Rockefeller nomination. At the same time, Governor Rockefeller deserves praise for his candor in addressing the committee's questions. Certainly the hearings before the House Judiciary Committee, which begin tomorrow, should be conducted in the same spirit.

Mr. President, Governor Rockefeller was nominated by President Ford as Vice-President-designate 3 months ago today. We need a Vice President. President Ford has urged Congress to confirm Governor Rockefeller as soon as possible. The American people now deserve a swift resolution of this matter. A month ago my distinguished Republican colleague from Virginia reached the conclusion that he would vote against the pending nomination. I am now convinced that the Republican Senator from Illinois can vote in good conscience and with great enthusiasm for the nomi-

nation of Gov. Nelson Rockefeller to be the next Vice President of the United States.

OHIO FEELS ERTS RESULTS ARE VERY PROMISING

Mr. MOSS. Mr. President, I have a letter from Gov. John J. Gilligan of Ohio who tells me that the Ohio Department of Natural Resources has had extensive experience with using ERTS data on an experimental basis to seek solutions to resource management problems. He states:

Results are very promising and a regular program of using ERTS data to compile land use data is under consideration. . . . It would indeed be good news to have the ERTS system declared operational.

Mr. President, I ask unanimous consent that Governor Gilligan's letter be printed in the RECORD.

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

STATE OF OHIO,
OFFICE OF THE GOVERNOR,
Columbus, Ohio, Aug. 8, 1974.

The Honorable FRANK E. MOSS,
U.S. Senate, Chairman, Committee on Aeronautical and Space Sciences, Washington, D.C.

DEAR SENATOR MOSS: Thank you for your letter of June 24, 1974 soliciting our opinion of the merits of establishing an operational ERTS system. The Ohio Department of Natural Resources has had extensive experience with using ERTS data on an experimental basis to seek solutions to resource management problems. Two counties in northeast Ohio have been used as a study area for generating current land use map overlays from ERTS computer tapes. Results are very promising and a regular program of using ERTS data to compile land use data is under consideration. Annual updates would be required and much concern has been voiced to the effect that if we start such a program we need to be assured that the ERTS collection system will continue to be a source of input data. It would indeed be good news to have the ERTS system declared operational.

With respect to the two bills (S. 2350 and S. 3484) we recommend positive action on S. 3484, which would establish within the Department of the Interior the Earth Resources Observation Administration. We strongly recommend a distinct separation between the Resource Satellite developments phase and the operational phase. Having an agency such as the Department of the Interior responsible for the operational phase is obviously a very good way to do this.

Sincerely,

JOHN J. GILLIGAN.

CRS MEMORANDUM ON BARTLETT ANTIABORTON AMENDMENT

Mr. HELMS. Mr. President, a matter of grave importance has come to my attention with regard to the conference committee that is presently considering H.R. 15580, the Labor-HEW Appropriation Act. As my colleagues will recall, the Senate approved the Bartlett amendment to H.R. 15580, which provides that, "No part of the funds appropriated under this act shall be used in any manner directly or indirectly to pay for or encourage the performance of abortions except such abortions as are necessary to save the life of the mother."

What disturbs me, Mr. President, is that sources outside of the Congress are apparently attempting to exert the powers of their office in order to influence the conferees and subvert the Bartlett amendment.

On September 24, 1974, the Department of Health, Education, and Welfare sent an unsigned memorandum to the members of the conference committee entitled "Effects of General Provision 413 of the Labor-HEW Act." One section of the memorandum implicitly argues that the Bartlett amendment should be rejected on the ground that the low "cost" of abortions should be preferred as a matter of public policy to the high "costs" of human life.

In response to this memorandum, my colleagues, Mr. BUCKLEY, Mr. BARTLETT, and I, sent a letter to President Ford, questioning the rationale of the memorandum and the concept of human values upon which it is based.

Now we are witness to a second memorandum that seeks to undermine the Bartlett amendment from a legal point of view. On October 4, 1974, the Congressional Research Service released an 11-page study on the "Constitutionality of the Bartlett Amendment Banning Use of DHEW and DOL Fiscal Year 1975 Funds for Abortions." This memorandum has already been given publicity in the press. It offers the following conclusions as to the constitutionality of the Bartlett amendment:

It would appear that by eliminating abortion as one of the medical services that may be rendered indigent women under the Act, while at the same time continuing to allow all other medical services for pregnant women, the Bartlett Amendment creates an individual classification which restricts the fundamental right of women in that class to decide whether or not to terminate their pregnancies. On its face, therefore, the amendment conflicts with the decisions in *Roe* and *Doe* and the lower court rulings interpreting those cases, and would violate the equal protection and due process protections of the Fifth and Fourteenth Amendments.

In arriving at this opinion, the CRS memorandum follows a course of reasoning and analysis that suggests a distinct bias against the restrictions on abortion that were approved on September 17, when the Senate passed the Bartlett amendment. On the very first page of the memorandum, for example, the author implicitly casts doubt on the wisdom of the Bartlett amendment in order to color the judgment of the reader by drawing attention to the fact that "a similar amendment was defeated in the House on June 26 by a vote of 247–123." The amendment to which the memorandum refers is, of course, the Roncallo amendment. The objective reader can only conclude that the author has not examined the Roncallo amendment, as it is quite dissimilar to the Bartlett amendment in a variety of ways. The Bartlett amendment refers only to abortions, whereas the Roncallo amendment speaks not only of abortions, but also of "abortion referral services, abortifacient drugs, or devices, the promotion or encouragement of abortion, or the support of abortion, or to force any State, school, or school district or any other recipient of Federal funds to provide abortions or health or disability insurance abortion benefits." The similarity between the Bartlett and Roncallo amendments, Mr. President, is about the same as that between applies and oranges.

The superficial analysis of the Federal cases that affect the Bartlett amendment is, likewise, indicative of a casual disregard for important details and the finer points of law. After a brief reiteration of the Doe and Roe decisions, which establish the principle that the 14th amendment restricts the States in their attempts to make abortions illegal or difficult to obtain, the CRS memorandum focuses on lower Federal rulings that bear more directly on the Bartlett amendment.

The first of these is the case of *Klein* v. *Nassau County Medical Center*, 347 F. Supp. 496 (1972), in which a Federal district court ruled unconstitutional a directive issued by the New York Commissioner of Social Services, allowing compensation only for those abortions that were medically required. The court found that the directive deprived indigents of equal protection of the laws. In the words of the CRS memorandum,

The Court reasoned that all pregnant women have the right to decide whether or not to bear children; the state medicaid program, by paying for childbirth, but not elective abortions, deprived indigent women of this right and forced them to carry their children to term for economic reasons.

The binding effect of this case is open to doubt, however, because in *Commissioner of Social Services* v. *Klein*, 412 U.S. 925 (1973), the Supreme Court of the United States vacated the District Court decision and remanded it for further consideration. Quick to dispel any doubts that the reader might have regarding the present legal force of district case, the CRS memorandum speculates that—

It would not appear, however, that any negative implication may be drawn from the remand since the Court has summarily disposed of, or denied certiorari in, all subsequent cases that might have involved reassessing or expanding its decisions in Roe and Doe.

The memorandum's undeclared preference for the district court's opinion is clear enough; for it could be argued with equal force that a positive implication could be drawn from the remand since the Supreme Court did not place a stamp of approval on the district court ruling.

The other lower Federal decisions upon which the memorandum is based do not seem to add much additional weight to the CRS case against the Bartlett amendment. The memorandum cites Doe against Rampton, without mentioning the fact that the three-judge district court was divided on a number of issues; the memorandum also draws extensively from Hathaway against Worcester City, a Federal District Court of Appeals decision, without mentioning the fact that this is a case involving sterilization rather than abortion.

But it is the memorandum's reliance upon Doe against Roe, a 1974 Federal

District Court of Appeals decision, that arouses the greatest skepticism as to the merits of the CRS memorandum. Here, an indigent pregnant woman under a State medicaid program for pregnancy was denied an elective abortion, on the basis of an informal policy of the executive director of the Utah State Department of Social Services. The Court ruled that this policy constituted a form of individual discrimination and was therefore unconstitutional.

What the CRS memorandum fails to mention, however, is the crucial fact that the whole case hinges on the absence of a controlling statute empowering the Executive Director to exercise his policy. The court says:

> At the outset, so far as we are advised, the applicable federal statutes regarding Medicaid make no mention, as such, of abortions. Hence we lack specific guidance as to whether Congress intended that abortions be covered by Medicaid, and, if so, more critically, which abortions were to be covered by Medicaid benefits. . . . The implementing state statutes of Utah, as well as the latter's state plan, submitted to and approved by the federal authorities, also make no mention, as such, of abortions.

Here is a classic example, explains the court, of an administrative policy under attack that is mandated by neither a State nor a Federal statute, and the absence, in turn, of prohibitive language in either statute outlawing the policy. To what source of authority does the Court turn for guidance in such instances? The court replies:

> In this regard, we are mindful of the Supreme Court's preference for statutory, as opposed to constitutional resolution of welfare controversies.

In other words, the court ruled against the administrative policy not because of a statutory restriction on abortion, such as that contained in the Bartlett amendment, but because of the absence of such a statutory restriction. To be sure, the case of Doe against Roe lends weight to the constitutionality of the Bartlett amendment, in light of the court's apparent recognition, through dicta, of Congress' right to impose limitations on abortions under welfare programs. With regard to this matter of statutory limitations, it should be remembered, by the way, in none of the Federal cases cited in the CRS memorandum was a state statute declared unconstitutional; and as the court's reasoning in Doe against Roe clearly shows, the presence of a statute is vital to a determination of the restrictions on the use of welfare payments for abortions.

Finally, it should be observed that the CRS memorandum totally ignores another line of cases which bear directly on this issue. I refer to those Federal decisions involving the aid to families with dependent children—AFDC—program under the Social Security Act. Since 1946, HEW and its predecessor agencies have authorized AFDC payments to unborn children, giving each State the option of providing benefits under its State program to the unborn. Although there are conflicting precedents in the lower Federal courts at present as to whether a State has such an option or is required to grant the aid, the situation as it presently stands allows and States to accept the option or disregard it. In a recent Federal Court of Appeals decision, for example, the constitutional claim of a pregnant woman who was denied AFDC benefit payments in Connecticut was met with the argument that the Supreme Court has held that, in the area of economics and social welfare, "a State does not violate the equal protection clause merely because the classifications made by its laws are imperfect."

The equal protection clause "does not require that a State must choose between attacking every aspect of a problem or not attacking the problem at all. It is enough that the State's action be rationally based and free from invidious discrimination." Connecticut's policy of denying AFDC benefits to the unborn, the Court concludes, easily meets the test. In the absence of the Bartlett amendment, it should be pointed out, we presently face a rather bizarre, if not ludicrous, situation. According to medical authorities, pregnancy can be determined by medical diagnosis as early as the first month and certainly by the third month. Once pregnancy is established, the unborn child becomes eligible for AFDC payments, but is not eligible for life. Then, a few months later, the mother terminates the pregnancy through medicaid benefits. One wonders whether Congress, which has acquiesced to the practice of AFDC payments to the unborn, should allow a situation to exist which actually makes killing profitable.

Finally, Mr. President, I would point out that, as a matter of public policy, the Bartlett amendment seeks to eradicate discrimination that is presently practiced against the poor. It is often alleged, for example, that elective abortion is justified on the ground that medically safe abortions have always been available to the wealthy, while the poor are forced to risk their lives, their health, and their meager earnings because they cannot afford abortions.

Does this mean that we are required by law to upgrade the financial status of the poor by providing them with the means of killing financially burdensome unborn children? Furthermore, if the Supreme Court has determined that there is no fundamental constitutional right to adequate housing and that "wealth discrimination" alone is not a suspect classification, how can it be argued that legalized killing of the unborn is a constitutionally mandated right of the poor?

In a recent article in the New York Times, the director of a corporation in charge of New York City's municipal hospitals was reported to have said that "the level of health care in municipal hospitals is shocking." Why? Because, said the director, there is a diversion of funds and personnel from ordinary health care to the maintenance of an abortion program. "Perhaps the morbidity and mortality suffered as a result of the choice of priorities," observes one scholar, "ought to be included when we analyze the 'safety' of induced abortions as a health-care boon to the poor." In the words of the Commission on Population Growth:

> The poor cry out for justice and equality, and we respond with legalized abortion.

It would appear, Mr. President, that HEW and the Congressional Research Service are rapidly becoming an extension division of the Pro-Abortion Lobby. Such activity is especially disturbing with regard to the Congressional Research Service, which is supposed to supply the Members of Congress with objective material on the legislative problems that confront us, and not biased views of legislation that is calculated, either by accident or design, to influence Members in their evaluation of legislative subject matter. As the distinguished Senator from Oklahoma (Mr. BARTLETT) points out in his letter of November 18, 1974, to the conferees of H.R. 15580, the CRS memorandum does not even take notice of the crowning principle here, namely, that "the Supreme Court has no authority to order the Congress to appropriate money for anything."

Mr. President, I ask unanimous consent that the HEW memorandum entitled "Effects of General Provision 413 of the Labor-HEW Act," and the letter of Senators BUCKLEY, BARTLETT, and HELMS to President Ford be printed in entirety in the RECORD at the conclusion of my remarks. I also ask unanimous consent that the CRS memorandum entitled "Constitutionality of the Bartlett Amendment Banning Use of DHEW and DOL Fiscal Year 1975 Funds for Abortions," and the letter of Senator BARTLETT, November 18, 1974, to the conferees of the bill, H.R. 15580, also be printed in entirety in the RECORD at the conclusion of my remarks.

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

[New Memorandum]

EFFECTS OF GENERAL PROVISION 413 OF THE LABOR-HEW APPROPRIATION ACT

"No part of the funds appropriated under this act shall be used in any manner directly or indirectly to pay for or encourage the performance of abortions except such abortions as are necessary to save the life of a mother."

This language would affect virtually all programs "directly or indirectly" involved in or related to the provisions of medical care as well as those which are concerned with social and education services or benefits funded by the Departments of Labor and of Health, Education, and Welfare. Included would be programs such as those of the Bureau of Community Health Services, the Public Health Hospitals, social service programs of Aid for Families with Dependent Children and Medicaid.

The program that would be most affected would be the Medicaid program, in forty-nine States and the District of Columbia. It is estimated that Medicaid is currently financing between 222 thousand and 278 thousand abortions annually at a cost of $40–$50 million. For each pregnancy among Medicaid eligible women that is brought to term, it is estimated that the first-year costs to Federal, State and local governments for maternity and pediatric care and public assistance is approximately $2,200. It should be noted, however, that there are two lower Federal court decisions holding that Con-

necticut and Utah cannot constitutionally refuse to include non-therapeutic abortions in their Medicaid programs.

The provisions would also clearly preclude the use of Federal funds for therapeutic abortions except to save the life of the mother, severely constrain medical schools receiving capitation grants and other HEW funds in instructing students in the performance of abortions, and preclude any Federally supported agencies or projects from counseling clients on the availability of abortion services.

Hon. GERALD R. FORD,
The *White House*,
Washington, D.C.

DEAR MR. PRESIDENT: On September 24, 1974, the Department of Health, Education, and Welfare sent to the Conference Committee on the Labor-HEW Appropriation Act (H.R. 15580) a memorandum entitled "Effects of General Provision 413 of the Labor-HEW Appropriation Act." A copy of that memorandum is attached, but one section of it was so outrageous as to warrant quotation here:

"The program that would be most affected would be the Medicaid program, in forty-nine states and the District of Columbia. It is estimated that Medicaid is currently financing between 222 thousand and 278 thousand abortions annually at a cost of $40–50 million. For each pregnancy among Medicaid eligible women that is brought to term, it is estimated that the first year costs to Federal, State and local governments for maternity and pediatric care and public assistance is approximately $2,200. . .

"The provisions would also clearly preclude the use of Federal funds for therapeutic abortions except to save the life of the mother, severely constrain medical schools receiving capitation grants and other HEW funds in instructing students in the performance of abortions, and preclude any Federally supported agencies or projects from counseling clients on the availability of abortion services."

Coincidentally, the same argument is being used by the proabortion lobby in its campaign to convince the conferees that Federal tax dollars should be used for abortions. The National Abortion Rights Action League, in a letter to Congressmen dated October 3, 1974, has provided the following statistics:

Average cost of contraceptive services per year	$66
Average cost of therapeutic abortion	200
Average cost of prenatal care and delivery	1,000
Average cost of mother and child on welfare 1 year	3,600
Total: prenatal plus delivery plus welfare 1 year	4,600
Average cost of remaining on welfare 18 months	64,800

"We urge you to speak to members of the Joint Conference Committee immediately to demand that they delete the discriminatory and costly Bartlett Amendment."

There is quite simply no substantive difference between the HEW memorandum and the NARAL letter in terms of the attitude toward abortion. In each case, abortion is discussed as if all that mattered in the decision is to kill an unborn child or to allow it to live is the cost in dollars and cents.

The reference to the alleged "severe constraint" that would be placed upon medical schools would be ridiculous were it not so tragic. When an agency of the federal government argues for the expenditure of taxpayers' dollars so that the medical profession, dedicated to preserving life, may better train its students in methods of death, then we have come to a state of affairs best described as Orwellian in its implications for our society.

Finally, it is incredible that the Department of Health, Education and Welfare cannot come up with a more precise figure than "between 222 thousand and 278 thousand," when speaking of the number of federally-funded abortions per year. Are 56,000 lives so unimportant to the Department of Health, Education and Welfare that we are forced to accept this "round-numbers" approach to the killing of innocent human beings?

It is our hope that the Department of Health, Education and Welfare has not become an extension of the abortion-lobby. But the memorandum in question, containing as it does, implicit arguments for the "low-cost" of abortions as opposed to the "high cost of human life, and a callous imprecision in numbers concerning federally funded abortions makes us wonder what is now happening in the Department of Health, Education and Welfare. We cannot help but ask ourselves if what we are witnessing is the gradual but unmistakable evolution of the Department from an agency of life-enhancing values to one whose programs are based upon utilitarian concepts in which the value of human life is calculated in terms of dollars and cents in a cost/benefit analysis.

Sincerely,

JAMES L. BUCKLEY,
DEWEY BARTLETT,
JESSE HELMS.

CONGRESSIONAL RESEARCH SERVICE.

CONSTITUTIONALITY OF BARTLETT AMENDMENT BANNING USE OF DHEW AND DOL FISCAL YEAR 1975 FUNDS FOR ABORTIONS

(By Morton Rosenberg)

This is in response to your request for an analysis of the constitutionality of the Bartlett Amendment (#1859) to the Department of Labor, Department of Health, Education and Welfare appropriations bill (H.R. 15580) which would impose a ban on the use of funds allotted to DOL and DHEW "to pay for or encourage" abortion. The amendment was adopted on September 17. The bill passed the Senate on September 18 and is now in conference.[1] The amendment reads as follows:

No part of the funds appropriated under this Act shall be used in any manner directly or indirectly to pay or encourage the performances of abortion except such abortions as are necessary to save the life of the mother.

In view of recent court decisions involving the attempts of states to similarly withhold funds for abortions, and other decisions in closely related areas, it would appear that the constitutionality of the Bartlett amendment is open to serious question.

In its landmark abortion decisions, *Roe* v. *Wade*, 410 U.S. 113 (1973) and *Doe* v. *Bolton*, 410 U.S. 179 (1973) the Supreme Court ruled that states may not categorically proscribe abortions by making their performance a crime, and that they may not make abortions unnecessarily difficult to obtain by prescribing elaborate procedural guidelines. The constitutional basis for the *Roe* decision rested upon the conclusion that the Fourteenth Amendment right of personal privacy "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." Since the right of personal privacy is a fundamental right, only compelling state interests can justify its limitation by a state. While the Court recognized the legitimacy of the state interest in protecting maternal health and preserving the life of the fetus, it held these interests insufficient to justify an absolute ban on abortions. Instead, the Court emphasized the durational nature of pregnancy and held the state's interest to be sufficiently compelling to permit curtailment or prohibition of abortion only during specified stages of pregnancy. The Court concluded that until the end of the first trimester an abortion is no more dangerous to maternal health than child birth itself, and found that:

[w]ith respect to the state's important and legitimate interest in the health of the mother, the "compelling" point in light of present medical knowledge, is at approximately the end of the first trimester.

Only after the first trimester does the state's interest in protecting maternal health provide a sufficient basis to justify state regulation of abortion, and then only to the extent to protect this interest.

Doe, which struck down state requirements that abortions be performed in licensed hospitals, reiterates the holding of *Roe* that the basic decision of when an abortion is proper rests with the pregnant woman and her doctor, but extended *Roe* by warning that just as states may not prevent abortions by making their performance a crime, they may not make abortions unreasonably difficult to obtain by prescribing elaborate procedural barriers.

The Supreme Court's decisions have fostered hostile reactions in many states and have resulted in enactments or agency actions that overtly conflict with those rulings. Often these state actions have taken the form of indirect deterrence through influencing considerations thought to be related to a woman's decision to abort. One of the most important of these is lack of money. Thus, some states have attempted to deter abortions by limiting the scope of Medicaid coverage. Thus far, all such actions have been struck down by federal courts which have had occasion to deal with them.

The earliest litigation on the scope of Medicaid coverage arose in New York after that state's liberalized abortion law went into effect in 1970. For nine months the program paid for all abortions. Then, the New York Commissioner of Social Services issued a directive allowing compensation only for those abortions that were medically required. The New York Court of Appeals, reversing the lower courts, sustained the validity of the directive. But in a challenge brought in a federal court, in *Klein* v. *Nassau County Medical Center*, 347 F. Supp. 496 (E.D. N.Y. 1972), a three judge district court found that the directive, and the New York Medicaid statute if interpreted as mandating the directive, deprived indigents of equal protection of the laws. The court reasoned that all pregnant women have the right to decide whether or not to bear children; the state medicaid program, by paying for childbirth, but not elective abortions, deprived indigent women of this right and forced them to carry their children to term for economic reasons. The *Klein* case reached the Supreme Court after *Roe* and *Doe* were decided. The Court vacated the district court decision and remanded for further consideration in light of those decisions. *Commissioner of Social Service* v. *Klein*, 412 U.S. 925 (1973). It would not appear, however, that any negative implication may be drawn from the remand since the Court has summarily disposed of, or denied certiorari in, all subsequent cases that might have involved reassessing or expanding its decisions in *Roe* and *Doe*.

Court decisions since *Roe* and *Doe* have interpreted them as forbidding unduly restructive requirements for Medicaid sponsored abortions. In *Doe* v. *Rampton*, 366 F. Supp. 189 (D. Utah, 1973), a three judge district court held unconstitutional Utah statutes which would have limited payments for therapeutic abortions. Judge Ritter, writing for the court, emphasized that the legislatively imposed Medicaid restrictions were unconstitutional because they limited the "exercise of the right to an abortion by the

[1] A similar amendment was defeated in the House on June 28 by a vote of 247–123.

poor in all trimesters, for reasons having no apparent connection to the health of the mother or child."

In another Utah case, the Tenth Circuit Court of Appeals overruled an attempt to limit the use of Medicaid funds for abortions, this time under the guise of requirements issued by the states welfare agency. *Doe* v. *Rose*, 499 F. 2d 1112 (10th Cir., 1974). In that case the policy of the Executive Director of the Utah State Department of Social Services was that indigent pregnant women entitled to medical services and care for pregnancy under its Medicaid program were not entitled to an abortion at the expense of Medicaid unless an application for it was approved by him as being a therapeutic abortion. He defined therapeutic abortions as one necessary to save the life of the expectant mother or to prevent serious and permanent impairment to her physical health, and none other. In holding the informal policy of the Executive Director unconstitutional under the Fourteenth Amendment, the Court concluded that his "broad abortion policy is intended to limit abortion on moral grounds. Under the authorities above cited, [among others, the Court cited *Klein*, *Rampton*, *Hathaway* v. *Worcester City Hospital*, and *Roe* v. *Wohlgemuth*, the latter two of which are discussed below], such policy constitutes invidious discrimination and cannot be upheld under constitutional challenge."

A similar result obtained in *Doe* v. *Wohlgemuth*, 376 F. Supp. 173 (D.C.W.D. Pa. 1974), an action challenging the state's refusal to provide reimbursement for the cost of abortions under its medical assistance program. In holding the state's restrictive regulations violative of the Fourteenth Amendment's Equal Protection Clause, the Court stated:

"Under traditional Equal Protection standards, once the State chooses to pay for medical services rendered in connection with the pregnancies of women, it cannot refuse to pay for the medical services rendered in connection with the pregnancies of other indigent women electing abortion, unless the disparate treatment supports a legitimate State interest . . ."

The Court rejected arguments that the fiscal integrity of the state was a legitimate interest (the Court in fact found that abortions would cost the state less than full term pregnancies), that the restrictive regulations were approved by doctors and that denying indigent women abortions would help discourage abortions. The Court concluded:

"We hold that the state's decision to limit coverage to "Medically indicated" abortions, as arbitrarily determined by it, is a limitation which promotes no valid state interest. In the PMAP, the state has instituted a program to provide benefits to the poor; the state has excluded certain of the poor from the program; the exclusion denies medical assistance benefits to otherwise eligible applicants solely because they have elected to have an abortion, and the state has been unable to show that the exclusion of such persons promotes a compelling state interest.

". . . the Regulations and/or Procedure of the Pennsylvania Medical Assistance Program are unconstitutional because they are in violation of the Equal Protection Clause since they create an unlawful distinction between indigent women who choose to carry their pregnancies to birth, and indigent women who choose to terminate their pregnancies by abortion."

Finally, we would note the similar application of Equal Protection principles in a case in a closely related area. In *Hathaway* v. *Worcester City*, 475 F. 2d 701 (1st Cir., 1973), the question was raised whether a municipal hospital could constitutionally refuse to allow other non-therapeutic procedures involving similar medical risk. Relying primarily on *Roe* and *Doe*, the Court ruled the refusal an impermissable denial of equal protection under the Fourteenth Amendment:

"But it seems clear, after *Roe* and *Doe*, that a fundamental interest is involved, requiring a compelling rationale to justify permitting some hospital surgical procedures and banning another involving no greater risk or demand on staff and facilities. While *Roe* and *Doe* dealt with a woman's decision whether or not to terminate a particular pregnancy, a decision to terminate the possibility of any future pregnancy would seem to embrace all of the factors deemed important by the Court in *Roe* in finding a fundamental interest, 410 U.S. at 155, 93 S. Ct. 705, but in magnified form, particularly so in this case given the demonstrated danger to appelant's life and the eight existing children.

"The state interests, recognized by *Roe* as legitimate, are far less compelling in this context. Whatever interest the state might assert in preserving the possibility of future fetuses cannot rival its interest in preserving an actual fetus, which was found sufficiently compelling to outweigh the woman's interest only at the point of viability. The state maintains of course a significant interest in protecting the health and life of the mother who, as here, cares for others whom the state might otherwise be compelled to provide for. Yet whatever health regulations might be appropriate to vindicate that interest, and on the present record we need not decide the issue, it is clear under *Roe* and *Doe* that a complete ban on a surgical procedure relating to the fundamental interest in the pregnancy decision is far too broad when other comparable surgical procedures are performed.

"*Doe* is particularly opposite in this regard. The Court there struck down the Georgia requirements of advance approval of an abortion by a hospital committee of three staff members and the additional concurrence of two doctors other than the patient's attending physician, primarily on the ground that 'We are not cited to any other surgical procedure made subject to committee approval' and 'no other voluntary medical or surgical procedure for which Georgia requires confirmation by two other physicians has been cited to us.' 410 U.S. at 199, 93 S.Ct. at 751. Here we are cited to no other surgical procedure which is prohibited outright and are told that other procedures of equal risk are performed and that nontherapeutic procedures are also permitted. *Doe* therefore requires that we hold the hospital's unique ban on sterilization operations violative of the Equal Protection Clause of the Fourteenth Amendment."

The concept of equal protection, of course, is applicable to the Federal government *Bolling* v. *Sharpe*, 347 U.S. 497, 499–500 (1954). As the Court stated in *Bolling*, "it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government." In view of the cases discussed above, it may be strongly argued that the Bartlett Amendment would result in a form of invidious discrimination against indigent women who seek and are denied abortions.

Under Title XIX of the Social Security Act, 42 U.S.C. Sec. 1396 *et. seq.*, the Federal government makes substantial funds available to those states desiring to participate in the program to provide medical care to individuals and families "whose income and resources are insufficient to meet the cost of necessary medical services." Under the Act, participating states are required to provide medical services to individuals and families who are eligible for cash grant assistance under any of the Federal categories of assistance such as Aid to a Blind, Aid to the Permanently and Totally Disabled, Old Age Assistance, and Aid to Families with Dependent Children. 42 U.S.C. 1396 (a) (13). These individuals and families are considered the "categorically needy." 45 C.F.R. 249.10(a) (1).

A second group of individuals termed "medically needy" may also benefit under this Act, and is composed of those persons whose income is too great to qualify for cash assistance as "categorically needy," and yet insufficient to meet the costs of medical care. 42 U.S.C. 1396(a) (1) (13). This group also consists of individuals benefiting from Federal money available to meet the cost of administration of Medical Assistance Program, or others who do not come under one of the Federal categories. 45 C.F.R. 248.10(d) (1).

A statutory requirement for participating states is that they must provide certain minimal medical services under the program. For "categorically needy," persons, the state must provide: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing facilities, screening and diagnosis of children, family planning services and supplies furnished to individuals of child bearing age; and (5) physicians services furnished by a physician whether in the office, patient's home, hospital, or elsewhere. 42 U.S.C. 1396(a) (13) (B). For "medically needy" persons, the state has the option of providing from among the above five services.

It would appear that by eliminating abortion as one of the medical services that may be rendered indigent women under the Act, while at the same time continuing to allow all other medical services for pregnant women, the Bartlett Amendment creates an invididous classification which restricts the fundamental right of women in that class to decide whether or not to terminate their pregnancies. On its face, therefore, the amendment conflicts with the decisions in *Roe* and *Doe* and the lower court rulings interpreting these cases, and would violate the equal protection and due process protections of the Fifth and Fourteenth Amendments.

U.S. SENATE,
WASHINGTON, D.C.,
November 18, 1974.

TO CONFEREES OF THE BILL, H.R. 15580

Hon. DEWEY F. BARTLETT,
U.S. Senate,
Oklahoma.

DEAR SIR: At the request of a member of Congress, the Library of Congress has issued an opinion indicating their doubt about the constitutionality of the so called "Bartlett" anti-abortion amendment to the Labor-HEW Appropriations Bill.

The crux of the opinion is that, as a result of the Supreme Court's decision in Roe v. Wade legalizing abortion, Congress lacks the authority to cut off HEW funds to pay for the performance of abortions.

Although I am not a lawyer, the logic of the Library of Congress opinion eludes me as well as the attorneys in my office.

Merely because the Supreme Court has ruled that abortion is legal does not justify a conclusion that Congress must pay for the abortions.

Additionally, and not considered by the Library of Congress memo, the Supreme Court has no authority to order the Congress to appropriate money for anything. Whether or not to appropriate funds is solely within the purview of Congress. If Congress is opposed to spending $50 million to fund abortions, no order of the Supreme Court can change that.

I urge you as a Conferee to judge the "Bartlett" amendment on its merits and not on a questionable opinion of an attorney with the Library of Congress.

Sincerely,

A PLEA TO THE 93D CONGRESS FOR RATIFICATION OF THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, it was in 1950 that President Truman first submitted the Genocide Convention to the U.S. Senate for ratification. Hearings were held before the Foreign Relations Committee that year, but no action was taken. To this day the Senate has yet to vote the convention up or down.

During the time that the convention has stagnated in the Senate, it has been ratified by 78 nations. This includes virtually every major nation in the world. The United States stands out as the single major abstainee on the list of nations ratifying the convention.

In May 1971, the Foreign Relations finally reported the convention to the Senate floor, with the recommendation that the convention be ratified. After several more years of inaction we again have the opportunity to act upon it.

Mr. President, let us not lose this opportunity. The Genocide Convention, which would make unalterably clear the *opposition* of the civilized world to the hideous crime of genocide, deserves, to be ratified. I hope that my colleagues in the 93d Congress will give this issue a high priority and act upon it without further delay.

RICHARD L. ROUDEBUSH AND THE ADMINISTRATOR'S MESSAGE TO VA EMPLOYEES

Mr. THURMOND. Mr. President, on October 12, 1974, Richard L. Roudebush was sworn in as the new Administrator of Veterans' Affairs. I was particularly pleased to attend his swearing in ceremony.

Anyone who holds such a high position in public office should strive to fill that position with humility and dedication. I am confident that Mr. Roudebush will seek to meet these objectives and to instill them in the employees of the Veterans' Administration.

On November 5, 1974, in the Administrator's message to employees, Mr. Roudebush wrote about VA service. I *commend* him for his views.

Mr. President, I believe his message to be of interest to my colleagues, and ask unanimous consent that it be printed in the RECORD at the end of my remarks.

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

[From VANGUARD, Nov. 5, 1974]

ADMINISTRATOR'S MESSAGE TO EMPLOYEES

On Saturday, October 12, I had the high honor of being sworn in as your Administrator in the Rose Garden at the White House. It is an honor I wish I could have shared with all of you. Since I fully intend to share with you the essential decision-making, action-taking, result-producing authority needed to serve America's veterans, their dependents and survivors—I want to share with you—as my first order of business—some of my thoughts concerning the Veterans' Administration.

It has often been said that we in VA are engaged in a service occupation, and much has been made of the word "service" in describing our mission, our responsibilities and our goals.

I would also like to share with you my idea of service—not to detract from our commitment, but to reinforce and vitalize it.

To me service is people and we are in a people business.

The people we deal with are special people—veterans and their families—men and women who have gone one step further, given up one drop of blood more, held on one hour longer for the continued good of our country.

The special nature of the people we serve demands a special quality in the service we render. We serve people when they are happy, like the veteran who is about to buy his dream house with a VA guarantee. Service to him is easy, requiring only a simply human decency on our part.

The veteran going to school under the G.I. Bill may be entering the happiest period of his life—but it won't be very happy if VA people don't get him his checks on time so he can enjoy his education experience without worrying about his next meal.

But mostly we serve people in trouble. The veteran admitted to our hospital deserves not only the best of medical care, but also the best people attention we can give him. For him the best level of medical care means high quality people care from people who really care.

The veteran who lost an arm in service needs more than a high quality prosthesis. He needs the timely adjudication of his claim to provide compensation and a carefully supervised vocational rehabilitation program to permit him to overcome his handicap. And he needs understanding and encouragement.

And the veteran or widow in need deserves more than just penson dollars from us. He or she deserves the type of treatment that preserves dignity as people. He or she deserves the treatment of people who care.

All of these attributes of service—these illustrations of people who care—I expect from each and every one of you in the VA service family.

I expect you to do your best, and more. I expect you to accept thanks in a gracious manner and to accept criticism or abuse with the same full realization of the personal pressures that caused it.

I want you to commit yourselves to excellence—to do not only the most you can, but also to do the best you can—to continue to learn your job better and better to the point that you assure yourself no one can do more on your job than you.

And, in turn, I promise to treat you with the respect, consideration and affection you deserve as VA people.

I promise to make working conditions as pleasant as possible. I promise to listen to what you have to say and to do all that I can to make your worthwhile ideas become reality.

I promise to keep you fully informed on a timely basis of everything you must know to do the type of job I expect.

I promise to try my best to see that promotion channels are open and accessible.

And I promise you as much worthwhile, demanding, and important work as you can possibly handle—and maybe a little more.

Because, together we don't really know how much we can accomplish, we don't know what heights we can reach and we don't know how well we can perform. But we know we serve people who need and deserve our best. And we do know we can be the best there is at our jobs. With dedication we can once again make VA the vanguard agency in government.

CHILD ABUSE

Mr. MONDALE. Mr. President, during 1973 my Subcommittee on Children and Youth conducted a major investigation into the abuse and neglect of children in this country. As an outgrowth of those hearings, the "Child Abuse Prevention and Treatment Act," which I introduced, became law on January 31 of this year.

One of the most rewarding aspects of the hearings was the great public interest and concern they generated about abused children. I am particularly pleased with the continuing commitment of the news media to increasing public understanding of this terrible problem. Last month the Christian Science Monitor published a series of five articles on the problem of child abuse and efforts to prevent, diagnose and treat it. I ask unanimous consent to have printed in the RECORD this series of articles.

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

[First of five articles]

RESCUING ABUSED AND NEGLECTED CHILDREN

PARENTS WHO STARVE THEIR CHILDREN

(By David Mutch)

CHICAGO.—When Jody was brought to the hospital, aged four, she was so emaciated that her cheekbones protruded beneath dark and sunken eyes. Her upper arms were thinner than her wrists. She weighed only 17 pounds. Along with severe malnutrition, x-rays revealed fractures of the skull, of an arm, and both hands.

Jody, youngest of five children, was not the victim of a merciless kidnapper. It was her own mother who had beaten and starved her.

The four other children escaped abuse, but Jody's mother, doctors later discovered, saw Jody as most like herself. The mother apparently hated her own selfhood, and unloaded the hatred on the child.

But Jody was saved. She made dramatic progress in the hospital, under one of the deans in the field of rescuing abused children, Dr. C. Henry Kempe, of Denver. In five weeks she put on weight, began to grow, and was able to ride a tricycle. A county juvenile court soon terminated the rights of her parents permanently, and Jody was successfully adopted by a loving family.

Girl now leads normal life

Today, seven years later, the girl has escaped in a large measure her early childhood trauma and is leading a normal life. Dr. Kempe says: "Jody is in the appropriate grade for her age. She is, however, perhaps 20 percent below her potential intelligence level, and she is just a little slow, but the average person who didn't know of her experience wouldn't notice it."

And yet, each year in the U.S., as far as experts on child abuse can estimate, between 1,000 and 4,000 children are killed by their parents. In New York City alone, three or more children are killed by parents each week.

After accidents and some illnesses, abuse and neglect are leading causes of childhood death.

Hundreds of thousands more are physically, mentally, and emotionally scarred each year, in what one doctor calls a slaughter of the innocents.

Nationally, experts say, between 74,000 and 90,000 children a year are physically abused by their parents or by someone else caring for them. In New York City alone in 1973 there were 3,500 abuse cases and 15,500 neglect cases reported for investigation.

In almost all areas of the nation doctors, psychiatrists, psychologists, social workers, nurses, police, judges, lawmakers, and laymen are struggling against what appears to be a rising tide of child maltreatment. It has become a concern of local community

leaders. States as well as the federal government are more and more active.

Today all states have laws against abusing children. Doctors, schoolteachers, and others who come into contact with cases of abuse are required to report them to local authorities; in some cases, the general public is required to report suspicious circumstances. Laws usually allow the person reporting a suspected case to remain anonymous.

Among those engaged in rescue work, there tend to be two leading themes: (1) to find and help the parents that are treatable; and (2) to more adequately identify situations where children have no hope in their own homes, then to remove the children quickly and permanently so they can be provided with better care.

Neither alternative is heralded as a panacea. Fierce arguments surround all of the alternatives. Each case must be resolved on its own merits, with available skills and resources being considered.

The basic problem is a deterioration of family life. The basic challenge is to make up the deficit of love in many families. It is exceedingly difficult to accomplish; courts, public agencies, private agencies, and individual workers must try to fill the gap left by family turmoil.

As society as a whole becomes more aware of and sensitive to the problem, the ability to detect early warning signs in families will increase, experts say, and more lives can be saved.

Various deeply humane efforts are shedding some light on this subject and are saving some lives. They will be covered in subsequent articles.

Yet rays of hope must still shine through heavy clouds. Nationally, the picture seems grim.

VARIED FORMS OF MALTREATMENT

Infants and young children still are being baked in ovens, dipped in scalding water, slammed against walls, struck with heavy objects, whipped with light cords, severely bitten, chained to their beds and cribs. They are being starved and deprived of water and other liquids. Sexual abuse is a common form of maltreatment.

One District of Columbia policeman told this reporter of a case in which parents put a young child on a leash, made him stay on all fours, and eat out of a dish on the floor. Neighbors reported the case when they saw the mother walking the child in her backyard like a dog.

Social agencies often find cases where health care is not provided for children.

Emotional scars are harder to heal than physical damage: some infants, although fed normally, still appear greatly emaciated and even occasionally pass on because they never receive the essential emotional nuturing of a mother's tenderness. They die starving for love.

Some older children face an unending barrage of cursing and verbal abuse that ingrains self-hatred. Serious mental illness often results.

Leontine Young, in her classic book, "Wednesday's Children," cites a case of an emotionally and physically abused girl. A social worker, trying to help, asked the girl what she wanted to be when she grew up. The girl replied she had thought of jumping into a bottomless lake. She said, "I don't want to be."

It is the bizarre and extreme cases that sometimes make the headlines, yet experts say that much of the abuse that is treated is done by relatively normal parents who cross the boundary from punishment to abuse for a variety of reasons, summed up generally as an inability to control their impulses. Often the damage is done in a moment of rage, a fit of "instant insanity," as Dr. Maure Hurt of George Washington University in Washington, D.C., described it in an interview.

Love for youngsters "must be an unselfish love, demanding no response except in the child's own growth," wrote Pearl Buck in "The Joy of Children" 14 years ago.

But when this love fails to appear consistently in a family, human society has no simple or adequate answers.

Dr. Gerda L. Schulman, a professor of social work at Hunter College, New York, describes the humanitarians active in this field as people who "apply the idea of universal salvation."

But if these good people do see salvation, it tends to be from their own perspective. Professor David Gil of Brandeis University, who has done a major study on abuse, says everyone sees the problem out of his own "box." Dr. Saad Z. Nagi, professor of sociology and public policy at Ohio State University, says that "professional bias is a major problem in the field."

What kind of mothers and fathers abuse their children? Why don't they love? Only 10 percent of abusive parents are mentally unstable, according to experts in the field. The other 90 percent have what Dr. Brandt Steele, a psychiatrist and close associate of Dr. Kempe, calls "problems in mothering." This diagnosis tends to be widely accepted by those treating parents. The term "abnormal rearing" is used frequently.

More often than not abusive parents have been badly raised by their own parents. Abuse and neglect are passed on from generation to generation. Victims of such treatment tend to marry similar persons.

Abusive and neglecting parents—somewhat separate groups—all tend to feel inadequate. Neglecting parents (those who don't adequately feed, clothe, or meet other needs) often are simply indifferent and usually don't hit their children.

Abusive parents often are good housekeepers and providers but they have "short fuses." Both categories—and they sometimes do overlap—express a selfish immaturity that fails to perceive a child's needs. Often the parents look to their children, even the infants, to satisfy their own "needs," and "punishment" is inflicted when the children fail to respond.

But many of these parents want to learn how to love. One social worker told of a mother who went to a grocery store and carefully watched exactly how other mothers treated their youngsters. She came back to the social worker and said she was going to try some of the methods she had observed. (Her mother had never treated her kindly, she said.)

Following are some highlights in the area of child abuse and neglect:

The problems of abuse and neglect are seen by many as a part of a larger children's-rights movement that encompasses juvenile justice, health care, education, family life—in short, all aspects of a child's life.

Those who know the field of abuse and neglect say that only the tip of the iceberg of this hidden social problem is being detected and treated. Reporting of incidents is racing ahead of provisions for treatment.

In large part treatment being offered is "brush-fire," meeting emergencies but not delving into deeper, longer-term needs of children, parents, and families. There is a relative paucity of public money (and even less private money) in this aspect of social work, considering that the problem is a sign of fundamental social ills.

Abuse and neglect occur everywhere

Dr. Gil of Brandeis concluded that in cases of abuse where the father spends as much time in the presence of the children as the mother, it is the father who tends to be the most abusive parent. Fathers are harder to get into treatment. But because child-rearing centers largely on mothers, the research and practice in the field tends to focus on mothers.

Abuse and neglect occur not only in big cities and small towns but in rural areas as well.

Neglected and abused children are found not only in lower income families but in affluent middle-class and upper-class homes, too. But cases among the poor are reported the most, and these are the parents who become most involved with social agencies and the law.

It has taken 12 years for definitions of physical abuse to take reasonable shape in laws. Struggles over legal definitions of neglect, which has many cultural aspects, and emotional abuse, which has highly personal overtones, are under way. Several states already permit removal of children from homes on grounds of emotional abuse.

Life-styles of today—drug abuse, alcoholism, relaxed sexual standards, easy divorce, the "general loosening of commitment and responsibility in personal relations," as one social worker puts it—all take their toll on dependent and defenseless children.

A high percentage of men and women become parents with little or no specific knowledge about the needs and demands of infants and young children. "The American dream—that because you can have kids you know how to raise kids—is absolutely fictitious," says Dr. Edward F. Lenoski of Los Angeles.

As if in unwitting revenge, a good percentage of these children turn and rend society for the ill beginning thrust upon them. Studies in Denver and New York, recently completed and not yet published, indicate close to 40 percent of delinquent children had abuse and/or neglect in their own backgrounds.

Present therapy has shown little promise of significantly healing the lives of these unfortunate youngsters unless the trouble is detected and treated early in their lives—preferably before school age.

[Second of five articles]

THE ROAD BACK TO LOVING

(By David Mutch)

DENVER.—Mrs. Sherry Ulery of Denver once tried to strangle her own adopted daughter. Money for food and other essentials had almost gone; her husband was out of work; and one day "I just blew my cool," as she puts it.

But now she is a much better mother. The road back to loving, not hating, began when she turned desperately to her local minister. He referred her in turn to a child-abuse team headed by Dr. C. Henry Kempe at Colorado General Hospital. She says that prayer also helped her.

Aided by one particular member of the team, Dr. Brandt Steele, Mrs. Ulery was assisted for three years, with less intensive help for another two. She has become a successful foster parent, and recently adopted two more children.

"Most people just don't understand what parents who do these things go through," she says. "Before I began treatment, I felt unloved by everyone, even by God."

The heart of the treatment, she said, was learning to grow up emotionally. She defined this as learning to put her children's needs ahead of her own.

"Children have great needs," she says, "and unless parents meet them unselfishly, children don't get the emotional nurturing and maturing they need." She says she could not have pulled through without the help of her husband, Bill.

Restoring love to a family does not necessarily have to involve medical or psychiatric care, though it often does. "Rescuers" can make their own choices.

FAMILY MEMBERS WORK TOGETHER

One California family adopted a five-year-old victim of child neglect, a boy who had been abandoned three times, deprived of food, and locked in a room for long periods. The family amazed welfare officials by its success in restoring him to health and sound-

ness by imparting a sense of love—and discipline—from all family members working together. The family included six children, aged 10 and above.

Officials told the family that the boy's feet were deformed, that his hearing was impaired, that he could not possibly attend public school within 12 months, that he was so terrified of water that he could not be put in a bathtub and had to be kept clean with a washcloth, and that it would be 18 months before his nightmares ceased.

The family promised to provide medical care if needed—but asked to have the boy in the home for a period before any such decision was reached.

The parents, and the children, worked hard at loving. They helped him to read. He was given household jobs to do, such as setting the table for meals.

"It would have been so easy to spoil him," the father recalls. "But discipline is love, too. There are two kinds of love: the nervous kind, that pampers and spoils, and then there's the kind of love that instills self-confidence and maturity. That's the kind we were after.

"It takes parental discipline. If the boy needed to be sent to his room for disobedience, we sent him. And you know, if it was a merited punishment . . . he knew it. Afterward he would come to us and ask, 'We're still friends, aren't we?' Of course we would always reassure him.

"But you can't treat a child that has been abused and abandoned like a pet, or a sick puppy dog. You have to treat him like a human being.

Having other children also was a great help, the parents say. The children were able to share, and to see how many advantages they themselves had, which were not to be taken for granted.

Very soon the boy began to mend. He became an accomplished swimmer as his fear of water vanished. His feet became normal—a specialist said his problem was toes contracted and curled under through fear; once the fear dissipated, the toes resumed their proper shape and position. He willingly went to school—though he still has a hearing difficulty in one ear. He is bright and alert.

This family, like Mrs. Ulery, also made much use of prayer.

These two success stories—one of a mother who stopped abusing her child, another of a child who found a new home—are typical of all too few cases of abuse and neglect, experts lament.

The stories show that abuse and neglect can be overcome. But it remains true, in the estimate of most specialists, that only a small percentage of cases needing treatment actually get it, let alone succeed in it.

Abuse and neglect remain a field that needs constant attention—and much more of it, if significant strides are to be made, most experts agree.

Parents—fathers as well as mothers—who abuse children need to be brought into contact with experts who can provide them with warm friendship based on mutual respect, says Dr. Kempe. Talks and advice should include such practical matters as feeding, bathing, discipline, and a general "ego building" intended to lead to more unselfish attitudes toward children.

Dr. Kempe has helped pioneer a team approach, involving a variety of community resources, such as day-care centers, drug counseling, medical care, and so on. He and his associates have spread their ideas nationally and internationally, not only into hospitals and health centers, but into courtrooms, police stations, and into the minds of social workers and their superiors at the top of the social-welfare bureaucracies.

Doctors interviewed for this series agree with a remark by Dr. Edward Lenoski of Los Angeles, that "there are 1,000 solutions to child abuse." (Dr. Lenoski suggests a very unstructured approach "without white coat, without psychological terms, and without a punitive attitude.")

In his book "Helping the Battered Child and His Family," written and edited with Dr. Ray E. Helfer (now in East Lansing, Mich.), Dr. Kempe lays out his basic approach. Abuse is treated in its medical, legal, social, and other aspects. Experts from all of these fields contributed.

POOLING CALLED "DENVER APPROACH"

The pooling of expertise has been a hallmark of what is now called the "Denver approach." The child-abuse center Dr. Kempe now runs here has been visited for training purposes by police, judges, attorneys, doctors, district attorneys, and others from many states and several foreign countries.

This team approach, Dr. Kempe explained in two long interviews with this newspaper, "diminishes and spreads the risk of making mistakes, of returning a child when it should not be returned to a home, or of returning it too soon." His team, which at regular group meetings evaluates cases and sets up treatment plans, includes an attorney, a nurse, a psychiatrist, a social worker, and a pediatrician, at a minimum.

Services from such teams to families are multiple. The first service often is resented by parents—when medical reasons are used to keep a child in the hospital for observation and to allow time to investigate the family situation. Great stress is laid on not expressing hostility towards the parents, however. But frankness about the suspected cause of injury is encouraged.

A family being helped by such a team may receive individual and/or group treatment. Often an injured child will be kept in an emergency foster home for three months (the hospital stay is made as short as possible by the top-notch teams, but one of the many tragic aspects of treatment is that children often languish in a hospital for more than a month because no quick resolution of the usually complex legal situation is reached). A nurse knowledgeable about child abuse may visit the home.

INTER-AGENCY EFFORTS GROWING

Because of the team approach, the idea of bringing abusive parents together with community resources—mental-health centers, nurses, day-care facilities, drug and alcohol treatment centers—is growing. St. Paul, Minn., is a good example. But far too few public welfare agencies are open-minded enough to adopt this step because it involves a high degree of inter-agency cooperation and abandonment of selfish prerogatives.

Mrs. Ulery is convinced that experiences early in her life—failure for one thing to receive enough affectionate physical handling—contributed to the problem she had to work out later in life.

In her view, it takes two or three years for even motivated parents to change an abusive pattern. (Most abusive parents are not motivated initially to seek treatment as she was, and they tend to be discovered by visits to emergency rooms at hospitals or reported by neighbors or found out by social workers.)

But most treatment being offered parents today lasts no longer than six months at the most. Most public agencies are not funded or staffed to offer more than crisis-intervention for children, if that.

Another mother who worked with the Kempe team said, "I still hit the child after two years, but less and less, so there was not so great a chance I would kill it." An even less successful mother, in a famous quote, told the Kempe group: "I don't hit the kid anymore, but I still hate the little ------." "Success" is a relative word in this field.

Actually, a number of social agencies in the U.S. have worked to alleviate abuse and neglect for 100 years. Their work includes helping parents as well as children. Vincent DeFrancis, head of the children's division of the American Humane Association, has pioneered in leading the public agencies to do more in the field, especially as private agencies faded out.

But the magnitude of the problem—and of abuse in particular—was unknown even to many top social workers, as Leontine Young admitted when she did the research in the late 1950's for her book, "Wednesday's Children." In a sense her work parallels that of Dr. Kempe's in alerting society to the problem.

Still today, rescuing abused and neglected children is the least popular form of social work, since it involves work with usually unmotivated clients.

The tendency is for parents to explain inflicted injuries as unusual burns, broken ribs, and even fractured skulls in their infants as results of simple accidents. "Too many doctors did and do accept these flimsy excuses," Dr. Kempe says.

REPORT STARTLED MEDICAL WORLD

Dr. Kempe startled the medical world in 1962 with an article in the Journal of the American Medical Association which laid out not only his own research but a nationwide survey by him and his colleagues. It reported that 71 major hospitals in one year had recorded 302 cases of badly battered children—33 of which died, while 85 sustained permanent brain damage. The report set the medical world on its ear and alerted doctors all over the country to give more attention to this problem.

Today it is estimated that a minimum of 1,000 children a year are killed by abuse or neglect. The figure may reach 4,000. Dr. Vincent J. Fontana, also an authority on the subject, says 200 children a year die in New York City alone from abuse and neglect. Even critics of Dr. Fontana's statistics admit that at least 150 cases a year in New York can be solidly documented.

Dr. Lenoski, director of pediatrics at John Wesley County Hospital in Los Angeles, studied 674 hard-core abuse cases over five years. He compared these cases to a control sample of 500 normal children.

Some of his findings: Only 3.17 percent of the abusing parents had early exposure to household pets, while 86 percent of the more normal parents did; only 10 percent of the abusive parents listed their phone numbers, while 88 percent of the normal parents did; some 90 percent of the abusive parents wanted the pregnancy and had the child in wedlock, while only 60 percent of the non-abusive parents wanted the pregnancy and had the child when married—indicating, he says, that unrealistically high expectations placed on wanted children can lead to abuse; a much higher percentage of abused children than the normal ones were either premature, born by cesarean section, or were involved in complications in delivery.

Dr. Kempe often is criticized for being too clinical and for operating a strictly "medical model" that keeps the doctor in charge. As the modern medical pioneer in the field, his research and practice did center initially on a hospital.

His approach, he says, has in time brought all related disciplines into play, and extends logically to other agencies in the community—police, the courts, social welfare agencies, schools, and public and mental-health clinics, and so on. He believes in shared decisions.

Dr. Kempe also is criticized for selecting middle-class patients—and only a relative few of them—that are more prone to successful treatment. His reply is that this kind of client was necessary to provide insight into the dynamics of abusive behavior.

His center is privately financed. The cost per patient is beyond what any public agency could ever dream of. The money comes

largely from the Robert Wood Johnson Fund in Princeton, N.J., and the Commonwealth Fund in New York.

[Third of five articles]

THE UNSUNG HEROES: BATTLING THE TIDE

(By David Mutch)

NEW YORK.—Bill Johnson rang the doorbell of an apartment in the Bronx. A worker for the New York's Bureau of Child Welfare (BCW), he was responding to a report that a family was not providing a young son with proper care.

After explaining the purpose of his visit, Mr. Johnson (not his real name) found himself at the wrong end of a shotgun—with the father at the other end.

"Get out or else!" he was ordered. He left, phoned the police, but remained near the front of the buliding. Meanwhile, the father took his child out of a rear window and drove him to another neighborhood. It took the police and the social worker 36 hours to locate the father and the child.

Workers like the bearded Mr. Johnson are the unsung heroes of the public social service agencies trying to rescue abused children in the United States. They deal mostly with clients who do not want help. Some female workers have been raped.

It is not too uncommon for men and women workers to get spat on or mugged. They go into the worst of slums and knock on doors to tell parents they must be investigated for neglecting or abusing their child.

A number of them have quit more respectable executive jobs to labor at rescuing children.

Every week in this city of 8 million people, three or more children are killed by their parents. The city's Bureau of Child Welfare this year will investigate reports of 4,000 physically abused children and 21,000 neglected children (lacking food, clothing, or health care, or abandoned outright). Some 14,000 families will be involved.

Yet only a small percentage of the families will be helped in a way that makes a difference.

One of the burdens on public agencies is that reporting of child abuse is racing ahead of ability to provide treatment. New York in 1965 had only 300 abuse and neglect cases reported. In the mid-1960's states began adopting reporting laws; they all have them now.

OFFICIALS DEMONSTRATE

These laws frequently require not only professionals such as doctors, nurses, schoolteachers, and social workers to report suspected child abuse, but also the citizen in general—under penalty of law.

BCW spokesman Stuart Grant, quiet and well-groomed, says the agency needs another $5 million a year and 300 more workers at least even to make the kind of dent in the caseload that would really help the children in peril. He says it matter-of-factly, almost helplessly, as we sit comfortably in an air-conditioned office building.

In Brooklyn a handful of somewhat less-well-groomed BCW officials demonstrate outside a BCW office the same day with signs that say: "How many more children must die before BCW gets more workers?"

Mr. Grant says BCW does not have the money to hire more.

Only 92 workers in New York provide some semblance of long-term care for families in this kind of trouble.

Yet it is the long-term care that really counts. Witness the case of Mrs. Jones of Boston (not her real name), who is raising her four children successfully today because her sister turned her in to a social agency as an alcoholic and a neglecting mother. "I'd be dead if my sister hadn't reported me," she said in an interview. "And the children would be scattered who knows where."

The sister called Children's Protective Service, a private agency under contract to Massachusetts to do most of its child protective services work—and the only statewide private agency of its kind in the U.S.

A social worker with the agency got Mrs. Jones into Alcoholics Anonymous and enrolled her in a mothers' group that meets regularly. The social worker also visits the home occasionally; she has become a real friend to the family.

The healing process took time.

What happens to children when a mother drinks or gets on drugs? Here is what Mrs. Jones says:

"I started drinking because my husband wanted me to. He had a horrible childhood.

"When you drink so much you get weak, and you really hate to see the kids around because you know they want things. Have you ever tried to cook an egg when you are sick from drinking? You just don't cook for them.

"They would want to go to the beach, and I wouldn't do it. Why, I didn't even want to go outside to hang up the clothes because I thought everyone was looking at me.

"Believe me, the kids had it rough for years. They missed a lot of school. They were pushed aside with all their problems. I used to lock them outside—can you believe it? The family tried for a long time to help, but you don't want to see the family.

"The support of the agency has made me respect myself more, and I feel stronger. Now I can see how I hurt the kids—physically, yes, but more emotionally. My husband still drinks, and I'm divorcing him. The kids are more important. They have to come first now."

In New York, each case of abuse or neglect reported must be investigated within 24 hours. (This time limit is common across the nation, but only a few agencies have 24-hour protective service.)

Bill Johnson took us on the tour of his "beat" in the Bronx.

The streets have to be seen to be believed.

Bricks, papers, cans, and other litter spread out over the pavement, on the sidewalks, up the steps, and into doorways. The humanity that abides the stench and rubble hangs out of the windows and flows onto steps and streets. Every block seems to have an old car parked half on the sidewalk, with two or three men working on it.

The brick houses, without a breath of air between them, go on for blocks, the dirtiest of dirty red-brown in color. Streets are pockmarked. Children scramper and scream in the middle of it all—the ones fortunate enough to have even that much of a childhood.

Out of these slums come some of the worst neglect cases in the country. Almost all are handled by public agencies.

MANY LOVE THEIR CHILDREN

Infants have been found dead from starvation with hands so dirty the fingers are stuck togther and the skin around the diaper area completely gone from lack of care. Such cases are well documented in the medical examiner's office of many large United States cities—not just New York.

Yet in defense of the poor, two things should be said.

First, many poor mothers love their children enough to care for them in spite of the stress of poverty. This observation is carefully documented in the studies and writing of Norman A. Polansky, especially in his recent book "Roots of Futility."

Dr. Polansky, who teaches at the University of Georgia, did say in an interview with this newspaper, however, that middle-class children generally are more loved than poor children. "Them that has, gets," he says. His research in the hills of Georgia and South Carolina focuses on the personality traits of the poor and brings out many distinctions about poverty. (Urban and rural poverty are strikingly similar.)

The second thing to be said about abuse and neglect in the ghetto is that it is not confined to blacks, as some believe. James Weston, who has been a medical examiner in Philadelphia, Salt Lake City, and now Albuquerque, says: "Whites starve and kill their kids, too."

There is a running debate among experts about how much of the abuse and neglect is done by the lower income classes. Dr. Weston has perhaps the most impressive statistics, gathered from the offices of medical examiners in a number of cities. He says: "We see 80 to 90 percent of the starvation deaths and 70 to 80 percent of the abuse [battering] deaths from the lowest socio-economic levels."

He says that those who point the finger away from the poor "may only be afraid they won't get government grants for work in the area." He explains, "It's hard to appear to be against the poor and still qualify for government money."

Hennepin County (Minneapolis), Minnesota, has what many regard as one of the finest public "protective service" (child abuse) units in the U.S. Mrs. Kay Utsunomiya tells of a case she worked with for four years:

A low-IQ mother had two children and another on the way when she was reported by a neighbor as an abusing parent. She was punishing her two children by beating them with a bicycle inner tube and her fists. Her marriage was on the rocks. The children were dirty, underfed, and ill with colds most of the time.

Mrs. Utsunomiya and a public health nurse at first tried to help the mother with the children in the home. The baby came. After three months it was not doing well. Through a petition to juvenile court the three children were removed and placed in a temporary foster home. A divorce took place.

Within three months the oldest child was back with the mother, and after a few months the second child returned, but it took nearly two years to return the youngest. During these months the mother took courses in child care and was given considerable counseling by the social worker. The mother's parents both had been alcoholics; she herself had been neglected.

"Just now is this woman realizing she can talk to the kids and not scream at them," the social worker says, "She is on welfare now, and even with that little money she has some left at the end of the month. This case has taken a long time, but she is now functioning. The mother has motivation and now wants to improve her education. Without motivation there is no success at all."

The most effective agencies in this work have singled out special units to devote full time to it. The latest trend—just catching on, for example, in Honolulu; Nashville, Tennessee; and Adams County, Colorado—is for these agencies to participate regularly in teams that include doctors, psychiatrists, and lawyers to sharpen their decision making.

A social worker in Colorado, Mrs. Patricia Beezley, says for example: "Social workers have for years been required to make decisions alone—life and death decisions that often involve legal, medical, and psychiatric problems. Social workers who are in the field of abused and neglected children for a long time are often reluctant to give up this responsibility and so call on other disciplines for 'consultation.'"

These public agencies should be required by law to be involved with teams of specialists as a protection to the children, she says.

Back in Denver, Vincent DeFrancis, who

as head of the children's bureau of the American Humane Society does periodic studies on child protection, says that no state in the U.S. has adequate protective services; the New York statistics can almost be multiplied nationally. A few counties do, however, have good programs. But there are over 33,000 counties in the U.S., a jurisdictional fact of life that is part of the problem of lack of services.

The problem of inadequate services is reflected at the national level as well. The ceiling of federal money available for children's protective services has been set at $226 million a year for some time, but only $46 million a year has been appropriated by Congress for the last seven years. Also, the new federal law on child abuse and neglect, signed in January of this year, directs the bulk of its funds to research and demonstration projects—not to services.

Mr. DeFrancis says with irritation, "This kind of research has been done in the U.S. for 100 years—a lot of it in direct treatment—so now they decide we need more, while we know that one good protective worker can salvage 25 homes in one year and prevent removal of 50 children and save some lives. We should put the money into services."

Many who actively work with the families who abuse tend to agree.

On the other hand, Mr. DeFrancis and others in the field are grateful that at least the federal government, largely because of Sen. Walter F. Mondale (D) of Minnesota, is "finally, at long last, thank heavens" doing something on a relatively large scale.

DECISIONS ARE ARBITRARY

In New York, Dr. Vincent J. Fontana, an expert on abused and neglected children, told how babies sometimes die soon after birth because their mothers were on heroin or *methadone* at the time of birth. Drug-addicted mothers often become prostitutes and bring clients into the home.

Private agencies in this work are fewer in number today. Dr. DeFrancis, who used to head a private agency in Brooklyn, explains that a private agency can be a true advocate for children because it is not part of the government bureaucracy. A private agency can demand high quality staff, but the public agencies often get unqualified people with job protection. And most of them face budget and staff problems akin to BCW in New York.

Many feel the public agencies are removing too many children from homes. Of children open to risk, only 10 percent are estimated to be abused, while the rest are classified as neglected. (Sometimes the categories overlap, however.) In neglect, as Dr. C. Henry Kempe of Denver points out, there often is a "fine line between willfully inflicted harm and cultural differences." Decisions to remove a child can often be highly arbitrary.

But the question of removal has more than one side. In Maryland a grand jury had at this writing all but indicted the Montgomery county welfare department for not removing a girl who was killed by a stepmother. There was a similar case in Chicago two years ago where a four-year-old was taken from a happy long-term foster home and returned to his parents. He died soon afterward.

Again, removal creates an unending stream of problems for the state and the children. Institutional care does not usually really help children. Foster care is under attack today because so many children end up in five or more homes and do not find the long-term relationship with an adult they need for emotional stability.

There are some good foster homes, however.

Putting children in institutions can lead to one scandal after another—drug abuse, beatings, and so on. The juvenile court's responsibility to monitor these institutions is often neglected.

Several people close to the problems of abused and neglected children feel that public welfare agencies won't be reformed until the juvenile court system does—or is permitted to do—its part more responsibly.

[Fourth of five articles]

TRYING TO KEEP THE FAMILY TOGETHER

(By David Mutch)

BRIGHT, COLO.—A sullen man and a nervous woman—husband and wife—sit in the chambers of a juvenile-court judge here. Their two daughters have reported them for abuse.

The Judge—James Delaney of the Adams County Juvenile Court, a strong but kindly man whose sandy hair is streaked with gray—is responding in a way that many other judges contacted by this newspaper for this series applaud:

He is trying to help the children by keeping the family together. He could send the girls to an institution if he found their complaints justified; instead, he is following his usual method of attempting to rescue them by rescuing their family unit as a whole, using himself, his court, and other community resources. It is by no means an easy task.

The judge was seeing the parents after the two daughters had been taken from the home temporarily, and placed in emergency foster care. He had been notified as soon as juvenile authorities received the complaint.

The daughters accused the father of sexual advances, which they feared could lead to incest. The father denied it to the judge, but then failed a liedetector test. After more talks with the judge, he was told in clear terms that unless he agreed to therapy, he would lose the girls altogether. This came as a shock to him. He wanted them to stay, and he did not want to stand trial.

The wife, too, wanted the family kept together. The judge followed up by ensuring that the various childcare and welfare agencies of the county were brought into play where necessary to help restore a sense of love to the family.

Many other juvenile court judges in the U.S. would like to follow Judge Delaney's example. Yet they lack his advantages: His county is small, and he has or makes the time that is necessary. Other jurisdictions are far bigger, and time and money are both in short supply. Some judges also lack the same kind of commitment to the family unit in child abuse ar neglect cases.

The judge himself is sometimes charged with using his court more as a social agency than a court of law.

COURT AS THERAPY

Yet he counters that he is simply trying to use the authority of the court in a therapeutic way—and this newspaper has found strong consensus from other judges that much, much more must be done to get abused and neglected children back into homes—safe homes.

It is a national tragedy that very few families in these categories receive any treatment at all, let alone treatment designed to improve their own lives.

The only way it can be done, judges stress, is by more caring: The kind of caring that includes an understanding of the needs of abusive and neglecting families.

The whole thought pattern and approach of involved agencies—police, welfare departments, district attorneys, and so on—must change, judges say. Public opinion, too, needs education, they stress.

Judge Hughes Koford, who sits weekly on the family court in Oakland, Calif.: "A big problem is finding competent, adequate agencies. A high proportion of the children we see in abuse and neglect are from broken homes. Yet California state law for three years has made it an easy civil action to get a divorce, with no consideration whatsoever for the children.'

Even in Boston, long an agency-conscious community, not enough is being done to help families, says juvenile court Judge Francis G. Poitrast. He himself was a foster parent; he says he recalls vividly how the children reject the idealism of foster parents and then how difficult the parents find it not to reject the children. His experience, too, leads him to look for ways to strengthen the family.

"We spend a lot of money teaching geography but why not more teaching about the obligations of marriage?" ask experts in child abuse over and over. They deplore the utter lack of knowledge about child rearing on the part of too many young parents. Judge Poitrast hears a lot of people talking about this today, he says, "but I don't see much being done."

Judge John J. Toner of the family court in Cleveland: "If you can get treatment for the family, this is much better than punishment of the parent. The community is better off.

"The law-and-order people want to 'hang' the parents, and when I do, I get positive letters from the public. But if I can get at the motive of the abuse, and usually it is a one-incident kind of thing, I can get help, and everyone is better off. Really now, can the community really take on all these kids? No. But that's what happens with the punitive approach."

A planning agency in Cleveland is developing a plan to split the city into two areas for dealing with abuse and neglect. It will involve hospitals, the public welfare agency, mental health centers, the police, child-care centers, and the family court.

The idea is to gain cooperation between agencies and to insure that each case is followed up rather than lost—so often the case when only the one public agency is involved. The plan is based on ideas being implemented in East Lansing, Mich., by Dr. Ray Helfer. It is similar to what is happening in Nashville. St. Paul, Minn., took steps along these lines four years ago and has developed an excellent system for dealing with child abuse.

Judge Frank Montemuro, head of the family court in Philadelphia, is one of many judges who call for more services for abusing parents: "The solution is not just to transfer the case to the trial division for aggravated assault, because one day the parent will be with the children again," he says.

"But in Philadelphia as in other urban areas, we just don't have the resources to help the parents, and a lot [of parents] need it. Frankly, we are looking toward [a system of] checks on the Department of Public Welfare. Up to now, once a child was committed by the court to the welfare department, that was all we heard of the case.

"But the 20 judges in the family court here feel there should be some rein on the department. Otherwise children just get lost. The confidentiality the welfare departments enjoy makes it hard to find out what is happening. . . ."

Differing with the view that courts should be more deeply involved in dealing with abuse is young Chicago attorney Patrick Murphy, who examined what happens to children in Cook County after they are made wards of the state by juvenile court. He concludes that courts have failed in the rehabilitation field.

His conclusions, based on a large court system, are somewhat negative—that the system for dealing with dependent and delinquent children can't be reformed so it must be simply cut back in authority. Yet his own devotion to the subject indicates he feels something must be done for those children who simply have no home to live in.

SELF-HELP NECESSARY

Largely in agreement with Mr. Murphy is Judge Lois Forer of Philadelphia, who for years represented the poor before reaching the bench. She says the "interveners" do so little to help that she is convinced "the poor have to make it on their own, as they used to through the church, the family, and voluntary agencies."

But Judge Delaney and others keep on their course. The judge's introduction to the perils of abuse and neglect was literally by fire. He recalled in an interview that soon after he began the work he got a call from a woman who said her sister-in-law was drunk all the time.

"I called the welfare department," she said, "and a kindly [official] only talked to the family at the door and went home, and I went back to sleep. By morning the mother had set fire to the house in a drunken stupor, and she and her child were dead."

Only a few weeks later a mother killed herself and her two children after a policeman, who responded to a suicide attempt, had convinced the judge over the phone that the situation "would hold till morning."

These experiences put Judge Delaney to work on a job that he hasn't stopped since: to save the lives of children by actively trying to save families.

Here are some of the changes Judge Delaney has brought to Adams County:

The welfare department has increased its number of protective service workers from six to 24. Night and day service is available from workers too professional and "stubborn" to take "no" for an answer when a child's welfare is at stake.

The number of cases being handled in cooperation with the court has gone up dramatically, although actual filings are about a third of the number of situations he deals with. The bulk of the cases are worked out in conferences.

The county has a team including a pediatrician, an attorney, a nurse, and a psychiatrist, at a minimum, which reviews all cases and makes professional recommendations to the judge.

"I couldn't do it without them," he says. "It's not basically the welt on the buttock but the alcoholism of the father that has to be dealt with."

The judge and his staff periodically visit all of the county institutions that contain dependent and delinquent children. They interview the staff and the children. They review the cases to make sure that previous decisions are still adequate.

But the Colorado judge says his methods—actually a composite of ideas and administrative procedures worked out by himself and a group in Denver headed by Dr. C. Henry Kempe—can apply to any city where officials care enough to act.

He says, for example, that instead of passing all juvenile cases through one courthouse—more than 26,000 petitions are filed in the Cook County juvenile court every year—there could be smaller courthouses in different city locations.

But the juvenile court itself must be upgraded, he maintains. He says: "It's low man on the totem pole, but it is the area where the most basic help can be given to society. Yet it has the lowest budget of all the courts, and even the attorneys that represent clients haven't tried to upgrade its standards. The whole treatment system for children must be reformed by the courts, for they are responsible under law."

NEED FOR COOPERATION

There is, many observers believe, a great need for cooperation among all involved agencies, with considerable weight being given to the juvenile court, the ultimate authority on the question of handling the cases.

While such cooperative action has now begun in Los Angeles, for instance, the attorney general's office still has a training film on child abuse for the police that is so inflammatory that it practically invites police to arrest and jail parents. It stresses the fact that child abuse is a crime.

Laws in Hawaii make child abuse a civil rather than a criminal offense, although it is always possible to prosecute parents in criminal court in severe cases by using laws covering aggravated assault. Structuring laws this way emphasizes treatment although the community must provide services for the approach to become a reality, judges say.

In Nashville, Tennessee, the Monitor found, a project launched two years ago already has cut arrests and court-ordered removal of children by more than 30 percent.

It took two man-years of study by public policy experts (Burt Associates in Bethesda, Md.) on a grant by the Urban Institute. It also has taken federal seed money from the Office of Child Development in the Department of Health, Education, and Welfare to implement the changes.

Significantly, no laws but a lot of attitudes were changed, says Mike Servais, who heads the team of probation officers attached to a court. He speaks highly of the police in Nashville and says they must be involved jointly in the decisions on difficult abuse and neglect cases.

This reporter spent some time with the juvenile division of the District of Columbia police, the unit that exclusively handles investigation of abuse and neglect cases for the department. The unit hopes soon to be in plain clothes, as are the police in a similar unit in Nashville. These youth division workers in D.C. are sensitively concerned for the families they investigate. Yet they constantly see parents at their worst, as police in general do.

[Last of five articles]

HOW TO KEEP HOPE ALIVE

(By David Mutch)

WASHINGTON.

Gail, almost 9, could not wait to show us how she could ride her bike. Her slender legs were unsteady as she pushed off, but once under way the slight wobbling was not as noticeable as the triumph in her blue eyes and the proud bounce of her pony-tail.

Her foster mother told us of the six months of patient effort to give Gail—once a badly neglected and abused child—the confidence she needed to switch from her safer three-wheeler to the bike.

These days, most children at five or six are urging their parents to take the training wheels off their bikes. Gail, three years older, needed special help, as she does in almost everything.

She came to the family three years ago under a special foster care program run by a private agency, Family and Child Services, here in Washington, D.C. She had severe emotional problems, a speech deficiency, and very poor coordination. Her legs were so weak and poorly controlled that she couldn't walk upstairs; she crawled up instead, and slid down.

Now not only can she ride her bike, but she works hard at twirling a baton, and talks animatedly of a recent family excursion. She is so delighted to share an experience with someone that she shudders slightly when she laughs.

Family and Child Services is one of a number of private agencies in the U.S. providing long-term care for neglected and abused children. These agencies bring much hope to the subject—although the problem is so extensive that their impact at times seems minimal.

Only a small percentage of the families and children that need long-term help are receiving it.

But these agencies keep alive the hope that children and families can be put back together again.

ADVOCATE OF FOSTER-HOME CARE

Mrs. Regina V. Fine of Family and Child Services first found Gail in a hospital. As she walked by her bed, she heard the child ask a nurse, "Is she going to be my mommy?" When the social worker heard the girl's story, she made arrangements for the foster care at once.

Gail's mother was an alcoholic who abused her physically and verbally to the extent the child had no sense of self-worth. The mother finally abandoned her.

"A broken arm mends quickly," Mrs. Fine says, "but a broken heart takes years of patient caring—you just can't quit giving to these children until they have regained their confidence and are able then to be responsible for themselves."

Gail's new mother is a veteran of the German work camps and was captured by the Russians in World War II. Hers is a strong, unselfish love to rebuild a shattered childhood.

Mrs. Fine is a strong advocate of getting disturbed children out of institutions and into foster homes. Family and Child Services, in addition to the foster-home program for emotioinally disturbed children that Gail is in, also administers a family foster-care program for normal children. The program hires parents to raise families—a minimum of five children per home—and pays a salary to the mother as well as helping on housing and paying all the children's bills for food and clothing. It is more successful than the standard foster-care program that often pays very little and is poorly administered.

This reporter also visited one of the agency's extended family homes—a black foster home with five children full of energy and affection. One youngster they raised now is in the Navy and comes home on weekends whenever his ship is in port—a higher recommendation for the home could not be imagined.

Their five-year-old boy was a delight: after checking with his father that we were indeed "white folks," he turned to his mother and said, "I didn't know we had any white folks for friends." His mother said, "Well, now you know."

Mrs. Catherine Pratt, who directs this program, explained that the foster parents receive nearly twice the financial support of the average foster parent. Still, the cost averages considerably less than the minimum cost of putting a child into an institution, depriving it of the chance of a family life.

The District of Columbia welfare department helps finance this program—but only after a suit by FLOC (For Love Of Children) forced closure of the department's own group home.

Foster care is being sharply debated today by those interested in the problems of dependent children. Studies have documented that most foster children end up in six or seven homes before they are old enough to fend for themselves. Thus they experience a series of rejections by adults that compound the original problems.

Family and Child Services devotes many hours to working with the foster parents in its programs. Foster parents for public agencies rarely if ever receive such support, either moral or managerial.

Juvenile Court Judge James Delaney of Colorado says improving foster care is less expensive and more effective ("when done well") than group care.

Because children can't always be returned to their own family, he says, a judge in a family or juvenile court needs a number of options: "You can't abolish foster care."

The first wish of many juvenile court judges who have to decide the fate of a de-

pendent youngster is to see the home re-established. Many of them said so in the interviews for this series.

Their second choice, except in very unusual cases, is to send a dependent youngster to a home where he can establish a permanent relationship with one or more adults.

That there is a need for permanent placement of children is undeniable. Mrs. Mildred Hamilton of the Jewish Family Service in Elizabeth, N.J., tells of two cases she has encountered recently. One couple adopted an infant boy and raised it for nine years, then divorced. Neither wanted the child. The boy became severely disturbed emotionally and was placed in a group home.

MOTHER ABANDONS BOTH CHILDREN

Another mother who had been divorced for five years decided she could no longer cope with her two children, especially the 14-year-old daughter, who had been keeping late hours and "acting up." She abandoned both. The boy was placed in a group home, and the girl, who turned to drugs, was last in a residential treatment center. A grandmother refused to take the children, and the father, who had remarried, said he could not.

This reporter will never forget a blond, blue-eyed girl of three sitting on a swing in a grassy courtyard. Other children played nearby. It was a treatment center operated by Odyssey House in New York for children and their mothers who had been on drugs. The girl was sitting very still, staring at the ground. Asked what her name was, she just lowered her head further and remained motionless. Later I learned her mother, an addict in treatment elsewhere, had abandoned the girl.

Fred Cohen, a reformed drug addict and one of the administrators of the program, said that he feels one of the conclusions it may well reach is that some children simply have to be removed from their parents. He says half of the mothers in the Odyssey House program have been prostitutes.

The unique aspect of Odyssey House is that the mothers and children are brought into an enclosed living environment away from the ghetto's pressures—and drugs.

The mothers interviewed were candid about the child neglect caused by drug-taking. One mother admitted, "If I can't stay clean [off drugs], probably my children would be better off somewhere else."

Parents who abuse (rather than neglect) children are much less prone to admit their defects—but all too frequently their children, too, need to be removed from a home to keep them safe.

Juvenile court Judge Francis G. Poitrast of Boston recalls the case of a child whom he returned home at the recommendation of a social worker. "The child soon had a serious fracture from a parent," he recalls. He got the case again. The social worker still claimed "things were okay at home." The judge found out, however, that the parents had even threatened the life of the social worker. The ruling by the judge was to remove the child from home permanently and to end visitation rights.

This newspaper has found that few welfare departments or even judges are in fact making serious efforts to reunite families.

Yet the Monroe Harding School, Nashville, Tenn., operated by the Presbyterian Church, specializes in integrating children back into their families. Director of family services Joan McAllister says: "I've worked at several agencies that are structured the way we are, but the results weren't nearly so good—it must be that we stress return to the family."

She says: "Here the client is the family, not the kid. In most troubled families, the assumption that relationships won't work is a legalistic view and not one based on feelings. All people basically want to be in a family."

She told of one case of a boy in his early teens brought to them who had received too much professional help. "He would sit straight as a board in a chair and jump four inches if you spoke to him unexpectedly," she said.

He had gone through nine therapeutic communities—after having been diagnosed as retarded at four years of age—and his mother was convinced that the boy was mentally unstable. Like many youngsters, he may have been the victim of emotional abuse by his mother.

"We determined he was basically shy, that he had experienced a great trauma when his father died, and that he had difficulty in learning in some areas," Miss McAllister recalled.

They also noticed, she said, that the boy was anxious to develop relationships with other youngsters. They sent him to lots of their recreation programs, expressed great interest in him, and let him develop trust in others at the school. And they encouraged the mother to visit and to observe the normal life the boy was leading. The staff sees a more healthy family relationship developing, and they expect the boy to be living with his family very soon. The mother had to be shown that the boy was normal.

"Don't call your series 'rescuing children'; call it 'rescuing families'"—this reporter was urged almost simultaneously by Leonard Lieber and Margot Fritz, staff memmembers of Parents Anonymous, based in Inglewood, Calif.

PARENTS GROUP MEETS WEEKLY

This self-help group for abusive mothers was founded by a remarkable woman known only by her first name and last initial—Jolly K., graduate of 100 foster homes, 32 institutions, and a victim of rape at age 11. She had only five years of grade school, and a period of prostitution. And she had two bad marriages. But most of all she had a desire to make something out of life for her her daughter—whom she used to abuse—and for herself. She says families—mothers mostly—must be helped in order to save the children. She knows firsthand that "institutions don't help," she says.

The keynote of Parents Anonymous—they share only first names and phone numbers—is "help now." Several Chicago mothers in a chapter there explained how they call each other at times of "stress." They meet once a week for three hours and talk over their past week at home. A professional social worker and a mother lead the group together. They get very practical. One mother said: "My daughter wouldn't eat, and I used to get mad, yell, and hit her. Another mother said to just give the girl 15 minutes to eat and set a timer for her so she will know the framework. I tried it and it worked beautifully."

These women say they are learning to divert their anger away from their children by realizing the anger is in themselves and they are responsible for being alert to what "sets them off" and avoiding it. One mother said: "I still get angry, but not for such a long time."

The U.S. Office of Child Development has given the group a 12-month grant of $200,000 and plans to follow it with two more payments of equal size over the next two years.

MORE FACTS: WHERE TO TURN

Following are organizations which can provide additional information on the subject of abused and neglected children:

National Center for Child Abuse and Neglect Treatment, 1001 Jasmine, Denver, Colo. 80220

The American Humane Association, Children's Division, P.O. Box 1266, Denver, Colo. 80201

Office of Child Development, Department of Health, Education, and Welfare, Washington, D.C.

Parents Anonymous, 2930 W. Imperial Highway, Suite 332, Inglewood, Calif. 90303.

Other organizations visited for this series and which are working hard to help families, include: Health Hill Hospital in Cleveland, Bowen Center in Chicago, The Extended Family Center in San Francisco, and Friends of the Family in Van Nuys, Calif.

Readers also can contact city and county welfare departments, local health departments, police, juvenile courts, and boards of education for additional information.

Books of special interest:

Wednesday's Children (McGraw-Hill paperback, $2.45) by Leontine Young.

Somewhere a Child Is Crying (MacMillan, $6.95) by Dr. Vincent Fontana.

Helping the Battered Child and His Family (Lippincott Company, Philadelphia, $12.50) by Dr. Ray Helfer and Dr. C. Henry Kempe.

Roots of Futility (Jossey-Bass Inc., San Francisco, $9.50) by Norman Polansky.

Our Kindly Parent—the State (Viking, $6.95) by Patrick Murphy.

SECRETARY OF STATE KISSINGER ON THE ENERGY CRISIS

Mr. PERCY. Mr. President, it is becoming apparent that financial chaos threatens the Western World due to the 400-percent increase in the price of oil during the past year. Leading academic and Government economists agree that private capital markets and present Government financial institutions will prove unable to handle the enormous and increasing flow of funds being generated by trade in oil—the world's most important strategic commodity.

In my view it is absolutely essential that the major oil consuming nations join in a concerted effort to drastically reduce petroleum imports. First, mounting balance-of-payments deficits make it clear that they can no longer afford the high cartel-administered prices. Second, only by reducing consumption will pressure be put on OPEC to either permit a price reduction or undertake the exceedingly difficult task of prorationing further production cutbacks.

Exhortations and calls for voluntarism can no longer be relied upon. If we are to reduce American oil imports by approximately 1 million barrels a day by the end of 1975, as has been suggested by President Ford, then we must undertake stringent measures which will require sacrifice by us all. We must adopt some combination of the following:

First. Higher gasoline taxes;

Second. A step-by-step mandatory reduction in oil imports;

Third. The adoption of tax incentives to promote purchase of fuel efficient autos and discourage purchase of inefficient autos;

Fourth. Strict enforcement of the 55-mile-per-hour speed limit; and

Fifth. Elimination of the highway trust fund.

On November 14, 1974, Secretary of State Henry Kissinger addressed the financial and economic problems posed by

the energy crisis in a speech at the University of Chicago. While discussing specific problems and solutions, the Secretary placed most of his emphasis on the need for cooperation by consumer countries—

Finally, price reductions will not be brought about by consumer/producer dialogue alone. The price of oil will come down only when objective conditions for a reduction are created and not before. Today the producers are able to manipulate prices at will and with apparent impunity. They are not persuaded by our protestations of damage to our societies and economies, because we have taken scant action to defend them ourselves. They are not moved by our alarms about the health of the Western world which never included and sometimes exploited them. And, even if the producers learn eventually that their long-term interest requires a cooperative adjustment of the price structure, it would be foolhardy to count on it or passively wait for it.

We agree that a consumer/producer dialogue is essential. But it must be accompanied by the elaboration of greater consumer solidarity. The heart of our approach must be collaboration among the consuming nations. No one else will do the job for us.

As Secretary Kissinger has indicated, the time for agonizing about the possibility of further economic and financial damage to the West is long past. The time for avoiding the hard realities is over. The time for action is now.

I ask that the entire text of the Secretary of State's speech be printed in the RECORD.

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

ENERGY CRISIS: STRATEGY FOR COOPERATIVE ACTION

(Address by Henry A. Kissinger, Chicago, Ill.)

THE PROBLEM

A generation ago the Western world faced an historic crisis—the breakdown of international order in the wake of world war. Threatened by economic chaos and political upheaval, the nations of the West built a system of security relations and cooperative institutions that have nourished our safety, our prosperity, and our freedom ever since. A moment of grave crisis was transformed into an act of lasting creativity.

We face another such moment today. The stakes are as high as they were 25 years ago. The challenge to our courage, our vision, and our will is as profound. And our opportunity is as great.

What will be our response?

I speak, of course, of the energy crisis. Tonight I want to discuss how the administration views this problem, what we have been doing about it, and where we must now go. I will stress two themes that this government has emphasized for a year and a half:

First, the problem is grave but it is soluble.

Second, international collaboration, particularly among the industrial nations of North America, Western Europe, and Japan is an inescapable necessity.

The economic facts are stark. By 1973, worldwide industrial expansion was outstripping energy supply; the threat of shortages was already real. Then, without warning, we were faced first with a political embargo, followed quickly by massive increases in the price of oil. In the course of a single year the price of the world's most strategic commodity was raised 400 percent. The impact has been drastic and global:

The industrial nations now face a collective payments deficit of $40 billion, the largest in history, and beyond the experience or capacity of our financial institutions. We suffer simultaneously a slowdown of production and a speedup of an inflation that was already straining the ability of governments to control.

The nations of the developing world face a collective yearly deficit of $20 billion, over half of which is due to increases in oil prices. The rise in energy costs in fact roughly equals the total flow of external aid. In other words, the new oil bill threatens hopes for progress and advancement and renders problematical the ability to finance even basic human needs such as food.

The oil producers now enjoy a surplus of $60 billion, far beyond their payments or development needs and manifestly more than they can invest. Enormous unabsorbed surplus revenues now jeopardize the very functioning of the international monetary system.

Yet this is only the first year of inflated oil prices. The full brunt of the petrodollar flood is yet to come. If current economic trends continue, we face further and mounting world-wide shortages, unemployment, poverty, and hunger. No nation, East or West, North or South, consumer or producer, will be spared the consequences.

An economic crisis of such magnitude would inevitably produce dangerous political consequences. Mounting inflation and recession—brought on by remote decisions over which consumers have no influence—will fuel the frustration of all whose hopes for economic progress are suddenly and cruelly rebuffed. This is fertile ground for social conflict and political turmoil. Moderate governments and moderate solutions will be under severe attack. Democratic societies could become vulnerable to extremist pressures from right or left to a degree not experienced since the twenties and thirties. The great achievements of this generation in preserving our institutions and constructing an international order will be imperiled.

The destinies of consumers and producers are joined in the same global economic system, on which the progress of both depends. If either attempts to wield economic power aggressively, both run grave risks. Political cooperation, the prerequisite of a thriving international economy, is shattered. New tensions will engulf the world just when the antagonisms of two decades of the cold war have begun to diminish.

The potentially most serious international consequences could occur in relations between North America, Europe, and Japan. If the energy crisis is permitted to continue unchecked, some countries will be tempted to secure unilateral benefit through separate arrangements with producers at the expense of the collaboration that offers the only hope for survival over the long term. Such unilateral arrangements are guaranteed to enshrine inflated prices, dilute the bargaining power of the consumers, and perpetuate the economic burden for all. The political consequences of disarray would be pervasive. Traditional patterns of policy may be abandoned because of dependence on a strategic commodity. Even the hopeful process of easing tensions with our adversaries could suffer because it has always presupposed the political unity of the Atlantic nations and Japan.

THE NEED FOR CONSUMER COOPERATION

This need not be our fate. On the contrary, the energy crisis should summon once again the cooperative effort which sustained the policies of North America, Western Europe, and Japan for a quarter century. The Atlantic nations and Japan have the ability, if we have the will, not only to master the energy crisis but to shape from it a new era of creativity and common progress

In fact we have no other alternative.

The energy crisis is not a problem of transitional adjustment. Our financial institutions and mechanisms of cooperation were never designed to handle so abrupt and artificially sustained a price rise of so essential a commodity with such massive economic and political ramifications. We face a long-term drain which challenges us to common action or dooms us to perpetual crisis.

The problem will not go away by permitting inflation to proceed to redress the balance between oil producers and producers of other goods. Inflation is the most grotesque kind of adjustment, in which all elements in the domestic structure are upset in an attempt to balance one—the oil bill. In any event, the producers could and would respond by raising prices, thereby accelerating all the political and social dangers I have described.

Nor can consumers finance their oil bill by going into debt to the producers without making their domestic structure hostage to the decisions of others. Already, producers have the power to cause major financial upheavals simply by shifting investment funds from one country to another or even from one institution to another. The political implications are ominous and unpredictable. Those who wield financial power would sooner or later seek to dictate the political terms of the new relationships.

Finally, price reductions will not be brought about by consumer/producer dialogue alone. The price of oil will come down only when objective conditions for a reduction are created and not before. Today the producers are able to manipulate prices at will and with apparent impunity. They are not persuaded by our protestations of damage to our societies and economies, because we have taken scant action to defend them ourselves. They are not moved by our alarms about the health of the Western world which never included and sometimes exploited them. And, even if the producers learn eventually that their long-term interest requires a cooperative adjustment of the price structure, it would be foolhardy to count on it or passively wait for it.

We agree that a consumer/producer dialogue is essential. But it must be accompanied by the elaboration of greater consumer solidarity. The heart of our approach must be collaboration among the consuming nations. No one else will do the job for us.

A STRATEGY FOR CONSUMER COOPERATION

Consumer cooperation has been the central element of U.S. policy for the past year and a half.

In April 1973 the United States warned that energy was becoming a problem of unprecedented proportions and that collaboration among the nations of the West and Japan was essential. In December of the same year, we proposed a program of collective action. This led to the Washington Energy Conference in February 1974, at which the major consumers established new machinery for consultation, with a mandate to create, as soon as possible, institutions for the pooling of effort, risk, and technology.

In April 1974 and then again this fall before the U.N. General Assembly, President Ford and I reiterated the American philosophy that global cooperation offered the only long-term solution and that our efforts with fellow consumers were designed to pave the way for constructive dialogue with the producers. In September 1974 we convened a meeting of the Foreign and Finance Ministers of the United Kingdom, Japan, the Federal Republic of Germany, France, and the United States to consider further measures of consumer cooperation. And last month President Ford announced a long-term national policy of conservation and development to reinforce our international efforts to meet the energy challenge.

In our view, a concerted consumer strategy has two basic elements:

First, we must create the objective condi-

tions necessary to bring about lower oil prices. Since the industrialized nations are the principal consumers, their actions can have a decisive impact. Determined national action, reinforced by collective efforts, can transform the market by reducing our consumption of oil and accelerating development of new sources of energy. Over time this will create a powerful pressure on prices.

Second, in the interim we must protect the vitality of our economies. Effective action on conservation will require months; development of alternative sources will take years. In the meantime, we will face two great dangers. One is the threat of a new embargo. The other is that our financial system may be unable to manage chronic deficits and to recycle the huge flows of oil dollars that producers will invest each year in our economies. A financial collapse—or the threat of it—somewhere in the system could result in restrictive monetary, fiscal, and trade measures and a downward spiral of income and jobs.

The consumers have taken two major steps to safeguard themselves against these dangers by collaborative action.

One of the results of the Washington Energy Conference was a new permanent institution for consumer energy cooperation—the International Energy Agency [IEA]. This agency will oversee a comprehensive common effort—in conservation, cooperative research and development, broad new action in nuclear enrichment, investment in new energy supplies, and the elaboration of consumer positions for the consumer/producer dialogue.

Equally significant is the unprecedented agreement to share oil supplies among principal consumers in the event of another crisis. The International Energy Program that grew out of the Washington Energy Conference and that we shall formally adopt next week is an historic step toward consumer solidarity. It provides a detailed blueprint for common action should either a general or selective embargo occur. It is a defensive arrangement, not a challenge to producers. But producing countries must know that it expresses the determination of the consumers to shape their own future and not to remain vulnerable to outside pressures.

The International Energy Agency and the International Energy Program are the first fruits of our efforts. But they are only foundations. We must now bring our blueprint to life.

THE FIVE ACTION AREAS

To carry through the overall design, the consuming countries must act in five interrelated areas.

First, we must accelerate our national programs of energy conservation, and we must coordinate them to insure their effectiveness.

Second, we must press on with the development of new supplies of oil and alternative sources of energy.

Third, we must strengthen economic security—to protect against oil emergencies and to safeguard the international financial system.

Fourth, we must assist the poor nations whose hopes and efforts for progress have been cruelly blunted by the oil price rises of the past year.

Fifth, on the basis of consumer solidarity we should enter a dialogue with the producers to establish a fair and durable long-term relationship.

Let me deal with each of these points in turn.

CONSERVATION

Conservation and the development of new sources of energy are basic to the solution: The industralized countries as a whole now import nearly two-thirds of their oil and over one-third of their total energy. Over the next decade we must conserve enough oil and develop sufficient alternative supplies to reduce these imports to no more than one-fifth of the total energy consumption. This requires that the industralized countries manage the growth of their economies without increasing the volume of their oil imports.

The effect of this reduced dependence will be crucial. If it succeeds, the demand of the industrialized countries for imported oil will remain static, while new sources of energy will become available both inside and outside of OPEC [Organization of Petroleum Exporting Countries]. OPEC may attempt to offset efforts to strengthen conservation and develop alternative sources by deeper and deeper cuts in production, reducing the income of producers who seek greater revenues for their development. The majority of producers will then see their interest in expanding supply and seeking a new equilibrium between supply and demand at a fair price.

Limiting oil imports into industrial countries to a roughly constant figure is an extremely demanding goal requiring discipline for conservation and investment for the development of new energy sources. The United States, which now imports a third of its oil and a sixth of its total energy, will have to become largely self-sufficient. Specifically we shall set as a target that we reduce our imports over the next decade from 7 million barrels a day to no more than 1 million barrels or less than 2 percent of our total energy consumption.

Conservation is, of course, the most immediate road to relief. President Ford has stated that the United States will reduce oil imports by 1 million barrels per day by the end of 1975—a 15 percent reduction.

But one country's reduction in consumption can be negated if other major consumers do not follow suit. Fortunately, other nations have begun conservation programs of their own. What is needed now is to relate these programs to common goals and an overall design. Therefore, the United States proposes an international agreement to set consumption goals. The United States is prepared to join an international conservation agreement that would lead to systematic and long-term savings on an equitable basis.

As part of such a program, we propose that by the end of 1975 the industrialized countries reduce their consumption of oil by 3 million barrels a day over what it would be otherwise—a reduction of approximately 10 percent of the total imports of the group. This reduction can be carried out without prejudice to economic growth and jobs by cutting back on wasteful and inefficient uses of energy both in personal consumption and in industry. The United States is prepared to assume a fair share of the total reduction.

The principal consumer nations should meet each year to determine appropriate annual targets.

ALTERNATIVE ENERGY SOURCES

Conservation measures will be effective to the extent that they are part of a dynamic program for the development of alternative energy sources. All countries must make a major shift toward nuclear power, coal, gas, and other sources. If we are to assure substantial amounts of new energy in the 1980's we must start now. If the industrialized nations take the steps which are within their power, they will be able to transform energy shortages into energy surpluses by the 1980's.

Project Independence is the American contribution to this effort. In represents the investment of hundreds of billions of dollars, public and private—dwarfing our moon-landing program and the Manhattan Project, two previous examples of American technology mobilized for a great goal. Project Independence demonstrates that the United States will never permit itself to be held hostage to a strategic commodity.

Project Independence will be complemented by an active policy of supporting cooperative projects with other consumers. The International Energy Agency to be established next week is well designed to launch and coordinate such programs. Plans are already drawn up for joint projects in coal technology and solar energy. The United States is prepared to expand these collective activities substantially to include such fields as uranium enrichment.

The area of controlled thermonuclear fusion is particularly promising for joint ventures for it would make available abundant energy from virtually inexhaustible resources. The United States is prepared to join with other IEA members in a broad program of joint planning, exchange of scientific personnel, shared use of national facilities, and the development of joint facilities to accelerate the advent of fusion power.

Finally, we shall recommend to the IEA that it create a common fund to finance or guarantee investment in promising energy projects, in participating countries and in those ready to cooperate with the IEA on a long-term basis.

FINANCIAL SOLIDARITY

The most serious immediate problem facing the consuming countries is the economic and financial strain resulting from high oil prices. Producer revenues will inevitably be reinvested in the industrialized world; there is no other outlet. But they will not necessarily flow back to the countries whose balance-of-payments problems are most acute. Thus many countries will remain unable to finance their deficits and all will be vulnerable to massive sudden withdrawals.

The industrialized nations, acting together, can correct this imbalance and reduce their vulnerability. Just as producers are free to choose where they place their funds, so the consumers must be free to redistribute these funds to meet their own needs and those of the developing countries.

Private financial institutions are already deeply involved in this process. To buttress their efforts, central banks are assuring that necessary support is available to the private institutions—particularly since so much of the oil money has been invested in relatively short-term obligations. Private institutions should not bear all the risks indefinitely however. We cannot afford to test the limits of their capacity.

Therefore, the governments of Western Europe, North America, and Japan, should move now to put in place a system of mutual support that will augment and buttress private channels whenever necessary. The United States proposes that a common loan and guarantee facility be created to provide for redistributing up to $25 billion in 1975, and as much again the next year if necessary. The facility will not be a new aid institution to be funded by additional taxes. It will be a mechanism for recycling, at commercial interest rates, funds flowing back to the industrial world from the oil producers. Support from the facility would not be automatic, but contingent on the full resort to private financing and on reasonable self-help measures. No country should expect financial assistance that is not moving effectively to lessen its dependence on imported oil.

Such a facility will help assure the stability of the entire financial system and the creditworthiness of participating governments; in the long run it would reduce the need for official financing. If implemented rapidly it would:

Protect financial institutions from the excessive risks posed by an enormous volume of funds beyond their control or capacity;

Insure that no nation is forced to pursue disruptive and restrictive policies for lack of adequate financing;

Assure that no consuming country will be compelled to accept financing on intolerable political or economic terms; and

Enable each participating country to demonstrate to people that efforts and sacrifices are being shared equitably—that the national survival is buttressed by consumer solidarity.

We have already begun discussion of this proposal; it was a principal focus of the meeting of the Finance and Foreign Ministers of the Federal Republic of Germany, the United States, Japan, the United Kingdom, and France in September in Washington.

THE DEVELOPING WORLD

The strategy I have outlined here is also essential to ease the serious plight of many developing countries. All consuming nations are in need of relief from excessive oil prices, but the developing world cannot wait for the process to unfold. For them, the oil crisis has already produced an emergency. The oil bill has wiped out the external assistance of the poorer developing countries, halted agricultural and industrial development, and inflated the prices for their most fundamental needs, including food. Unlike the industrial nations, developing countries do not have many options of self-help; their margin for reducing energy consumption is limited; they have little capacity to develop alternative sources.

For both moral and practical reasons, we cannot permit hopes for development to die, or cut ourselves off from the political and economic needs of so great a part of mankind. At the very least, the industrial nations must maintain the present level of their aid to the developing world and take special account of its needs in the multilateral trade negotiations.

We must also look for ways to help in the critical area of food. At the World Food Conference I outlined a strategy for meeting the food and agricultural needs of the least developed countries. The United States is uniquely equipped to make a contribution in this field and will make a contribution worthy of its special strength.

A major responsibility must rest with those oil producers whose actions aggravated the problems of the developing countries and who because of their new-found wealth now have greatly increased resources for assistance.

But even after all presently available resources have been drawn upon, an unfinanced payment of deficit of between $1 and $2 billion will remain for the 25 or 30 countries most seriously affected by high oil prices. It could grow in 1976.

We need new international mechanisms to meet this deficit. One possibility would be to supplement regular International Monetary Fund (IMF) facilities by the creation of a separate trust fund managed by the IMF to lend at interest rates recipient countries could afford. Funds would be provided by national contributions from interested countries, including especially oil producers. The IMF itself could contribute the profits from IMF gold sales undertaken for this purpose. We urge the Interim Committee of the IMF and the joint IMF/IBRD Development Committee to examine this proposal on an urgent basis.

RELATIONS WITH PRODUCERS

When the consumers have taken some collective steps toward a durable solution—that is, measures to further conservation and the development of new supplies—and for our interim protection through emergency planning and financial solidarity, the conditions for a constructive dialogue with producers will have been created.

We do not see consumer cooperation as antagonistic to consumer/producer cooperation. Rather, we view it as a necessary prerequisite to a constructive dialogue as do many of the producers themselves who have urged the consumers to curb inflation, conserve energy, and preserve international financial stability.

A dialogue that is not carefully prepared will compound the problems which it is supposed to solve. Until the consumers develop a coherent approach to their own problems, discussions with the producers will only repeat in a multilateral forum the many bilateral exchanges which are already taking place. When consumer solidarity has been developed and there are realistic prospects for significant progress, the United States is prepared to participate in a consumer/producer meeting.

The main subject of such a dialogue must inevitably be price. Clearly the stability of the system on which the economic health of even the producers depends requires a price reduction. But an equitable solution must also take account of the producers' need for long-term income security and economic growth. This we are prepared to discuss sympathetically.

In the meantime the producers must recognize that further increases in the prices while this dialogue is being prepared, and when the system has not even absorbed the previous price rises, would be disruptive and dangerous.

On this basis—consumer solidarity in conservation, the development of alternative supplies and financial security, producer policies of restraint and responsibility, and a mutual recognition of interdependence and a long-term common interest—there can be justifiable hope that a consumer/producer dialogue will bring an end to the crisis that has shaken the world to its economic foundations.

THE NEXT STEP

It is now a year and a month since the oil crisis began. We have made a good beginning, but the major test is still ahead.

The United States in the immediate future intends to make further proposals to implement the program I have outlined.

Next week, we will propose to the new IEA a specific program for cooperative action in conservation, the development of new supplies, nuclear enrichment, and the preparation of consumer positions for the eventual producer/consumer dialogue.

Simultaneously, Secretary Simon will spell out our ideas for financial solidarity in detail, and our representative at the Group of Ten will present them to his colleagues.

We will, as well, ask the Chairman of the Interim Committee of the IMF as well as the new joint IMF/IBRD Development Committee to consider an urgent program for concessional assistance to the poorest countries.

Yesterday, Secretary Morton announced an accelerated program for domestic oil exploration and exploitation.

President Ford will submit a detailed and comprehensive energy program to the new Congress.

CONCLUSION

Let there be no doubt, the energy problem is soluble. It will overwhelm us only if we retreat fom its reality. But there can be no solution without the collective efforts of the nations of North America, Western Europe, and Japan—the very nations whose cooperation over the course of more than two decades has brought prosperity and peace to the postwar world. Nor in the last analysis can there be a solution without a dialogue with the producers carried on in a spirit of reconciliation and compromise.

A great responsibility rests upon America, for without our dedication and leadership no progress is possible. This Nation, for many years, has carried the major responsibility for maintaining the peace, feeding the hungry, sustaining international economic growth, and inspiring those who would be free. We did not seek this heavy burden, and we have often been tempted to put it down. But we have never done so, and we cannot afford to do so now—or the generations that follow us will pay the price for our self-indulgence.

For more than a decade America has been torn by war, social and generational turbulence, and constitutional crisis. Yet the most striking lesson from these events is our fundamental stability and strength. During our upheavals, we still managed to ease tensions around the globe. Our people and our institutions have come through our domestic travails with an extraordinary resiliency. And now, once again, our leadership in technology, agriculture, industry, and communications has become vital to the world's recovery.

Woodrow Wilson once remarked that "wrapped up with the liberty of the world is the continuous perfection of that liberty by the concerted powers of all civilized peoples." That, in the last analysis, is what the energy crisis is all about. For it is our liberty that in the end is at stake and it is only through the concerted action of the industrial democracies that it will be maintained.

The dangers that Woodrow Wilson and his generation faced were, by today's standards, relatively simple and straightforward. The dangers we face now are more subtle and more profound. The context in which we act is more complex than even the period following the Second World War. Then we drew inspiration from stewardship, now we must find it in partnership. Then we and our allies were brought together by an external threat, now we must find it in our devotion to the political and economic institutions of free peoples working together for a common goal. Our challenge is to maintain the cooperative spirit among like-minded nations that has served us so well for a generation and to prove, as Woodrow Wilson said in another time and place, that "the highest and best form of efficiency is the spontaneous cooperation of a free people."

CHILDREN'S CHARITIES

Mr. MONDALE. Mr. President, I would like to take a few minutes to discuss the findings of a recent General Accounting Office study on children's charities.

This study was requested by me as chairman of the Subcommittee on Children and Youth. It was part of a much broader study of the programs administration and fundraising of charities claiming to serve children and youth, which we have been conducting since early this year. It was the subject of a public hearing before the subcommittee on October 10.

I asked the GAO to look into the process by which the U.S. Agency for International Development registers charities which are soliciting funds from the American public to be sent to aid programs abroad. More than 90 groups—including some which emphasize services to children—are currently registered. Many of these groups advertise that registration on their solicitation materials.

Specifically, I requested GAO to study the administrative process involved in registration; and to audit and examine the activities of five groups which are currently registered. The groups on which audits were requested all emphasize children's services in their programs or advertising. They are the American Korean Foundation, Christian Children's

Fund, Foster Parents Plan, Holt Adoption, and Save the Children Federation.

I was most encouraged by the results of the investigation. GAO found no major deficiencies and no illegalities in the operations of any of these organizations. As has been the case throughout our study of children's charities, most of the groups were found to be conducting important, humane programs of critical importance to the persons who benefit from them. We were impressed by the dedication of the staffs of these groups and by the great amount of good that they are doing. For this reason I am very concerned about a number of press reports that have suggested that GAO found major problems in all of the groups studied.

The record should show that GAO found four of the groups generally operated good programs and managed their money well—American Korean Foundation, Foster Parents Plan, Holt Adoption, and Save the Children Federation. In only one case—that of the Christian Children's Fund—were the management problems a matter of serious concern. And at the subcommittee hearing, the executive director testified that remedial action on these problems was already under way.

GAO also concluded in its report that registration of these types of groups by the Agency for International Development should not be accepted by the public as a guarantee of their reliability, because the Agency does not bother to monitor and audit their activities.

Private, charitable efforts for children and youth provide an absolutely essential part of any strategy for dealing with human problems. It has been my intention throughout this investigation to encourage and support those efforts wherever possible. I sincerely hope that these voluntary efforts will continue to play a major role in improving the quality of life, and that our public policies will continue to encourage them.

THE ENERGY CRISIS

Mr. BARTLETT. Mr. President, the energy crisis is a tremendously complex problem. A thorough and thoughtful analysis by all of us in Congress is essential before we act on critical energy legislation. In this regard, a speech recently given before the Independent Petroleum Association of America by Dr. Edward Mitchell, director of the National Energy Project of the American Enterprise Institute, is especially enlightening.

In his address, Dr. Mitchell discussed the domestic energy shortage from an economist's viewpoint. His analyses of both the causes and the solutions to our energy problems are particularly astute. I encourage all Senators to read his remarks.

I ask unanimous consent to have Dr. Mitchell's speech printed in the RECORD.

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

REMARKS OF EDWARD J. MITCHELL

Suppose that oil had never been discovered in North Africa or in the Middle East. Suppose that the entire region from Gibraltar to Afghanistan contained not a drop of oil. Would we have an energy crisis today? When this question was posed a couple of weeks ago at a conference of our National Energy Project, Herbert Stein, President Nixon's chief economist, answered with an instantaneous "no." Later that evening at dinner, I posed the same question to Alan Greenspan, Washington's new chief economist, and just as promptly received another negative reply.

To these distinguished economists, to Charles Murphy of Murphy Oil, the man who first asked the question, and to myself, the negative answer was obvious and required no pause for reflection. Yet when I ask that question of most intelligent people, including some oil men, they are just as confident the answer is yes. And when I tell them how the economists answered, they are often flabbergasted.

If my opinion poll is accurate, economists have a rather unique perception of our current energy dilemma. Enormous fields of cheap oil in the Middle East now co-exist with an energy crisis, while in the minds of these economists the absence of this oil would have left us without an energy problem. One obvious conclusion to draw is that scarcity of energy is not the cause of the energy crisis. Certainly this is a controversial view. One needn't be reminded of the surfeit of doomsday pronouncements to be aware of the widespread concern about running out of energy.

Today I would like to offer you the perspective of one economist on the energy problem and attempt to elucidate this seemingly strange viewpoint.

First let me deal with the doomsday argument. I think that most economists who have thought about it regard this argument as naive. We have been hearing it for more than a century and the predictions of catastrophe have never come to pass. In the field of petroleum resources the IPAA has probably done as much as any organization to debunk this argument. You have pointed out that as early as 1866 the U.S. Revenue Commission was concerned about having synthetics available when crude oil production ended. And that in 1914 the Bureau of Mines estimated total future U.S. production at 6 billion barrels—an amount we now produce every 20 months.

Government experts have told us not only that there isn't any more oil, but also where it isn't going to be. In 1891, Dr. McKelvey's predecessors at the U.S. Geological Survey assured us there was no chance of oil in Texas.

But these guesses at physical quantity are beside the point. Economists whose subject matter is scarcity, do not measure scarcity by physical supply. The price that equates supply and demand is the proper measure of scarcity. If we look at real energy prices, we find that the American consumer is paying about the same for energy today that he did in 1950. One can not argue on the basis of cost that energy is becoming more scarce.

If we are not facing increasing scarcity, what is the energy problem all about? In my view there are two causes of the current crisis. First, there has been an extremely abrupt change in energy prices in the world market. While it is true that real energy prices are about the same in 1974 as in 1950, the course between those two years has not been steady. From 1950 to the middle of 1973, prices fell continuously, and in every five year period fell faster than in the previous five year period. Up to the middle of 1973, we had an accelerating decline in energy prices that left the real price 25 percent below 1950 levels. In the next year, energy prices gained back all of that decline and a bit more.

This pattern of accelerating decline and extremely sharp reversal has little to do with the physical scarcity of oil. Prices fell in the 50's and 60's primarly because competition in the world oil market was driving crude prices down toward Middle East costs of production. Prices have risen in the past year because competition in the world oil market was brought to a halt when an organization of oil exporting countries began to operate effectively as a cartel. The shift from competition to cartel accounts for the upsurge in world energy prices.

The second factor is that within the United States there has been in the last decade harmful regulation imposed upon the energy sector in the form of absurdly low price ceilings on natural gas, severe limitations on the use of Federal lands, and out-moded treatment of monopolies that produce electric power. Even if world markets had continued their competitive trends, we would still have had trouble at home in the petroleum and electricity markets.

The abrupt change in world oil prices is what brought about the crisis as the public knows it. Had energy prices remained stable over the last quarter of a century it is doubtful that anyone would be losing sleep over the energy problem today. Certainly we would have nothing resembling the panic that now exists in the United States and abroad. Had real energy prices remained constant over the years we would have experienced gradual rises in the money or nominal prices of gasoline, heating oil and electricity and consumers would not have been induced by low prices to drive bigger cars, waste heating oil in uninsulated homes and purchase inefficient electric appliances. Energy consumption today would be significantly lower in the home and in industry.

On the supply side, we would be much further along in the utilization of oil shale, tar sands, coal and other non-petroleum sources. In brief, we would be very close to the kind of energy economy envisioned by forecasters for the late 1980's and 1990's. Instead, we have had the luxury of very low energy prices but have had to experience the pain of getting back on the track in such a short period of time. The movement has been so fast that we have been going through the economic bends and a certain amount of decompression is in order.

It is not true that the rapid inflation now being experienced in most western countries is a direct consequence of these world oil difficulties. Certainly there is going to be a transfer of wealth from the oil consuming to the oil producing countries. However, responsible monetary and fiscal policy would assure that this transfer would be accomplished without measurable effects on the rate of inflation. The classic economic response would be to permit a decline in both money and real incomes in the consuming countries. Apparently, it is more politic to attempt to hide the real income transfer by allowing prices to rise and to accomplish the move of wealth through inflation rather than through income reductions. Either way we choose to go there is no way around this massive movement of wealth short of drastic changes in the foreign policies of consuming nations.

The problems that nations such as Italy have in maintaining balance of payments equilibrium are due in part to the fact that Middle East oil is so cheap to produce. If ten dollar oil cost ten dollars to produce, Arab nations would have to spend all their oil revenues on the supplies necessary to produce oil. These supplies could be bought only from the consuming nations. How well any particular consuming nation fared would depend on its ability to compete in this market.

But instead, much of the oil revenue generated does not return automatically in the demand for consuming nation products. It

is completely free, totally discretionary money that often cannot be spent sensibly on imported products. The funds must be held in the form of monetary or real assets of the consuming nations who compete for these funds not in the import markets of the oil producers, but on the basis of the overall quality of their currencies and the stability of their governments and private property institutions. In this competition, the strong get stronger and the weak get weaker.

Thus, the pains caused by high oil prices are exacerbated by low oil costs. Once again we are the victims of abundance.

In summary, the existence of cheap oil has afforded us cheap energy for a couple of decades, but its concentration in one geographical location has allowed a cartel to form and take away these benefits so quickly as to create a shock to the international economy. The crisis is not in the price of oil, but in the dramatic change in the price in a short time period.

At this point in a speech I am normally expected to say something about the future. From the foregoing remarks you can readily see that the energy future will depend not so much on what economists, businessmen and scientists do, but on what governments do. This has clearly been the case for the last several decades in the United States. For this reason forecasts of energy prices and consumption have been wide of the mark. Indeed if past performance is a guide, little faith should be placed in any energy forecast. Given the recently increased dependence of energy supply and demand on government behavior, the prospects for accuracy in future forecasts are dismal.

There is, however, something important that can be said about the way we look at the energy future. Most projections oriented towards influencing energy policy deal with highly aggregative figures and with over-all growth scenarios in an attempt to reconcile future energy demand and supply. I believe this approach is a miserable way to go about making energy policy. In the first place, as I have indicated, the forecasts are almost certain to be wrong. But more important, this conception of the energy issue offers no intelligent basis for making policy choices. If you asked me whether I would prefer a 2% energy growth or a 4% rate, I could not give an intelligent answer, nor could anyone else. The overall energy statistics have almost no policy meaning. What I suppose people have in mind is that by going through this arithmetic exercise we can learn how to balance future demand and supply and avoid energy shortages. But energy shortages are not a problem. The market-place has been balancing supplies and demand efficiently for millennia. The task confronting energy policy makers is to choose policies that help individual citizens more than they hurt them. We choose policies because they make people better off, not because they balance two columns of numbers. The only way to make good energy policy is to study in detail the human consequences of each decision and make the choice on the merits of each individual case.

There is another fault with the macro or aggressive approach: it requires a high degree of government planning and control. Yet we know from recent history that the sectors of greatest government control are the ones that give us the greatest headaches.

The government cannot successfully program the future by blueprinting supply programs for oil, coal and other energy sources or by postulating elaborate conservation programs with rationing, or as it is now euphemistically known, allocation. Almost certainly such programs will result in either large surpluses or shortages, and more important, unnecessary costs. What is called for are institutions that are responsive to change and self-correcting in the face of mistaken premises. The market is such an institution. The political and bureaucratic processes as we know them today are not.

In spite of our limited capacity to predict the energy future, there is a great deal we can say about the proper policy choices that should be made. Some policies have benefits to society that are so obviously greater than their cost that we simply cannot hesitate to go forward with them.

First, we must de-regulate the price of natural gas. Regulating natural gas prices at their current levels is no longer intellectually defensible.

Secondly, we should remove controls on the price of oil. The argument for oil de-control is a bit weaker than for gas because the oil market has not had as much time to get messed up under controls, but I have every confidence the FEA will catch up quickly to the FPC.

Third, we should open up promptly, for competitive leasing, the outer continental shelf and the naval petroleum reserves.

Fourth, we should speed up government licensing and regulatory procedures, particularly with regard to nuclear power plants. To cite a prominent example, the nation has lost tens of billions of dollars from the delay in the Trans Alaska Pipeline alone.

My final recommendation is to carry out the preceding four recommendations immediately. One of the greatest problems facing our economy is the uncertainty surrounding government policy in the energy field. Businessmen and consumers must know the rules of the game if they are to make sensible decisions about future consumption and production. It may well be better to adopt a clear-cut mediocre energy policy today than to stumble along as we are even if it leads to a better policy five years from now.

One of the worst mistakes that could be made would be to view the energy problem as primarily something that might happen in the year 2000 unless we take action on a crash basis today to develop more energy sources. New energy sources will be developed and certainly we should attend to their development. But the main energy problem is now and for the next ten years. We must permit the economy to adjust to the new level of prices instead of resisting the inevitable. Indeed, freeing American consumers and producers to adjust to the price of energy is the best single thing that can be done to reduce the price.

KIDNEY DISEASE: "WE LOST"

Mr. HARTKE. Mr. President, during the past several months, I have had printed in the RECORD thousands of words and hundreds of statistics about the chaos which has existed within the Department of Health, Education, and Welfare and the Social Security Administration in the management of the kidney disease program. The distinguished Senator from Louisiana (Mr. LONG) and I sponsored the amendment which established that program 2 years ago, but I regret to say that our hopes have been unfulfilled.

I cannot ignore the fact that there have been several significant improvements in the kidney program in recent months. Most hospitals and patients are being reimbursed in a reasonably timely fashion, problems between the Social Security Administration and the Veterans' Administration have been resolved, and new proposed interim regulations have just been issued. But all of that progress pales in comparison to a recent letter which I received from a bereaved young woman from California.

She wrote to me about the death of her husband. He had suffered from chronic kidney disease for some time and had more recently received a kidney transplant.

Wayne Ritchey lived in El Centro, Calif. To receive dialysis treatments 3 times a week, Wayne drove 250 miles round-trip to a facility in San Diego. There were two hospitals near his home, but neither had a dialysis facility.

Wayne Ritchey's plight came to my attention because his uncle is a friend of mine. It was through his uncle that I learned that money had been placed in a bank account to purchase a dialysis machine in El Centro. There were some 13 people in that remote area of California who made the same trip Wayne Ritchey made 3 times every week, and the community had raised the money to provide these people with the treatment they needed.

Bureaucratic delay played its ruthless game. For months, my office worked with hospital representatives in El Centro and with health officials in Washington, D.C., in an effort to get a dialysis treatment program underway. During those months of waiting, Wayne Ritchey got his transplant, and his family and I shared a common prayer that he would accept the transplant and live in good health. But Wayne Ritchey died on August 26.

A few weeks before his death, I wrote Wayne to find out how he was doing. When his wife wrote to tell me of his death, she included a letter which Wayne had started to write to me just before he died. He speaks of his difficulties in obtaining treatment, of being shuttled from one facility to another, of feeling that nobody cared.

Wayne Ritchey did not have a chance to finish his letter to me, but his wife filled in where Wayne left off. She also speaks of the agony and the frustration which Wayne went through in an effort to remain alive.

Mrs. Ritchey's final paragraph says: "We lost," and I share her grief as I am sure that it is shared by my colleagues. But I intend to redouble my efforts to make the kidney program work, and to make the delivery of quality health care a reality for every American. I did not fight for a kidney disease program so that people like Wayne Ritchey would lose. I wanted to see an end to the loss of needless lives because people who did not have the money to take advantage of the advances made by medical technology would be able to go on dialysis or get a kidney transplant.

Mr. President, in a postscript to me, Mrs. Ritchey says,

> If there is any way I can get my story out about the tragedy of dialysis and transplants I wish you would let me know.

In an effort to begin to spread her story, I ask unanimous consent that the text of Mrs. Ritchey's letter to me together with the text of her late husband's uncompleted letter to me be printed in the RECORD.

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

SEPT. 22, 1974.

DEAR SENATOR HARTKE:

Wayne died August 26.

I found this letter that he had started and although its not completed it will give you some small idea of the problems.

As an observer I can only say that the problems are horrendous and will only become worse through the thing that was to be the most help to the victims of catastrophic diseases, MediCare. I'm afraid that it will be terribly abused by the doctors with little benefit to the patient. I was shocked at the open conflict between the surgeons and nephrologists. When it gets to the point where the patient is aware of the fight between these two groups over top billing and their share of the money its bad. Those are the problems at the top and they continue on down the line. The promise of the continuation of life is offered with very little support. People too sick to get themselves to dialysis centers (paying twenty-four dollars a day taking cabs and buses, begging friends and neighbors to help you), people too sick to fix a lunch on the only day they can eat what they want and hoping that someone will be around to go out and get you something and then almost the last straw getting off the machine with a blood pressure of 30/60 and as soon as you show any signs of life at all being thrown out on the street to find your way home the best you can.

All in all its a very inhuman and degrading experience. It has an effect on all who surround you(,) family, friends to say nothing of your finances.

I deeply appreciate your help and concern through our long struggle. We lost. But may*be* we made the road easier for someone else. I hope. If I can give you any more information please let me know.

With deep appreciation,

(signed) BARBARA CECERE RITCHEY.

P.S. If there is any way I can get my story out about the tragedy of dialysis and transplants I wish you'd let me know.

DEAR SENATOR HARTKE:

Thank you very much for your letter expressing your best wishes for my health.

I am sorry it has taken so long to reply but the problems I had with dialysis were so numerous I didn't know how to answer.

The troubles started with my initial hospitalization for high blood pressure. The diagnosis of the cause of the hypertension was failing kidneys, and the cure or remedy was dialysis. The hospital I was in did not have a dialysis unit so I had to arrange transportation to another hospital approximately ten miles away. My wife and mother drove me back and forth, however, my treatments were in the evening and I didn't finish till 10:00 to 11:00 PM and then they had to return from San Diego to El Centro, a trip of 120 miles. I feel I should have been transferred to the University Hospital or one of the other hospitals in the area with a dialysis unit when I was diagnosed as having renal failure.

After stabilizing my blood pressure via dialysis and heavy medication I was discharged and assigned dialysis treatment at Bio Medical Dialysis Center, a private corporation located in San Diego. My schedule was three days a week from 7:00 a.m. to 1:30 p.m.

NEED FOR A GAS TAX

Mr. PERCY. Mr. President, there appeared in the Sunday, November 10, edition of the New York Times, an article by Tom Wicker which is particularly timely and noteworthy.

While several national leaders have acknowledged that fuel conservation is one of the fastest and soundest means of reducing our energy shortages, there is no consensus on the actions needed to achieve this conservation. The President has asked all Americans to voluntarily conserve, but I, for one, do not believe that this will be enough.

Stricter measures will have to be taken if we are to appreciably reduce fuel consumption. The gasoline tax, which I have favored, is one method which strikes at the heart of the problem.

Tom Wicker makes an effective argument for a gasoline tax which my colleagues should find most interesting.

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:

ONE WAY TO BITE THE BULLET

(By Tom Wicker)

George Meany cut through a lot of baloney when he said the Democratic victory in the Congressional elections was not a "mandate" for anything, but a voter reaction to "all the scandal and the collapsing economy." If the hundreds of Democratic Congressional candidates around the nation were advocating some coherent economic program which the voters duly endorsed, that fact was not apparent to anyone but Democratic Chairman Bob Strauss.

It would be fair to say, nevertheless, that if the election had any meaning at all, it was not to validate the economic records of the Nixon and Ford Administrations. Instead the returns logically implied that voters would like to see more effective control of inflation and less unemployment, and that they don't think Mr. Ford is doing much about either.

So now that the immediate necessity to face the wrathful voter is out of the way, both the executive and legislative branches should find the courage to take necessary economic steps. Right? So far, the indications are not encouraging.

Mr. Meany probably was correct that when Democratic Congressional leaders talk of wage-price controls, they really mean granting authority for Mr. Ford to impose such controls, when, if and how he sees fit—*you* do it, Jerry. Mr. Ford himself is not even willing to concede there is a recession, which hardly suggests he is willing to bite that mythical bullet everyone talks about. And what leading Democrat, secure in his new term, has yet talked of such a muscular move as a stiff increase in the gasoline tax?

This is a proposal that Mr. Ford dismissed more or less out of hand. Then he apparently dismissed his energy administrator, John Sawhill—but not his Treasury Secretary, William Simon—for advocating it anyway. Democratic leaders like Senators Mondale, Muskie and Eagleton have shied away in holy horror. Yet, this many-edged proposal has much to recommend it, when it comes to bullet-biting.

A gasoline tax would be the quickest and most effective means of imposing the kind of oil conservation on American consumers that is the most useful response to the general energy crisis and to the threat of another Arab oil embargo. High American oil consumption is one of the prime causes of the energy crisis and its reduction—by real, not token amounts—is necessary both to a long-term energy solution and to reduce the immediate effectiveness of the Arab oil weapon.

A gas tax increase would effect that kind of conservation without affecting the more vital uses of oil—for home heating and industrial fuels. It would eliminate the need for gasoline rationing. It would drive down demand, rather than reducing imports and making demand conform, as the French are trying to do. It might even lead the Federal Government out of its shortsighted refusal to provide adequate funds for mass transportation development. Fewer automobiles in the cities could improve urban life, and gasoline conservation would do much to remove air pollution from the long list of national problems.

A gasoline tax increase would have more anti-inflationary impact than Mr. Ford's proposed 5 per cent surcharge on income taxes, making the latter unnecessary. A ten-cent increase, for example, would bring in an estimated $11 billion in additional revenues—taking $6 billion more out of the public's pocket than the surcharge would.

As for poor families who would be disadvantaged, they are estimated to use less than a third as much gasoline as the average American consumer, and the increased tax could be rebated to them at small cost and without much effect on gas conservation. The remaining revenue increase would be ample to finance both low-income tax relief for those hit hardest by inflation and a public-employment program (perhaps with emphasis on mass transit facilities) for those thrown out of work by the slack economy.

On the other hand, a gasoline tax increase would have severe impact on the automobile industry, which is already in a slump. But recurring oil shortages or gasoline rationing or any of the visible alternatives are not going to be much better for the auto industry, which is going to be driven in any case to making smaller cars and more efficient engines—perhaps with Government tax credits to help cushion the transition.

A gasoline tax increase would be unpopular and cause much dislocation in an automobile society, but neither the economic nor the energy problem can be dealt with by half-measures and easy promises and who knows? Maybe American voters are smarter and tougher characters than the polls think. Maybe they might be willing to take their medicine—grumbling all the time—if somebody they trusted had the guts to say the medicine was good for them. And maybe somebody who showed that kind of guts would be trusted.

Such a somebody should also advocate opening the highway trust fund to general transportation uses. That's a logical next step after a gasoline tax increase, and just in case the public won't accept the latter, there's an old saying that goes, "You might as well be hung for a sheep as a goat."

ANNOUNCEMENT OF POSITION ON A VOTE

Mr. STEVENSON. Mr. President, I was necessarily absent from the Senate on Tuesday, November 19, 1974. Had I been present for the vote (No. 485 Leg.) on final passage of the conference report on S. 386, the Urban Mass Transportation Assistance Act of 1974, I would have voted "aye."

Mr. CURTIS. Mr. President, the cargo preference bill also referred to as the Transportation Security Act of 1974 is a direct attack on our economy. The Senate should defeat the pending conference.

I ask unanimous consent to have printed in the RECORD a statement made by me at a press conference today together with a backup statement of mine entitled "You Can't Win With Cargo

Preference" and also a letter from the Secretary of Commerce dated November 18, 1973.

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

REMARKS OF SENATOR CARL T. CURTIS

Thank you, ladies and gentlemen of the media for coming.

On September 5, when the Senate passed H.R. 8193, a highly controversial bill that would require up to 30% of America's oil imports to be carried on domestic built and registered tankers by a vote of 42 to 23, many Senators due to campaigning and other reason were necessarily away and, therefore, were not present for the debate. During that debate, the question of the inflationary impact of this Cargo Preference Bill did not come into sharp focus.

President Ford, in his recent address to the Joint Session of Congress labeled inflation as "Public Enemy Number One" and requested the Congress to prepare inflationary impact statements for each Bill. As far as I know, to date no such study has been prepared for H.R. 8193. For this reason, I asked a cross-section of the American economy to comment on the inflationary consequences of H.R. 8193 prior to the Senate's final consideration of it.

I wrote to renowned economists of numerous economic persuasion—including all those whom President Ford invited to participate in his recent White House Summit Conference on Inflation; to Federal Agencies; and to people from areas of American life affected by H.R. 8193.

I can say today, as a result of this investigation, that H.R. 8193 is unquestionably, undeniably, and unconscionably inflationary. And, enactment of this legislation will result in unnecessarily higher prices to every American consumer.

Every written response received to date agrees that the Bill is highly inflationary to the American economy. They differ only on exactly how inflationary the Bill will eventually prove to be.

I was gratified to see that President Ford, in his legislative message earlier this week specifically voiced his concern about H.R. 8193 when he stated,

"Although I fully support a strong U.S. merchant marine, I am seriously concerned about problems which this bill raises in the areas of foreign relations, national security, and perhaps most significantly, the potential inflationary impact of cargo preference."

I have sent a compilation of the responses I received to the President—which clearly reaffirm his concerns—for his consideration and will send them to all of my Colleagues.

I am sure that my Colleagues here in the Senate agree with me that a strong vibrant Merchant Marine is necessary and that the proper federal approach in trying to achieve this goal is best expressed in the Merchant Marine Act of 1970.

The evidence is clear. This vote will prove to be an important test of Congresses's commitment to begin ending the insidious inflation that tends to erode public confidence in our economy and which hits hardest at those on fixed and lower incomes. The Senate has the opportunity to convince the American people it intends to fight "Public Enemy Number One" by defeating the Conference Report on H.R. 8193.

An objective appraisal of these responses will lead others to conclusively agree with me that you can't WIN with Cargo Preference.

YOU CAN'T WIN WITH CARGO PREFERENCE

(By Carl T. Curtis, U.S. Senator)

On September 5, 1974 the Senate passed H.R. 8193 by a vote of 42 to 28. Soon we will have a chance to rectify that mistake by defeating the Conference Report on this Cargo Preference legislation.

Though many of us were necessarily absent from that vote, I wish to commend my dear friend and distinguished colleague, Senator Norris Cotton of New Hampshire, for his outstanding efforts in trying to warn the members of the Senate of the consequences of enactment of H.R. 8193. Also. my compliments to those Senators from those Eastern Seaboard, energy consuming States, who realized that the Nation in general and in particular the 40% of the population they represent that consumes 70% of our energy imports would be seriously hurt by the higher fuel prices inherent in H.R. 8193 and therefore opposed the Bill.

During the earlier debate, however, the question of the Bill's inflationary impact did not come into sharp focus.

Since President Ford has accurately described inflation as America's "Public Enemy Number One," I asked for expert opinion on this Bill's economic impact from a broad sampling of the Nation's leading economists as well as persons in both the public and private sectors who are in a position to know and assess the legislation's impact. All told, I sent approximately 60 letters requesting their assessment of the inflationary impact of H.R. 8193.

What clearly emerges from every response from this cross-section of economists of virtually every economic persuasion and from the citizens whose interests transcend philosophical differences is that H.R. 8193 is unquestionably, undeniably, and unconscionably inflationary and enactment will result in unnecessarily higher prices to every American consumer.

The responses speak for themselves:

Walter Heller, Regents' Professor of Economics, University of Minnesota referred me to his comments on H.R. 8193 which he made during his remarks at the recent White House Summit Conference on Inflation. He said, on September 28, 1974:

"A painful and current case in point is the Bill just passed by Congress to require 30% of U.S. oil imports to be carried in U.S. flag tankers, which will cost American consumers hundreds of millions of dollars. One hopes that this fatted calf will be stillborn."

Paul A. Samuelson, Institute Professor of the Department of Economics at the Massachusetts Institute of Technology said:

"A jury of economists of all shades of political opinion would largely concur that this legislation would add to the current inflation, and would subtract from the real standard of life of the American people—without at the same time adding any worthwhile national security or protection of our energy resources.

"Indeed, at the Second Summit Meeting of Economic Experts, at the Waldorf in New York, of the 23 economists present, 21 expressed themselves as being opposed to precisely such measures as this one. Of the two who refused to approve the general statement of the other 21 economists, one was the AFL–CIO representative.

"I believe this is one measure that members of both political parties can join in rejecting."

Paul W. McCracken, Professor at the Graduate School of Business Administration at the University of Michigan says:

"I regard this Bill as an excellent illustration of how a narrow special interest can triumph over the general interests. Any member of the Senate or the House who has been expressing deep concern about the high cost of gasoline and oil to consumers would be displaying hypocrisy if he votes for this Bill. That is a strong statement but it is, I believe a fair statement."

C. Jackson Grayson, Jr., of Southern Methodist University Department of Economics says:

"Though I cannot express my views in quantitative terms, I can certainly say that this will raise the price of oil and is inflationary. It is a piece of legislation which aims to help a sector of the economy, but ends up asking that the rest of the economy pay for the price. The simplest response I can make is that this act, if passed, will drive prices up."

Otto Eckstein of Harvard University's Department of Economics says:

"This legislation would seriously compound our inflationary difficulties, contribute to our energy problems and all without significant redeeming social value.

"If the Congress and the President find themselves unable to resist the political pressures for this legislation under the current economic circumstances, then our political-economic system is in very deep trouble."

John Letiche, Professor of Economics at Berkley put his comments rather strongly by saying:

"It is most regrettable that no 'Inflationary Impact Statement' has been prepared on this ill-advised legislation: For it would definitely reach the conclusion that this Bill would aggravate the already deleterious inflationary pressures upon our economy. It cannot but have the effect of raising the price of imported crude and, thereby further inflating the price of gasoline, heating oil, fertilizer and numerous other petrochemical-related products. According to my estimates, the 'Energy Transportation Security Act of 1974' would have the net effect of raising the price of gasoline above 1 to 2 cents a gallon.

"The evidence is incontrovertible that this ill-chosen Act would seriously aggravate the already existing shortages in basic industries, such as steel.

"The distortion in the balance of free collective bargaining that this legislation would bring about injects a political factor into the collective bargaining process that is bound to have deleterious effects upon the Nation's objectives of fighting inflation, reducing monopoly power and negotiating a code of trading principles under the GATT which would reduce rather than exacerbate the cartelization of foreign trade and the disruption of the international financial structure.

"The passage of H.R. 8193, and its resulting rise in the price of crude, will put into jeopardy the credibility of our Government's attempt to struggle with inflation. It opens the door to the cartelization of trade in other basic commodities in short supply, such as iron ore.

"From the point of view of political economy, there is nothing to justify the passage of this legislation; particularly since the Maritime Act of 1970 is well suited to the legitimate expansion of the Merchant Marine."

Milton Friedman of the University of Chicago's Department of Economics was equally strong in his comments when he said:

"The requirement that a specified percentage of all oil imports be carried in U.S. built tankers is an unconscionable special interest measure that, so far as I can see, has no redeeming feature whatsover.

"The measure would burden the consumer, undermine our policy of promoting expanded international trade, and increase government spending—and all in order to provide employment to classes of labor that are already short and high paid.

"By increasing government spending, this measure would foster a more rapid increase in the quantity of money; by wasting resources, it would make for a lower level of output; both effects would be inflationary unless offset by reductions in spending elsewhere. In the present situation, such reductions are difficult to envision.

"I conclude that the public interest clearly

requires the defeat of any provisions requiring oil to be carried in U.S. built registered tankers. We profess to believe in freedom and free trade. We should practice what we preach."

Yale University's Richard Cooper agrees with his colleagues:

"I believe this bill would be highly inflationary, in the worse sense of raising real costs, and should be defeated.

"In addition to raising the prices of petroleum products to the already beleagured consumers, this provision would raise the production costs of American manufacturers and this reduces their competitiveness in world markets. I am, therefore, highly skeptical of any alleged balance of payments benefits from this provision because of this loss in competitiveness."

I will place responses from other economists in the RECORD as I receive them.

The various Agencies I wrote appear to be equally unanimous in opposition to H.R. 8193. For example,

Assistant Secretary of State, Linwood Holton, wrote:

"H.R. 8193 would extend cargo preference for the first time to the area of commercial cargoes and would not only set a precedent but would counter the United States policy of encouraging to the extent possible, international fair trade for shipping. It would violate commitments made in more than thirty of our Friendship, Commerce, and Navigation Treaties with many countries. The enactment of H.R. 8193 would certainly be tantamount to encouraging similar, but more drastic, moves on the part of the oil-producing countries. It would not only greatly affect the flexibility now enjoyed by importers in meeting supply demands, but it would affect, as noted below, the cost of this supply. Finally, many maritime nations, including NATO alliance countries, have already voiced serious reservations regarding the restrictive nature of H.R. 8193, and thus its passage could vitally affect future diplomatic relations with these nations.

"Once the U.S. approves the concept of petroleum cargo preferences, similar legislation at a higher percentage, as a *condition of supply* may very well emerge from the producing Nations. Accordingly, in such a captive market, a foreign government which controls both source and transportation could conceivably raise prices to nearly any level it wishes in the current energy shortage climate. Diplomatic efforts on our part would then have little logical basis.

"The Department of Agriculture has indicated it opposes H.R. 8193 because in its total concept the Bill would not serve the best interests of the American farmer. Specifically, the legislation would impose added costs of at least $.50 per barrel for every barrel of petroleum imported. Hence, as the cost of imported oil increases, the price of domestic oil will tend to rise proportionately. With the agriculture industry consuming more petroleum products than any other industry, it is estimated that H.R. 8193 will cause an increase of farm fuel costs of $35 million per year and an increased total to agriculture of at least $175 million per year. These higher costs will inevitably be passed along to the consumer at the supermarket and would be clearly inflationary. Additionally, H.R. 8193 would establish an unfortunate precedent for the possible extension of U.S. flag preference measures to other commercial imports and exports such as grain and other agricultural commodities. Accordingly, the higher petroleum costs and the possible extension of flag quota requirements to the agricultural sector would have a repressive effect on U.S. agricultural expansion and would impair agriculture's significant contribution to the U.S. balance of payments.

"In conclusion, the cargo preference provisions of H.R. 8193 are, in comparison to direct subsidy, an inefficient and cumbersome means of promoting the merchant marine—particularly since its implementation would interfere and cloud the deliberate nature of foreign policy, while at the same time drastically fueling the fires of domestic inflation to the detriment of the American people."

Rogers C. B. Morton, Secretary of the Interior, commented:

"To the extent that enactment of H.R. 8193 would cause this capacity to be used to transport insecure imported oil instead of building OCS drilling rigs to increase domestic production the 'Energy Transportation Security Act' would in fact contribute to our overall energy insecurity."

Assistant Secretary of Defense (Installations & Logistics), Arthur I. Mendolia, noted:

"The United States has become, and will remain for some years into the future, an oil-short and refinery-short nation dependent on multiple foreign sources of crude oil and refined products to sustain its economy in peacetime and to insure adequate petroleum resources for the Nation's security in time of war. We cannot expect the nations which produce or refine that oil, however friendly they may be, to look with equanimity on unilateral American legislative actions which would dictate in part the flag of the vessels which call at their ports to carry away their crude oil or refined products, or deliver crude oil to their refineries. H.R. 8193 would so dictate, and should it become law, we must realistically anticipate counter actions which would led to compartmentalization of the world's tanker fleets on a national flag basis. Eventually, most tankers would be controlled by governments which are likely to be parties to, or vitally concerned with future potential crises in international oil supply, whether caused by economic, political or military reasons. The great flexibility in employment of the world tanker fleet which we have always enjoyed in the past would be gone, with potentially harmful results in an emergency."

I must comment here that although repeated attempts have been made to register Mr. Nader's position on this Bill, he remains conspicuously silent on a Bill adversely affecting American consumers. However,

Virginia Knauer, Special Assistant to the President for Consumer Affairs commented:

"I share your misgivings about this legislation and I think you will be interested to know that I wrote Sentor Long in June of this year to state for the record my concerns about the detrimental effects on the consumer and inflation which this legislation is likely to have."

In that letter of last June to Senator Long, she made the following comments on behalf of the consumer:

"Passage of oil cargo preference legislation is virtually certain to cause an increase in consumer's cost of living. This is particularly unfortunate in light of the high inflation which currently confronts us.

"While estimates vary regarding this legislation's general inflationary consequences and its effect on the prices of specific consumer goods and services, the increases will be appreciable. The American consumer simply cannot afford this.

"Some proponents of the legislation say that these increases are minimal and therefore bearable by consumers. I say that such a position is hostile to the interests of consumers. The increases—even by conservative estimates—will amount to literally millions of unnecessary dollars out of the pockets of American consumers every year. Moreover, the cumulative effect of the assault of 'minimal price increases' upon the consumer's buying power can be truly unsettling, as we are seeing at the present time.

"There are signs of improvement on the inflationary front. It is especially important now that we protect our advantage by firmly resisting temptations which would strengthen the forces of inflation. One way that we can be effective in this regard is to defer on cargo preference legislation.

"Beyond its inflationary implications, I am also concerned by the fact that implementation of this legislation is very likely to reduce the supply of petroleum imports to the United States, and worsen the energy shortage already facing consumers. William E. Simon has stated that this legislation could hinder our progress toward Project Independence whereby we hope to guarantee ourselves a secure and adequate energy supply for the years ahead.

"Spot purchases of oil from foreign refineries account for a significant portion of our imports. I understand that passage of this legislation would interfere with these transactions and could result in the loss of as much as a half million barrels per day for the United States.

"Moreover, exporters of oil to the United States may become disenchanted with cargo preference red tape and turn to other markets instead of those in the United States.

"The increases in price and limitations on supply would be objectionable if borne evenly by all consumers throughout our nation but they become even more unpalatable when localized in those areas most dependent on foreign oil. In 1970, approximately 70 percent of oil imports was needed by the 40 percent of our population which resides in the 17 Eastern seaboard states, and this disparity is projected to become even greater in the next few years. In addition, there are other states—such as Hawaii—which are also largely dependent on waterborne foreign oil imports. Consumers in these areas will feel the sting of this legislation the worst."

Mr. Larry F. Roush, Acting Assistant Administrator for the General Services Administration stated:

"The bill has been of concern to GSA, and particularly its Office of Preparedness, in view of the current shortage of keel space, copper, steel, and manpower in the shipbuilding industry. Enactment of H.R. 8193 would exacerbate these problems by increasing demand, which at the same time would have an obviously adverse inflationary impact."

Members of private industry are also deeply concerned about the inflationary impact of this Bill on the American consumer. For example:

Mr. E. Douglas Kenna, President of the National Association of Manufacturers said:

"We believe that H.R. 8193 is a completely bad bill—highly inflationary and adverse to the manufacturing community, the economy, and the public interest."

Mr. Frank Ikard, President of the American Petroleum Institute made the following comment:

"The analysis shows an added financial burden on the average household in the U.S. amounting to at least $70 per year."

During the debate when the Bill was before the Senate last September, the proponents made a big deal about waiving the 15¢ per barrel import fee on oil (other than residual fuel oil with the fee on residual fuel oil being reduced by 42¢ per barrel) to offset any inflation aspects of the bill. This is apparently not the case at all. In a letter to Senator Magnuson, Chairman of the Senate Commerce Committee of last October.

Mr. John Sawhill, Administrator of the Federal Energy Office made the following comments about this question:

"With respect to crude oil, rebate of the oil import fee would not offset the increased cost of oil imports which would be caused by the bill. It is evident from the above figures that the provision of the bill which provides for a rebate of 15¢ of the oil import fee would not produce any meaningful relief from the increased costs for crude oil which consumers will be required to pay.

"The observations made above with respect to the small amount of crude oil ac-

tually subject to import fees in the short term apply to residual fuel oil also.

"We fail to perceive any reason why a rebate on residual fuel should be greater than the increased cost for shipping in U.S. vessels."

Mr. Arch Booth, President of the Chamber of Commerce of the United States in his recent letter to me addressed with clarity the provision of the bill which provides for a rebate of the oil import fee and proved the case that the rebate provision in no way alleviates the inflationary impact of H.R. 8193:

"Over the five-year period that the license fee rebate provision would be in effect, its cumulative potential value is about $850 million. However, the added cost of the legislation over this same period would total at least $6.5 billion and could easily be double this amount if consideration is given to the possible effect of foreign retaliation or imitation. Thus, over the short term, the license fee rebate provision would offer at best a 13% reduction, and in all probability the reduction would be closer to 6%–7%.

"Taking a longer term view, the cumulative cost of the legislation over the 1975 to 1985 period would be at least $25 to $31 billion, and could be double these amounts. On this basis, the $850 million potential value of the fee rebates would represent a 3% reduction at most.

"While there could be a relatively minor reduction in the direct cost to the consumer, the license fee remission features obviously would do nothing to reduce the overall inflationary impact on the economy. It would not prevent the diversion of critically short raw materials and capital into shipbuilding to satisfy the artificially created demand for tankers. It would not reduce upward pressures on shipbuilding costs. It would not eliminate the captive market created for U.S. flag tankers. The only thing it would do is to transfer a small amount of the added cost of the bill from the consumer to the U.S. Treasury, and thus to all taxpayers. In no way would this shifting of the cost burden reduce the inflationary impact on H.R. 8193 on our already troubled economy."

In addition to these comments, the Nation's media is almost unanimous in its opposition to this inflationary kind of special interest legislation.

I was pleased to see that President Ford, in his legislative message earlier this week, specifically voiced his concern about H.R. 8193 when he stated,

"Although I fully support a strong U.S. merchant marine, I am seriously concerned about problems which this bill raises in the areas of foreign relations, national security, and perhaps most significantly, the potential inflationary impact of cargo preference."

I have sent all the material and information I have been able to gather on this issue to the President for his consideration. All of this evidence says one thing loud and clear—H.R. 8193 is bad legislation and would make an economy already racked with inflation even worse. In the simplest of terms, "You can't WIN with Cargo Preference."

SECRETARY OF COMMERCE,
Washington, D.C., Nov. 18, 1974.

Hon. CARL T. CURTIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This is in response to your letter of October 29, 1974, requesting my opinion on the inflationary potential of H.R. 8193 ("Energy Transportation Security Act of 1974").

There is little question that this bill would have significant inflationary impact. The mandatory carriage of a percentage of our petroleum imports in U.S.-flag ships would increase the delivered costs of imported petroleum to the United States, and exert upward pressure on charter rates for tankers carrying domestically produced crude oil and products to refinery and marketing centers in the United States.

The short-term effects of H.R. 8193 on the shipping costs of imported oil can be estimated by comparing the rates necessary to cover the costs of tankers now operating under the U.S. flag and current charter rates in the world market. Since charter rates in the domestic trades would increase to the level of cost-based rates under H.R. 8193, the extent to which current rates are below cost-based rates can be used as a measure of the bill's impact on the cost of domestic oil movements.

The competitive nature of the tanker market tends to keep charter rates in line with the costs of building and operating tankers in the long-run. For this reason, the longer-term impact of H.R. 8193 on the delivered costs of imported oil can be evaluated in terms of the differences between the costs of U.S. and foreign tankers.

The Department's estimates of the magnitude of the inflationary impact of H.R. 8193 are set forth below. The short-term estimates are based on current import levels (approximately 6.3 million barrels per day), and the estimates for 1985 on imports of 10 million barrels per day, and 6 million barrels per day.

[*In millions per year*]

Short-Term:	
Higher import costs	196
Higher domestic costs (shipping)	119
Total	315
Long-Term:	
Imports at 10 million b/d	306
Imports at 6 million b/d	127

The short-term costs represent the premiums associated with using the existing U.S.-flag fleet. The long-term costs assume that modern efficient ships will constitute the U.S.-flag tanker fleet in the mid-1980's.

It should be pointed out that the import license fee remission provision of H.R. 8193 would provide negligible relief from the higher costs associated with this legislation in the early years of the program. Furthermore, the fee remissions will only be authorized for a period of five years and will be terminated at about the same time they begin to become significant.

The import license fee system is to be phased in over a seven-year period. Initially, only imports in excess of the 1973 quota levels were subject to fees and in each succeeding year fee-exempt allocations have been and will continue to be reduced by a fraction of the original level until phased out completely in 1980. Currently license fees are required only on imports in excess of 90 percnt of the 1973 quotas.

H.R. 8193 provides that, for a period of five years, the import fee on oil other than residual fuel oil be reduced by 15¢ per barrel and the fee on residual oil be reduced by 42¢ per barrel to the extent that such oil is imported on U.S.-flag commercial vessels and provided the reduction is passed on to consumers. However, in light of the phased introduction of the fee system, this rebate provision will yield little relief to oil consumers over the period in which the fee remission system is to be in effect.

Because the 1973 quota level of 2.9 million barrels per day for residual fuel oil was well in excess of actual imports in that year (2.0 million barrels per day) and because the phase-in provisions of the license fee system are tied to the 1973 quotas rather than actual imports, it is estimated that it will be 1976 or later before any fees at all will be paid on this import category. Hence, in the early years of the cargo preference there will be no fees to rebate on residual imports.

For imports other than residual the outlook is only slightly better. Even if we assume that 10 percent of our projected 1975 imports in this category enter subject to license fees and further assume that all of the oil subject to fees is carried on U.S.-flag vessels, the total fee rebate would amount to only about $23.5 million in 1975. Clearly this is inadequate to cover anything but a small portion of the added costs of cargo preference in the early years of the program. However, costs which are offset by fee remissions are not eliminated, but simply shifted from the consumer to the general taxpayer.

In summary, H.R. 8193 would impose hundreds of millions of dollars of additional costs on U.S. oil consumers each year. The import fee remission provisions of H.R. 8193 offer only minor relief from these higher costs.

If I can be of further assistance in this matter please let me know.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our letter to the Congress from the standpoint of the Administration's program.

Sincerely,

FRED DENT,
Secretary of Commerce.

PROJECT INDEPENDENCE

Mr. HARTKE. Mr. President, I have been growing increasingly pessimistic about this Nation's commitment to pursue the objectives of Project Independence, which might more accurately be referred to as Project Survival.

The minimal objective of Project Independence is to achieve some reasonable degree of energy self-sufficiency by the end of this decade. Most observers and analysts recognize that this is not feasible. The earliest we could even begin to achieve national self-sufficiency is 1985. To accomplish even that will require not only dedication, good intentions, and rousing speeches; it will require the Federal Government to commit major resources into a variety or different but interrelated areas. Furthermore, the attack must be carefully planned and centrally coordinated.

In the long run, of course, we will have to go well beyond the full implementation of existing technologies and the exploitation of existing resources. It is imperative that we begin to think in such long-range terms as well; we must remember our obligations to future generations.

I ask unanimous consent, Mr. President, to print in the RECORD following my remarks, the summary of a report entitled "U.S. Energy Prospects: An Engineering Viewpoint," written by a special task force of the National Academy of Engineering and published under the auspices of the National Academy of Sciences. I believe that the report takes a realistic view of the prospects for short-run energy self-sufficiency, and suggests the magnitude and nature of the commitment that will be required.

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

SUMMARY

Suddenly and dramatically, in October 1973, when the Arab oil embargo was imposed, the United States became aware of its dependence on foreign fuel to maintain its productive capacity, employment base, political autonomy, strategic security, and living standard. During the subsequent five

months of the oil shortage, the complex of problems, issues, resources, and habits connected with the Nation's energy supply, distribution, and use was a fundamental concern of the government, the industry, and, indeed, the whole American society. In this context, the National Academy of Engineering appointed a Task Force on Energy to provide an informed, reasoned, and prompt assessment of the technological range of actions that would have to be taken if the United States chose to become as independent as possible of foreign sources of energy in, say, a decade—that is, by 1985.

This report presents the analysis, findings, and conclusions of the Task Force. The Task Force concludes that, by any standard, the achievement of energy self-sufficiency in one decade would require enormous efforts but assumes the undesirability of a wartime "crash" program with its implications of government direction and intervention. Basically, it would be necessary to reduce the consumption of energy voluntarily, by means of increased efficiencies and reduced wastefulness, and to develop the fuel resources available in the United States with the best technology now available. Simultaneously, a major program would need to be pursued in research and development on advanced techniques in energy production and conservation for the future.

Central to this report are the roles of government, industry, and the public in advancing a comprehensive energy program in the next decade. The Task Force recognizes that achieving this goal would require a series of intermingled political and social decisions by the American community. The fundamental decisions toward that end should be made this year.

SUPPLY AND DEMAND

On the basis of recent historical trends the demand for energy in the United States could surge to the equivalent of 58 million barrels of oil per day (MBPD) by 1985—more than 55 percent greater than 1973 consumption of 37.2 MBPD. However, if major initiatives are undertaken to conserve the use of energy, the demand by 1985 could possibly be reduced to some 49 to 50 MBPD, which would still require a significant increase in energy supply during the next decade.

In 1973, domestic sources supplied the equivalent of 30.6 MBPD of the energy consumed. The rest came from imports of crude oil and natural gas. Projections made by industry experts in 1972 and in the pre-embargo months of 1973 indicated that domestic supplies could rise to about 40 MBPD by 1985 based on the then projected large-scale program. This study finds that if appropriate and timely actions are taken, domestic production could be further increased to about 49 MBPD in 1985. If this happens, the Nation's energy demand in 1985 could be satisfied by domestic energy supply sources, so long as significant conservation measures are taken by all consumers.

The gap between the domestic supply capabilities and the demand even with extensive conservation, cannot be closed quickly. Oil imports will probably have to rise to a level of 8 to 9 MBPD by 1978 in order to meet the overall demand by this period. Thereafter, as new domestic sources become productive, the need for oil imports could diminish.

It may not be possible or even desirable to cease importation altogether, even by 1985. This study forecasts that maximum probable domestic production of liquid hydrocarbons from all sources could be about 13.6 MBPD by 1985—still far short of the 1973 consumption of 16.2 MBPD. Therefore, unless major oil conservation practices are implemented, including converting some present uses of oil to more readily available forms of energy, oil will continue to be imported, at least until coal-based synthetic fuels can be brought into large-scale production.

CONSERVATION POTENTIALS

Increases in the price of energy, resulting from inexorably higher costs of development, production, supplies, labor, and capital, will provide a compelling incentive for the voluntary conservation of energy and will help promote the replacement of inefficient machines and methods with more efficient ones. Timely and intensive public information campaigns as well as economic and social incentives could guide business, industry, government, and individual consumers to reduce their energy demands by the equivalent of 8 to 9 MBPD below the historical extrapolations for 1985, the Task Force estimates.

Areas where major savings are considered possible include: increased adoption of small cars with less power equipment, improvement in the efficiency of industrial products and processes, better insulation and more efficient heating and cooling systems in residential and commercial uses, and, eventually, expanded and more effective public transit systems.

While most energy conservation can be achieved through the normal working of economic forces, government leadership will be the key to methodical conservation through such actions as encouraging the labeling of efficiencies and "life-cycle" costs, stressing such considerations in its own purchases and programs, and considering efficiency improvements in allocating grants and financial assistance to transportation systems.

OIL AND GAS PROSPECTS

In 1973, more than 75 percent of the Nation's energy was supplied by oil and gas, of which about 23 percent was imported. With this dependence on imported energy, the oil embargo and price increases for imported oil came as a rude shock to the U.S. economic, political, and social structure.

The 1973 domestic oil and gas production of 22 MBPD cannot be maintained or increased without prodigious application of present technologies and the development of new technologies. Over the years, producing fields wane and new fields must be discovered and brought into production. Field production is ultimately limited by geologic conditions, and, even with such techniques as pumping and flooding, about two-thirds of the oil cannot be extracted economically. Some gas fields have formations of such low permeability that economic yields cannot be attained by conventional practices. What is more, environmental concerns have inhibited the production of oil from offshore sites.

If oil and gas prices, regulated only by a free market, reach levels at or below the expected world prices, the Task Force believes that sufficient capital can be attracted to increase production of these fuels from domestic sources, including Alaska and the Outer Continental Shelf, to as much as 27 MBPD by 1985. To achieve this, about $180 billion * would be needed.

In addition to exploration and development of new fields, major flows of oil and gas would be expected from increasing production in existing fields that are now considered marginally economic. By advancing and applying secondary and tertiary recovery techniques and developing fracturing methods to free gas in low-permeability fields, significant increments could be made, though the output would be less than from primary extraction.

*All capital requirements are in '73–'74 dollars, and only reflect direct costs for facilities in place during this 1974–1985 period; associated infrastructure and financing costs are not included.

SHALE OIL PROSPECTS

Shale deposits are now estimated to contain some 1,800 billion barrels of oil. However, only about 6 percent of the shale is accessible in thick enough strata and with high enough oil content (30 gals per ton) to be of commercial interest today. There also are difficulties associated with the extraction of oil from the shale. If above-ground retorting methods are used, large amounts of rock would be mined, treated, and discarded as tailings. Techniques to reclaim tailing areas in ways that are environmentally sound are presently unknown or uncertain. Another serious complication is that deposits are located in arid and semi-arid areas and sizeable quantities of water are required for the processing and reclamation.

The Task Force believes that these limitations will keep the rate of production of shale oil relatively low until 1985 and perhaps for longer. It estimates that shale oil production by 1985 will not exceed 0.5 MBPD despite an investment of between $3 billion and $5 billion. To achieve even this production will require that larger tracts be provided for leasing than are presently permitted, that environmentally acceptable methods for disposing of tailings be determined, possibly with government assistance, and that sufficient water be available.

COAL SUPPLY PROSPECTS

Recoverable coal reserves in the United States are capable of supplying many energy needs for centuries. This study concludes that the 1973 coal production rate of 600 million tons per year (MTPY) could be doubled to at least 1,260 MTPY by 1985. Of this, about 700 MTPY could be consumed in direct firing for generating electricity, 310 MTPY could be used for producing synthetic gas and oil and the balance for industrial uses and export. About $21 billion of additional capital investment would be required by 1985 to maintain eastern surface mining at about 1973 levels, to increase eastern underground output to what its capacity was in 1940, and to expand western surface mining to an annual rate of 560 MTPY.

These production goals would require that federal coal-bearing lands in the West be made available for immediate leasing, that interim and longer-term mine operating regulations be reviewed and accepted, that environmental requirements for reclamation and for burning coal be determined and clarified. All this would help create a stable and lasting producer-user relationship. Coal, competing against other fuel sources, would also have to reach a price level that would attract the investment capital needed for more production.

There are serious barriers to increased coal production, principally transport. More unit-trains, new slurry and gas pipelines, and enlarged capacities for the Nation's inland waterway systems would be needed to transport as much as 660 MTPY of additional coal.

Moreover, capital would be needed to finance the conversion of coal to synthetic fuels. The technology for transforming coal to methane, or synthetic natural gas, is ready for commercial application, the Task Force believes.

By 1985 there could be as many as 20 syngas plants producing an aggregate of 5 billion cubic feet per day, the energy equivalent of 0.8 MBPD of oil. The production of methanol is technologically similar to methane production, and the production potential is largely dependent on the development of a market and on the pricing of competitive liquid fuels. Under the circumstances, the Task Force estimates that production of an equivalent of 0.3 MBPD is likely by 1985. The market potential for medium-Btu gas, principally for power generation, will also determine the desired production level; about 0.3 MBPD is foreseen for 1985.

Liquefaction of coal into a synthetic crude oil, or syncrude, is potentially the most important technology to be exploited. However, the present processes are costly and would lead to syncrude prices well above the likely world price levels of oil in the future. To develop commercially useful alternate processes, an aggressive R&D program would be imperative. The costs and risks associated with such developments would probably require substantial government funding in addition to private capital. Although the lead time needed to develop and deploy production plants make it unlikely that syncrude production will exceed about 0.3 MBPD by 1985, the Task Force believes that the longer term importance of liquefaction as a major source of liquid fuels suggests that an early demonstration of economical processes be given a high national priority.

The aggregate capital requirements for the production of synthetic fuels from coal at the projected 1985 levels will vary, depending on the presently uncertain development costs to achieve commercial-scale operations. A range from $16 billion to $22 billion is considered likely. This sum would be in addition to the $21 billion of estimated capital needed to extract and transport coal for all purposes.

ELECTRICITY PROSPECTS

Electrical power generation has been increasing at about 7 percent per year recently, about double the overall rate of increase in energy consumption. From an energy standpoint, a continuation of this trend to electrification is desirable because of the wide range of fuels that can be used. In 1973 coal generated 44 percent of the electricity, oil and gas about 37 percent, and hydropower accounted for most of the remainder. With only 25 stations on-line at the start of 1974, nuclear powered electricity has been a small part of the Nation's present energy supply.

The total 1973 generating capacity was 435 Gigawatts electric (Gwe)—a Gigawatt equals 1 million Kilowatts. By 1985 this capacity could be more than doubled to about 980 Gwe. The implication for the Nation's total fuel mix is significant: coal and nuclear energy could reduce the need for oil and gas. The Task Force estimates that coal-fired electricity plants could account for 220 Gwe of the increased capacity and nuclear fission plants for an additional 300 Gwe. These increases, together with a modest increase in the use of hydropower and geothermal generating stations, would provide the estimated growth in electrical capacity. Although the capacity of oil- and gas-fired plants would remain about constant, it is anticipated that they would be utilized principally for intermittent cycling and peaking generation, and thus their fuel consumption would actually decline.

The expansion of generating capacity to the projected level, together with concurrent expansion of transmission and distribution networks, would involve high costs. Capital investment of more than $300 billion is likely to be needed. It would not be possible to raise this capital and achieve this expansion, the Task Force observes, without several important actions. The expansion of coal-fired plants, or the reconversion of oil or gas plants back to coal, for example, will depend largely upon the resolution of sulfur dioxide (SO_2) emission standards. The Task Force believes that although reliable and effective SO_2 scrubbers do not now exist, these can be developed in a few years. In the interim period, environmental regulations could be put in effect to permit the controlled intermittent operation of coal-fired generating stations during the overhaul of malfunctioning scrubbers. As it is now, regulations require the whole plant to shut down when scrubbers are not working properly. Alternatively, in some locations, consideration could be given to use of high stacks for SO_2 dispersion and to switching to alternate low-sulfur fuels during unfavorable meteorological conditions.

An increase in the size and number of previously projected nuclear power plants would seem to be possible, The Task Force states, if the administrative procedures that have lengthened their lead times from drawingboard to on-line output to 9 to 10 years could be reduced to 6 to 7 years, which was the time-frame only 5 years ago. Such actions as consolidating public hearings, approving generic designs for duplicate construction, preselecting and approving new sites, and retrofitting during construction would reduce the lead time. The Task Force is confident that the present state of the art in nuclear plant technology warrants such changes without reducing safety.

Other decisions would also be needed to provide direction and stability for the efforts needed to acquire and enrich uranium fuels in order to expand the Nation's nuclear generating capacity. In addition to opening federal lands for mining, the government would have to resolve uranium import policies and encourage electrical utilities to enter into long-term contracts for uranium supplies. Removing or reducing the classification of enrichment information, resolving the plutonium recycling dilemma, and restructuring the government/commercial interfaces on enriching plants are some of the principal actions that would be needed soon to ensure sufficient nuclear fuel capacity. Capital requirements for nuclear mining and enrichment could range from $11 billion to $14 billion.

PROGRAM CONSTRAINTS

The Task Force recognizes factors that could seriously restrict any major program of the dimensions that would be required to approach energy self-sufficiency.

Capital: Private capital requirements for production facilities are estimated at $500 billion to $600 billion. This sum does not include working capital, dividends, debt service, and other financial obligations. Nor are government R&D and production facilities (e.g., uranium enrichment operations) included in this estimate.

Water: A serious concern for producing oil from shale or synthetic fuels from coal in the quantities considered possible by 1985 is the availability of water. It is also essential for rehabilitating land after surface mining and for cooling electrical power plants. In the West particularly, the limited availability of water as well as the issue of riparian rights would have to be examined carefully on a case-by-case basis.

Environment: While energy is essential to the quality of life, its production disrupts the environment in many ways. Methods need to be found to reconcile energy with the environment. Land reclamation after coal and shale mining; protective measures associated with oil extraction; and effective techniques for sulfur removal either at the coal mine or the power plant are only a few problems that require solutions. The Task Force recognizes the importance of protecting the natural environment and safeguarding human health and believes that these concerns can be dealt with by appropriate technology and realistic standards.

Manpower: An estimated 1.4 million people are engaged in energy related activities today. To run the programs presented in this report would require several hundred thousand more. Substantial increases would be needed in engineering, in construction trades, and in mining, transportation, and technical and managerial work. The Task Force notes with considerable anxiety the drop in student enrollment in engineering curricula during the past four years. It will be important to reverse this trend as soon as possible. In addition, engineering manpower shortages may be alleviated in part by transferring engineers from fields outside the energy industry, by special training programs, and by careful organization of engineering assignments.

PROGRAM RESPONSIBILITIES

Federal departments and agencies now deal with energy policies and programs in a variety of disparate ways. Although the Federal Energy Administration recently has been established, the Administration and the Congress are still considering creation of a special energy R&D agency and/or a department of energy and natural resources. In its engineering view of the energy problem, the Task Force did not address organizational questions, although it recognized that the government would have to assume responsibility for the following:

Collection, development, evaluation, and publication of projections for energy demands and supplies;

Development of national energy policies for consideration by the Executive Department and the Congress, and coordination of policy development with other federal, state, and local government agencies as well as in the energy industries;

Preparation of strategies for assuring adequate energy supplies at reasonable costs and minimum impact on the environment;

Development and implementation of programs for conserving energy and measures for increasing efficiencies in energy utilization;

Collection and publication of data on resource requirements and availability for such critical areas as engineering, scientific, and construction manpower, equipment and manufacturing capabilities, and basic materials availability;

Organization of allocation and rationing programs such as manpower, equipment, and resources, as well as of energy supplies, if necessary;

Identification and assistance in removing institutional roadblocks in the production and use of energy resources;

Development and application of financial incentives where clearly required, including development and overall surveillance of joint government-industry partnerships in programs requiring public support;

Examination and resolution of critical environmental problems such as water supply, land use, and air quality;

Development and coordination of international programs in energy areas;

Support of R&D when the risks are too great for private investors;

Coordination of programs for long-range and basic research in energy areas;

Provision for dissemination of information and advice to the general public and special groups.

Once a politically defined and economically practical set of national objectives and policies are established, the various segments of the energy industry should be able to accelerate and expand their efforts to provide more energy supplies in the needed forms. Industry would have many difficult tasks to carry out in a timely, cost-effective, and beneficial manner. These include, but are not limited to, the following:

Expansion of energy facilities requires very large amounts of money from internal funds, equity funding (stock), and bonds or loans; such funds can be obtained if the industries have stable and adequate revenue to cover their costs, repay the loans or bonds, and provide the stockholders with an adequate return.

Rapid and detailed planning would be carried out in response to new objectives and goals as well as within any new energy supply-demand situation.

Once detailed plans are evolved and critical problems identified, the various organizations—along with their managers and key personnel—have to be reorganized and redirected as necessary to undertake the various tasks on an urgent basis. Whether these

are new exploration programs, new mines, new oil refineries, construction of facilities, operation of new mines or plants, manufacturing of new equipment, or provision of development support, the industrial structure will be the same, but substantial changes would surely evolve and experienced planners and managers would most likely be at a premium.

There will surely be a critical shortage of many types of manpower, particularly engineers and skilled construction workers; major programs will be needed to make more efficient and effective use of available manpower, to utilize less skilled manpower where practicable, and to train more personnel as rapidly as possible.

Full consideration would have to be given to possible environmental effects and to reasonable cost/benefit decisions for industrial programs posing problems to the environment; close cooperation with government should allow quicker decisions if industry does an adequate job of considering the issues. Similar consideration would be due in safety and health as well.

Many energy programs would require substantial support in terms of development, and effort would need to be diverted from other research and development activities to provide such support.

Industry would have to establish and maintain credibility with the public as well as with the government for understanding and cooperation to be real and effective.

BEYOND 1985

Achieving the complete range of programs described in this report by 1985 is not considered by the Task Force to be of high probability. Even if it is accomplished, the United States would be buying time. For beyond 1985 looms an ominous prospect of even greater demands for energy from ever-increasing and ever-rising expectations at home and abroad. Unless innovative ways are developed for conserving and using energy and substantial new sources and new technologies are found for increasing energy supplies, the strategies presented by the Task Force would only postpone a grim future of energy scarcity.

This report shows what can be done with today's technology. If the United States is to have options beyond 1985, a well-planned, wide-ranging program of research and development is essential.

SWIFT AND FIRM ACTION NEEDED TO PREVENT INTERNATIONAL MONETARY SYSTEM COLLAPSE

Mr. PERCY. Mr. President, if present economic trends continue, the international monetary system could well begin to collapse by mid-1975. We might then be plunged into a severe recession or much worse.

The main cause of the instability in the world economic system at the present time is the four-fold increase in oil prices in the past year and the resultant radical shift of world financial resources to oil exporting nations. And yet, the United States has no clear coherent policy to deal with this problem.

We need a tough domestic energy/economic policy to get at the basics of the problem—which means as a minimum, substantially reductions in oil consumption. Some of the measures that we must employ, on a mandatory basis in my judgment if we are really serious, include an increased tax on gasoline with appropriate tax rebates to relieve hardships, a mandatory reduction in petroleum imports, a sliding tax on new automobiles based on their fuel efficiency, and mandatory restrictions on cooling, lighting, heating, and insulation.

Mr. President, I discuss these questions in greater detail in the November 18, 1974, issue of the American Banker, and I ask unanimous consent that the article be printed in the RECORD.

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

[From the American Banker, Nov. 18, 1974]

PREVENTATIVES NEEDED TO AVOID PREDICTED CRUMBLING OF WORLD MONETARY SYSTEM

(By Charles H. Percy, Republican Senator from Illinois)

My original interest in this article was to explore the problems associated with the current petrodollar crisis. As so often happens in political affairs, events outstrip publication deadlines and analyses become quickly dated. But while names and amounts and projections change, the underlying problem remains. The harsh fact is that responsible economic analysts both here and abroad are now predicting that if present trends continue, the international monetary system will begin to crumble as early as mid-1975.

I wonder if any of us have fully faced up to the situation. Secretary of Treasury Simon, in a recent address, called the problems of inflation, recycling and commodity cartels serious but not overwhelming. He urged no hard choices. Robert McNamara, president of the World Bank, has concentrated his remarks on solving the problems of the developing nations, implicitly assuming no drop in oil prices. And finally President Ford, in his address before Congress, shelved the toughest advice of his economic advisors and opted primarily for voluntarism.

If the monetary system does begin to collapse in the next eight months, this nation and the world are in for a severe recession or possibly worse. We will lose years of economic growth and the possibilities for social progress. Where, it is time to ask ourselves, are the preventive programs?

The issue is not beyond grasping. The international monetary system simply will begin to collapse as nation after nation becomes internationally insolvent. The purpose of the system is to attempt to rationalize worldwide distribution of production. The world's food is not located where the major concentrations of population appear. Raw materials are no longer located close to industrial plans and the generation of capital no longer is located in countries where it can be used most efficiently.

The international monetary system, through trade and capital transfers, allows a better economic rational to exist in the world. If it collapses, the world will suffer a significant decline in wealth and the strategic industrial centers of Japan and Europe could easily be threatened from international or external political forces. Therefore it is in the interest of the U.S. to do everything possible to keep the system functioning.

The system is threatened by the potential international bankruptcy of some industrial nations and numerous less developed countries. The heart of the problem is the four-fold price increase in international crude oil since December, 1973. It is estimated that this price rise will increase the flow of funds to oil-exporting countries from $25 billion in 1973 to $80 billion this year. This rise in price was the result of a complex set of international political and economic events that allowed the Organization of Petroleum Exporting Countries—OPEC—through collusive cartel practices to raise the price of oil. This $55 billion increase represents a "tax" on the oil-importing nations by oil-exporting nations.

Of their $80 billion in estimated revenues in 1974, the OPEC nations are expected to purchase some $25 billion worth of goods from other non-communist nations. The balance of $55 billion will be available for recycling, that is, returned in some form to the international economic system.

Both the "tax" and the recycling process threaten the international monetary system.

First, the "tax" is levied on consumption and not on ability to pay. It is true that the largest tax burden in total dollars falls on the industrial countries—mainly on Europe and Japan—because they import the largest volume of international crude, but as a percentage of GNP, it is the less developed countries that proportionately pay the most. Payments for oil and vital petrochemical products by the developing countries must come directly out of present expenditures, thus lowering the real standard of living.

Many of the less developed countries have edged closer to bankruptcy. They cannot generate the increased exports to pay the high oil prices and they are increasingly unable to borrow funds through ordinary commercial channels.

The recycling problem is two-fold. First is the problem of obtaining a general balance of payments equilibrium between the OPEC nations and the importing world. This is just a matter of physically getting the $100 billion back into the monetary system in the industrialized nations.

The second problem is the acute regional disparity in balance of payments caused by a concentration of recycling petrodollars. The $40 billion in trade goods will be purchased mainly in the developed countries and the $60 billion remainder is returning in capital flows mainly to the financial markets of London and New York. The inequity of reflows in trade and capital is threatening the international solvency of many industrialized nations. Italy is a prime example.

The basic strategy of the importing world to sustain the monetary system has been to develop ad hoc accommodations to the problem of recycling. Most industrial nations in trouble have relied on Eurocurrency loans and bilateral agreements. There have also been multilateral efforts through the World Bank and the International Monetary Fund to aid less developed nations and some industrial nations. While these financial mechanisms have worked until now, it is unlikely that present arrangements are sufficient to handle the recycling that will be necessary in the future.

The initial policy of the U.S. government last spring hinged on King Faisal of Saudi Arabia and the workings of international market forces. His majesty was seen as the key to OPEC because Saudi Arabia had the largest proven oil reserves, the largest monetary reserves and a minimal population relative to its wealth. Saudi Arabia, therefore, had the capacity to influence the price of international crude oil by adjusting its level of production.

The U.S. strategy had two aspects. The first was to convince the Saudis that the price of oil was too high, and that the speed and magnitude of the price hike threatened the fundamental health of the world economy. We attempted, with some success, to make the Saudis realize that financial chaos and an attendant global depression which could be brought about by present petroleum price levels was not in the long-run interest of any oil producing nation. It was reasoned that if the Saudis held production at last spring's level, given the prevailing high prices, the drop in demand in response to these prices would produce a surplus, thus driving international crude price down.

New world prices were to be established

by having the Saudis hold open auctions of their surplus oil. This aspect of the strategy collapsed in August when the Saudis announced that production was being cut 10% and the auctions postponed indefinitely. Then in September, the oil producing nations met and approved an inflationary index on the oil price in order to prevent the real value of their revenues from being eroded by inflation. This indexing of prices could result in a 12% increase in oil prices this year.

The second aspect of U.S. strategy focused on the problem of recycling. It was recognized that the oil funds, being recycled into the Eurocurrency banking system, would cause some disruption. But it was believed that market forces would absorb the disruptions. The hypothesis was that the large deposits of short term oil money would drive down short term interest rates below long term rates. At this point the oil money would flow into the long term market, thus dispersing it into other fiduciary assets.

This strategy also collapsed since the OPEC countries have not responded to traditional economic incentives. Instead they have preferred the liquidity and anonymity of short term deposits over long term investments. The desire for anonymity probably reflects a fear that the industrialized nations might freeze their accounts for political leverage to bargain prices down.

To understand the Saudi responses it is necessary to understand the roles King Faisal plays in the Arab world. First, the King plays a conservative leadership role in AOPEC—the Arab members of OPEC. To preserve his leadership in this organization and to keep his traditional role in Pan Arab politics he will not do anything alone to split AOPEC. At a minimum, one or more of the AOPEC nations will have to go along with Saudi Arabia if they are to move for a lower price in international crude.

Secondly, the King of Saudi Arabia traditionally bears a strong religious responsibility in the Moslem world. This role could be equated to the Holy Roman Emperors in our own European heritage before church and state were separated. King Faisal is the protector of the three holiest shrines in the Moslem world; Mecca, Medin and, most significantly, the Mosque of Omar in Jerusalem, now under Israeli control. It was the Yom Kippur war that convinced the King and other Arab nations to use oil as a political weapon. In any negotiations with King Faisal, the settlement of the oil price issue will be tied to a solution of the Israeli question.

The administration has had a limited success in negotiating an emergency oil-sharing agreement with Europe and Japan. But this is a defensive agreement and could not be used offensively. Given their monetary reserves, the OPEC nations could outlast an importer's boycott.

Secondly, there are a few strong governments among the major consuming nations. Harold Wilson has just constructed a majority government by a margin of three votes. Giscard d'Estaing of France must rely on the good will and votes of the Gaullists in order to maintain a parliamentary majority for his government. Similarly, Prime Minister Tanaka of Japan is under increasing political attack and the power of his party has been severely atrophied. Italy, of course, has not had a strong government in years.

These nations are almost totally dependent on OPEC for oil. The United States cannot realistically expect to find partners among its traditional allies in an effort to forge a common front of oil consuming nations.

Lacking support from our allies for a united action, another option would be to turn to the multinational oil companies—five of the largest seven are American owned. But executive testifying before our Senate Foreign Relations Subcommittee on Multinational Corporations readily admitted that the companies' leverage had been reduced substantially in any bargaining process. The companies need the countries they operate in more than the countries now need the oil companies. The companies need crude supplies to keep their heavy investments in shipping refineries and marketing in operation.

Optimists have held out hope that the North Sea, the North Slope and Project Independence will be our answer. To this we can now add the euphoric reports of a huge new oil field in southern Mexico. The problem is that these areas of possible relief are three to ten years off. Even Project Independence itself may leave us with a heritage of high priced energy sources while the rest of the world operates on cheaper oil. OPEC may follow a strategy prescribing a price for oil just below its best substitute in order to discourage investment in alternate energy sources.

The next logical question is what is the possibility of internal pressures splintering the group? The probability in the short run is slight. Almost all of the OPEC countries are short-term maximizers or find their national interests aligned with decreased oil supplies to sustain high prices. These countries with large populations—Iran, Indonesia, Egypt, Algeria, and Nigeria—need maximum revenues and want high prices, even though they would continue to pump if prices fell. Those with limited oil reserves—Kuwait and Venezuela—are advocates of cutting back production to hold prices and long-term revenues up.

To this group of production-cutters can be added Libya, Saudi Arabia and the smaller states of the Persian Gulf, mainly because their populations are small compared to oil revenues and they see oil prices as a political question, not an economic price issue. Smaller producers such as Equador do not export enough to affect the international balance. The key states, those willing to cut production to hold prices, are mainly Arab with Saudi Arabia the dominant force. Here again, we return to the link with the Israeli conflict.

Clearly, the oil price settlement will have to be largely political. Secretary of State Kissinger has traveled again to the Middle East to try to weave a political solution. However, arranging an Israeli-Arab agreement is no guarantee of lower oil prices. It may bring only further demands or a token reduction. Therefore, other efforts must continue and they must include our European and Japanese allies for they are the major consumers of international crude.

But we are never going to convince our allies or the Arab nations of our resolve to lower oil consumption without a coherent, tough, domestic energy policy. If foreign policy is to succeed it must be a projection of this strong domestic policy.

We must reject ideas which espouse withholding industrial and technological goods and services from the oil-producing countries, or dramatically increasing the prices of our goods and services in retaliation for the OPEC cartel policies. Nor are vague public threats of political or military action the answer. These are the politics of confrontation and they bring with them political and military risk which cannot be foreseen. Confrontation with OPEC is inconsistent with our objective to find peaceful solutions to the world's problems.

The cornerstone of our domestic energy policy must be energy conservation. We simply must really pull in our belts and stop our profligate ways. By reducing demand we will conserve foreign exchange, diminish OPEC revenues and reduce the number of petrodollars that need recycling. If the Europeans and Japanese join us they will receive the same benefits. Additionally, further reductions in consumption will swell the existing excess crude supplies now facing the OPEC cartel.

These surpluses may bring internal pressure on OPEC because production cuts or price cuts will be necessary to equate demand with supply. Cartel countries will be forced to undertake the difficult political task of prorationing production cutbacks. Traditionally cartels have faced their greatest strain in just such situations of excess production since cuts in output or price mean sacrifices of revenue by some cartel members.

The best way to accomplish conservation is to take decisive action to dramatically reduce petroleum consumption in this country. While I'm all for voluntary conservation, when push comes to shove the really hard decisions must carry the force of law. We must make it unmistakably clear to the OPEC nations that the U.S., for one, means business about reducing imports.

I simply do not believe that a voluntary program alone is going to work. Nor do I believe that the crisis we face allows us the time to hope it will work, then take corrective action if it does not.

We must not accept the risks of inaction. Instead we must undertake a program for mandatory oil conservation and put it into effect now.

Specific examples of the steps that we must now consider include:

1. An increased tax on gasoline with appropriate tax rebates to relieve hardships. The tax should be large enough to reduce consumption and, as a secondary goal, help balance the Federal budget.

2. A mandatory reduction in petroleum imports, achieved not precipitously but on a steady, month-by-month basis. By Jan. 1, 1976, we should have reduced imports by 30%, or roughly two million barrels a day.

3. Develop mandatory reductions in consumption through such steps as a sliding tax at the manufacturers' level based on the fuel efficiency of new automobiles; strict enforcement of the 55 m.p.h. speed limits; and mandatory "no drive" days for every American car.

4. Mandatory conservation measures such as restrictions on commercial and home heating, cooling and lighting and tougher insulation standards for all new construction as well as incentives to better insulate existing buildings.

Each of these methods presents some inequities and risks unintended distortions in economy. But the alternative to mandatory action is far worse. Only if we assume leadership among the oil-importing nations by sharply reducing our oil imports will we succeed in convincing the OPEC nations that we consider oil prices our number one inflation problem, a problem that we mean to solve.

ORDER AUTHORIZING SALARY INCREASE FOR OFFICERS AND EMPLOYEES OF THE U.S. SENATE

Mr. EASTLAND. Mr. President, on October 7, 1974, the President of the United States issued an Executive order, pursuant to the provisions of the Federal Pay Comparability Act of 1970, which authorized a 5.52-percent salary increase for the Federal pay systems under his jurisdiction.

Under the authority vested in me, as President pro tempore of the Senate, by section 4 of the Federal Pay Comparability Act of 1970, I issued an order on October 7, 1974 authorizing the same 5.52-percent salary increase for officers and employees of the U.S. Senate. I ask unanimous consent that this order be printed in the RECORD.

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

ORDER, U.S. SENATE, OFFICE OF THE PRESIDENT PRO TEMPORE

By virtue of the authority vested in me by section 4 of the Federal Pay Comparability Act of 1970, it is hereby—

Ordered,

CONVERSION OF NEW MULTIPLE

SECTION 1. (a) Except as otherwise specified in this Order or unless an annual rate of compensation of an employee whose compensation is disbursed by the Secretary of the Senate is adjusted in accordance with the provisions of this Order, the annual rate of compensation of each employee whose compensation is disbursed by the Secretary of the Senate is adjusted to that multiple of $151 which is nearest to but not less than the rate such employee was receiving immediately prior to October 1, 1974.

(b) For purposes of this Order—

(1) "employee" includes an officer other than a Senator; and

(2) "annual rate of compensation" shall not include longevity compensation authorized by section 106 of the Legislative Branch Appropriation Act, 1963, as amended.

RATE INCREASES FOR SPECIFIED POSITIONS

SEC. 2. (a) The annual rates of compensation of the Secretary of the Senate, the Sergeant at Arms, and the Legislative Counsel (as such rates were increased by prior orders of the President pro tempore) are further increased by 5.52 percent, and as so increased, adjusted to the next higher multiple of $151. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of either of the following: (1) the annual rate in effect for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code, or (2) an annual rate of compensation which is $1,000 less than the annual rate of compensation, which is now or may hereafter be in effect, for Members of Congress.

(b) The annual rates of compensation of the Secretary for the Majority (other than the present incumbent), the Secretary for the Minority, and the four Senior Counsel in the Office of the Legislative Counsel (as such rates were increased by prior orders of the President pro tempore) are further increased by 5.52 percent, and as so increased, adjusted to the next higher multiple of $151. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (1) the annual rate of basic pay, which is now or may hereafter be in effect, for positions in such level V, except that until the annual rate for such level V is increased to $42,000 or more, any such individual shall not be paid at an annual rate exceeding $41,072, or (2) an annual rate of compensation which is that multiple of $151 which is nearest to, but less than, $1,057 less than the annual rate of compensation which is now or may hereafter be in effect, for Members of Congress.

(c) The maximum annual rates of compensation of the Secretary for the Majority (as long as that position is occupied by the present incumbent), the Assistant Secretary of the Senate, the Parliamentarian, the Financial Clerk, and the Chief Reporter of Debates (as such rates were increased by prior orders of the President pro tempore) are further increased by 5.52 percent, and as so increased, adjusted to the next higher multiple of $151. Notwithstanding the provision of this subsection, an individual occupying a position whose compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (1) the annual rate of basic pay, which is now or may hereafter be in effect, for positions in such level V, except that until the annual rate for such level V is increased to $42,000 or more, the annual rate of compensation of any such individual shall not be fixed at an annual rate exceeding $41,072, or (2) an annual rate of compensation which is that multiple of $151 which is nearest to, but less than $1,057 less than the annual rate of compensation, which is now or may hereafter be in effect, for Members of Congress.

(d)(1) The maximum annual rates of compensation of the Administrative Assistant in the Office of the Majority Leader, the Administrative Assistant in the Office of the Majority Whip, the Administrative Assistant in the Office of the Minority Leader, the Administrative Assistant in the Office of the Minority Whip, the seven Reporters of Debates in the Office of the Secretary, the Assistant Secretary for the Majority, the Assistant Secretary for the Minority, the Assistant to the Majority and the Assistant to the Minority in the Office of the Secretary, the Legislative Assistant in the Office of the Majority Leader, the Legislative Assistant in the Office of the Minority Leader, the Assistant Parliamentarian, the Legislative Clerk, the Journal Clerk, the Assistant Legislative Clerk, the Administrative Assistant to the Sergeant at Arms, the Deputy Sergeant at Arms, the Director of the Senate Recording Studio, the Curator of Art and Antiquities of the Senate, and the Postmaster of the Senate (as such rates were increased by prior orders of the President pro tempore) are further increased by 5.52 percent, and as so increased, adjusted to the next higher multiple of $151.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, as long as the annual rate of basic pay for positions in such level V is less than $39,000, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of $35,938, except that (A) any individual occupying the position of Administrative Assistant in the Office of the Majority Whip or Minority Whip shall not be paid, by reason of the promulgation of this Order, at an annual rate in excess of $35,636, (B) any individual occupying the position of Assistant to the Majority or Assistant to the Minority in the Office of the Secretary, Legislative Assistant in the Office of the Majority Leader, or Legislative Assistant in the Office of the Minority Leader, shall not be paid, by reason of the promulgation of this Order, at an annual rate in excess of $35,334, (C) any individual occupying the position of Assistant Parliamentarian, Legislative Clerk, or Journal Clerk shall not be paid, by reason of the promulgation of this Order, at an annual rate in excess of $34,579, (D) any individual occupying the position of Assistant Legislative Clerk, Administrative Assistant to the Sergeant at Arms, or the Deputy Sergeant at Arms shall not be paid, by reason of the promulgation of this Order, at an annual rate in excess of $33,522, (E) any individual occupying the position of Director of the Senate Recording Studio shall not be paid, by reason of the promulgation of this Order, at an annual rate in excess of $32,918, (F) an individual occupying the position of Curator of Art and Antiquities of the Senate shall not be paid, by reason of the promulgation of this Order, at an annual rate in excess of $32,314, and (G) any individual occupying the position of Postmaster of the Senate shall not be paid, by reason of the promulgation of this Order, at an annual rate in excess of $31,710.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, if the annual rate for such level V is increased to $39,000 or more but less than $42,000, an individual occupying the position of (A) Administrative Assistant in the Office of the Majority Leader, Administrative Assistant in the Office of the Minority Leader, a Reporter of Debates, Assistant Secretary for the Majority, or Assistant Secretary for the Minority shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of $38,958, (B) Administrative Assistant in the Office of the Majority Whip or the Administrative Assistant in the Office of the Minority Whip shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $37,750, (C) Assistant to the Majority or Assistant to the Minority in the Office of the Secretary, Legisaltive Assistant in the Office of the Majority Leader, or Legislative Assistant in the Office of the Minority Leader shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of $37,146, and (D) Assistant Parliamentarian, Legislative Clerk, or Journal Clerk shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of $36,391.

(4) Nowithstanding the provisions of paragraph (1) of this subsection, any individual occupying the position of Administrative Assistant in the Office of the Majority Leader, the Assistant Secretary for the Majority, the Administrative Assistant in the Office of the Minority Leader, the Assistant Secretary for the Minority, and the seven Reporters of Debates in the Office of the Secretary shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of either of the following: (A) an annual rate of compensation which is that multiple of $151 which is nearest to, but less than, the annual rate in effect for positions in such level V, or (B) an annual rate of compensation which is that multiple of $151 which is nearest to, but less than, $1,812 less than the annual rate of compensation, which is now or may hereafter be in effect, for Members of Congress.

(5) Notwithstanding the provisions of paragraph (1) of this subsection, any individual occupying the position of Administrative Assistant in the Office of Majority Whip or the Administrative Assistant in the Office of the Minority Whip shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of either of the following: (A) an annual rate of compensation which is that multiple of $151 which is nearest to, but less than, the annual rate in effect for positions in such level V, or (B) an annual rate of compensation which is that multiple of $151 which is nearest to, but less than, $2,567 less than the annual rate of compensation, which is now or may hereafter be in effect, for Members of Congress.

(6) Notwithstanding the provisions of paragraph (1) of this subsection, any individual occupying the position of the Assistant to the Majority or the Assistant to the Minority in the Office of the Secretary, the Legislative Assistant in the Office of the Majority Leader, or the Legislative Assistant in the Office of the Minority Leader, shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of either of the following: (A) an annual rate of compensation which is that multiple of $151 which is nearest to, but less than, the annual rate in effect for positions in such level V, or (B) an annual rate of compensation which is that multiple of $151 which is nearest to, but less than, $3,473 less than the annual rate of compensation which is now or may hereafter be in effect, for Members of Congress.

(e) The annual rate of compensation of each employee of the former Vice President whose pay is disbursed by the Secretary of

the Senate under Senate Resolution 379, 93d Congress, agreed to August 9, 1974, is increased by 5.52 percent, and as so increased, adjusted to the next higher multiple of $151. Notwithstanding the provisions of this subsection, no such employee shall be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of the annual rate of basic pay, which is now or hereafter may be in effect, for positions in such level V.

CHAPLAIN'S OFFICE

SEC. 3. The annual rate of compensation of the Chaplain and the maximum annual rate of compensation for the position of secretary to the Chaplain (as in effect immediately prior to October 1, 1974) are increased by 5.52 percent, and as so increased, adjusted to the next higher multiple of $151.

OFFICES OF THE PRESIDENT

SEC. 4. (a) Any specific rate of compensation established by law, as such rate has been increased by or pursuant to law, for any position under the jurisdiction of the Sergeant at Arms shall be considered as the maximum annual rate of compensation for that position. Each such maximum annual rate is increased by 5.52 percent, and as so increased, adjusted to the next higher multiple of $151.

(b) The maximum annual rates of compensation for positions or classes of positions (other than those positions referred to in section 2 (c) and (d) of this Order) under the jurisdiction of the Majority and Minority Leaders, the Majority and Minority Whips, the Secretary of the Senate, the Secretary for the Majority, and the Secretary for the Minority are increased by 5.52 percent, and as so increased adjusted to the next higher multiple of $151.

(c) The following individuals are authorized to increase the annual rates of compensation of the employees specified by 5.52 percent, and as so increased, adjusted to the next higher multiple of $151:

(1) the Vice President, for any employee under his jurisdiction;

(2) the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip, for any employee under the jurisdiction of that Leader or Whip (subject to the provisions of section 2(d) of this Order);

(3) the Majority Leader, for the Secretary for the Majority so long as the position is occupied by the present incumbent (subject to the provisions of section 2(c) of this Order);

(4) the Secretary of the Senate, for any employee under his jurisdiction (subject to the provisions of section 2 (c) and (d) of this Order);

(5) the Sergeant at Arms, for any employee under his jurisdiction (subject to the provisions of section 2(d) of this Order);

(6) the Chaplain, for his secretary;

(7) the Legislative Counsel, subject to the approval of the President pro tempore, for any employee in that Office (other than the four Senior Counsel);

(8) the Secretary for the Majority and the Secretary for the Minority, for any employee under the jurisdiction of that Secretary (subject to the provisions of section 2(d) of this Order); and

(9) the Capitol Guide Board, for the Chief Guide, the Assistant Chief Guide, and the Guides of the Capitol Guide Service.

(d) The figure "$855", appearing in the first sentence of section 106(b) of the Legislative Branch Appropriation Act, 1963, as amended (as provided in section 4(d) of the Order of the President pro tempore of October 4, 1973), shall be deemed to refer to the figure "$906".

(e) The limitation on the rate per hour per person provided by applicable law immediately prior to October 1, 1974, with respect to the folding of speeches and pamphlets for the Senate, is increased by 5.52 percent. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

COMMITTEE STAFFS

SEC. 5. (a) Subject to the provision of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this Order), and the other provisions of this Order, the chairman of any standing, special, or select committee of the Senate (including the majority and minority policy committees and the conference majority and conference minority of the Senate), and the chairman of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate are each authorized to increase the annual rate of compensation of any employee of the committee, or subcommittee thereof, of which he is chairman, by 5.52 percent, and as so increased, adjusted to the next higher multiple of $151.

(b) (1) The figures "$16,815" and "$24,795" appearing in section 105(e) of the Legislative Branch Appropriation Act, 1968 (as provided in section 5 (b) (1) of the Order of the President pro tempore of October 4, 1973, and as amended by the Supplemental Appropriations Act, 1974), shall be deemed to refer to the figures "$17,818" and "$26,274", respectively.

(2) The maximum annual rates of "$40,185", "$41,895", and "$43,890" appearing in such section 105(e) (as provided in section 5(b)(2) of such Order of October 4, 1973) are each further increased by 5.52 percent, and as so increased, adjusted to the next higher multiple of $151, and shall be deemed to refer to figures "$42,431", $44,243", and "$46,206", respectively.

(3) Notwithstanding the provisions of paragraph (2) of this subsection, any individual occupying a position to which any such rate applies shall not be paid at any time at an annual rate in excess of $33,975, $35,636, or $35,938, respectively, as long as the annual rate of basic pay for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code, is less than $39,000.

(4) Notwithstanding the provisions of paragraph (2) of this subsection, if the annual rate for such level V is increased to $39,000 or more but less than $42,000, an individual occupying a position (A) to which the rate "$42,431" applies shall not be paid at any time at an annual rate in excess of $36,844, (B) to which the rate "$44,243" applies shall not have his compensation fixed at an annual rate in excess of $38,656, and (C) to which the rate "$46,206" applies shall not be paid at any time at an annual rate in excess of the lesser of $41,072 or that multiple of $151 which is nearest to but less than the annual rate of basic pay for positions in such level V.

(5) Notwithstanding the provisions of paragraph (2) of this subsection, if the annual rate of basic pay for positions in such level V is increased to $42,000 or more, an individual occupying any position whose annual rate of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of either of the following: (A) an annual rate of compensation which is a multiple of $151 which is nearest to, but less than, the annual rate of basic pay, which is now or may hereafter be in effect, for positions in such level V, or (B) (i) in the case of an individual occupying a position to which the rate "$42,431" applies, an annual rate of compensation which is that multiple of $151 which is nearest to, but less than, $2,265 less than the annual rate of compensation, which is now or may hereafter be in effect, for Members of Congress, (ii) in the case of an individual to which the rate "$44,243" applies, an annual rate of compensation which is that multiple of $151 which is nearest to, but less than, $1,661 less than such annual rate for Members of Congress, or (iii) in the case of an individual to which the rate "$46,206" applies an annual rate of compensation which is that multiple of $151 which is nearest to, but less than, $1,057 less than such annual rate for Members of Congress.

SENATORS' OFFICES

SEC. 6. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this Order), and the other provisions of this Order, each Senator is authorized to increase the annual rate of compensation of any employee in his office by 5.52 percent, and as so increased, adjusted to the next higher multiple of $151.

(b) The table contained in section 105 (d) (1) of such Act shall be deemed to read as follows:

"$392,298 if the population of his State is less than 2,000,000;

"$404,076 if such population is 2,000,000 but less than 3,000,000;

"$432,464 if such population is 3,000,000 but less than 4,000,000;

"$469,006 if such population is 4,000,000 but less than 5,000,000;

"$498,904 if such population is 5,000,000 but less than 7,000,000;

"$530,312 if such population is 7,000,000 but less than 9,000,000;

"$564,438 if such population is 9,000,000 but less than 10,000,000;

"$590,712 if such population is 10,000,000 but less than 11,000,000;

"$625,140 if such population is 11,000,000 but less than 12,000,000;

"$651,414 if such population is 12,000,000 but less than 13,000,000;

"$684,936 if such population is 13,000,000 but less than 15,000,000;

"$718,458 if such population is 15,000,000 but less than 17,000,000;

"$751,980 if such population is 17,000,000 or more."

(c) (1) The second sentence of section 105 (d) (2) of such Act is modified to read as follows: "The salary of an employee in a Senator's office shall not be fixed under this paragraph at a rate less than $1,057 per annum or in excess of $24,160 per annum except that (i) the salaries of five employees may be fixed at rates of not more than $41,223 per annum, and (ii) the salary of one employee may be fixed at a rate of not more than $43,035 per annum."

(2) Notwithstanding the modification made by paragraph (1) of this subsection, any individual occupying a position to which a rate referred to in clause (i) or (ii) of such modification applies shall not be paid at any time at an annual rate exceeding $34,881 or $35,938, respectively, as long as the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, is less than $39,000.

(3) Notwithstanding the modification made by paragraph (1) of this subsection, if the annual rate for such level V is increased to $39,000 or more but less than $42,000, an individual occupying a position to which a rate referred to in such clause (i) or (ii) applies shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of (A) in the case of an individual to whom the rate under such clause (i) applies, $38,052, and (B) in the case of an individual to whom the rate under clause (ii) applies, the lesser of a rate that is a multiple of $151 which is nearest to, but less than, the annual rate for such level V or $39,864.

(4) Notwithstanding the modification made by paragraph (1) of this subsection, if the annual rate for such level V is increased to $42,000 or more, an individual occupying a position (A) to which the rate "$41,223" applies, shall not be paid at any time, by reason of the promulgation of this Order, at

an annual rate of compensation which is that multiple of $151 which is nearest to, but less than, $2,265 less than the annual rate of compensation, which is now or may hereafter be in effect, for Members of Congress, or (B) to which the rate "$43,035" applies, shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (i) an annual rate of compensation which is a multiple of $151 which is nearest to, but less than, the annual rate for such level V, or (ii) an annual rate of compensation which is that multiple of $151 which is nearest to, but less than, $1,661 less than such annual rate for Members of Congress.

GENERAL LIMITATION

SEC. 7. (a) The figure "$1,140" appearing in section 105(f) of the Legislative Branch Appropriation Act, 1968, as amended (as provided in section 7(a) of the Order of the President pro tempore of October 4, 1973) shall be deemed to refer to the figure "$1,057".

(b) (1) The maximum annual rate of compensation of "$43,890" appearing in such section (as provided in section 7(b) of such Order of October 4, 1973) is further increased by 5.52 percent, and as so increased, adjusted to the next higher multiple of $151, and shall be deemed to refer to the figure "$46,206".

(2) Notwithstanding the provisions of paragraph (1) of this subsection, any individual occupying a position to which such rate applies (A) shall not be paid at any time at an annual rate exceeding $35,938 as long as the annual rate of basic pay for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, is less than $39,000, (B) if the annual rate for such level V is increased to $39,000 or more but less than $42,000, shall not be paid at any time at an annual rate exceeding the lesser of (i) a rate that is a multiple of $151 which is nearest to, but less than, the annual rate for such level V, or (ii) $41,072, and (C) if the annual rate for such level IV is increased to $42,000 or more, shall not be paid at an annual rate in excess of either of the following: (i) an annual rate which is a multiple of $151 which is nearest to, but less than, the annual rate for such level V, or (ii) an annual rate which is nearest to, but less than, $1,057 less than the annual rate of compensation, which is now or may hereafter be in effect, for Members of Congress.

NOTIFYING DISBURSING OFFICER OF INCREASES

SEC. 8. In order for an employee to be paid in an increase in the annual rate of his compensation as the result of an increase in the maximum annual rate of compensation for his position authorized under this Order, the individual designated by section 4, 5, or 6 to authorize an increased rate of compensation for that employee shall notify the disbursing office of the Senate in writing that he authorizes an increase in such rate for that employee and the date on which that increase is to be effective.

LEGISLATIVE BRANCH APPROPRIATION ACT, 1975, RATE INCREASES

SEC. 9. (a) Except as provided in this section, no provision of this Order supersedes paragraph 4 of "Administrative Provisions" under the heading "SENATE" in the Legislative Branch Appropriation Act, 1975.

(b) An individual occupying a position for which that paragraph 4 prescribes a specific annual rate of compenastion shall be paid that annual rate until such time as the annual rate of basic pay for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code, is increased to an annual rate which will result in authorizing an annual rate of compensation to be paid such an individual under this Order which is higher than the annual rate authorized under that paragraph 4. After such time, any such individual shall be paid in accordance with this Order.

(c) (1) An individual occupying a position for which that paragraph 4 prescribes a maximum annual rate in excess of the annual rate for positions in such level V in effect immediately prior to October 1, 1974, may be paid at the maximum rate authorized by that paragraph 4 or any annual rate which is a multiple of $151, except that if the maximum annual rate to be paid is in excess of $36,693, the annual rate paid shall be a multiple of $285. After such time as the annual rate of basic pay for positions in such level V is increased to an annual rate which will result in authorizing an annual rate of compensation to be paid such an individual under this Order which is higher than the annual rate authorized for that individual under that paragraph 4, such individual shall be paid in accordance with this Order.

(2) An individual occupying a position for which that paragraph 4 prescribes a maximum annual rate of compensation less than the annual rate for positions in such level V in effect immediately prior to October 1, 1974, shall be paid in accordance with sections 1–8 of this Order.

EFFECTIVE DATE

SEC. 10. Sections 1–9 of this Order are effective October 1, 1974.

JAMES O. EASTLAND,
President pro tempore.

SUPPORT FOR SENATOR ERVIN'S PRIVACY BILL, S. 3418

Mr. HUGH SCOTT. Mr. President, after watching the systematic attempt to destroy the credibility and integrity of Nelson Rockefeller, I can see why more and more people shy away from public service. The loss of privacy and individual dignity associated with such an undertaking is often too great for average citizens to endure. Constitutional rights of privacy are closer to being lost now than at any time in the last 200 years, and something must be done.

Some Members of Congress recognized this threat to our privacy and have sponsored bills to curb the information-sharing activities of Government agencies and further to allow citizens an opportunity to appeal inappropriate actions of such agencies.

Speaking as one Senator, I intend to support Senator ERVIN'S privacy bill, S. 3418. This proposal, which affects Federal data banks, establishes five new standards:

First. Collect only relevant personal information and inform the individual which data is required, which data is voluntary, why it is needed and under what authority.

Second. Maintain and disseminate only timely data, keep track of outside access to the data, establish managerial and physical security.

Third. Announce the nature of each data bank maintained.

Fourth. Grant the individual access to inspect his record and tell each person where the data came from and how it is used.

Fifth. Reinvestigate information challenged by an individual, then correct the record or amplify it to include the person's version, and grant a hearing to resolve existing disputes on data.

Of course, when the bill comes up for floor debate, I will reserve my right to support or oppose amendments which are offered, but I will not withdraw my support for a strong and comprehensive approach to the protection of individual privacy. As we come closer to our bicentennial observance, privacy is one right, not a privilege, which must be kept inviolate.

BILINGUAL EDUCATION

Mr. MONTOYA. Mr. President, on September 27 the Washington Post published a column by Stephen S. Rosenfeld concerning bilingual education. On September 30 the Honorable WILLIAM A. STEIGER asked that Mr. Rosenfeld's column be printed in the CONGRESSIONAL RECORD, in an effort to encourage further discussion and debate. The column also produced a very large number of letters to the editor of the Post, some of which were printed on October 10 and inserted into the RECORD by my distinguished colleague Senator FLOYD HASKELL.

Because of my own concern over the issues raised by Mr. Rosenfeld, I wrote a guest column for the Washington Post which was published on October 22. I attempted to clarify some of the points raised by Mr. Rosenfeld and others, and to correct some of the misunderstanding of fact concerning congressional action.

Finally, Mr. Rosenfeld published a second column on this subject in which he very graciously expressed his thanks to those critics who had "broadened his understanding" of what bilingual education is intended to do.

Response to my own article was immediate and in most cases enthusiastic. It is clear that there is deep interest in this subject and deep concern over the basic concepts which this discussion has brought to the surface.

Because I believe that this kind of three-way debate between a popular and sensitive columnist, legislators in both the House and the Senate, and the public, is very valuable, Mr. President, I ask unanimous consent that Mr. Rosenfeld's second column, my own guest column, and several of the most pertinent letters I have received be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. MONTOYA. Mr. President, I think it is especially interesting to note that those who are most enthusiastic about bilingual and bicultural education programs are either students who have themselves struggled with this problem or teachers who have worked with minority language children and have discovered the depth of the need and the value of the bilingual teaching effort.

Finally, Mr. President, I hope that this discussion will result in further and more thoughtful examination of the importance of every one of our various ethnic, racial, and religious groups in the creation of a multicultural America.

I am certain that as we enter the bicentennial years just ahead of us we are all going to be looking with better understanding at our history and at the many different kinds of people who were

a part of that history. As we do that, I hope we will all begin to recognize that our culture and language is already multicultural, with ideas and ways of doing things which came to us from many different countries and which have been adopted into our own unique American lifestyle. Sauerkraut, pizza, tortillas, and Roquefort are part of our language as well as our diet—and every American can appreciate the spice and variety they have added to our diet as well as our language, for instance.

Our majority language is not really English, of course, as any Englishman can tell us. It is American, and it includes many words and phrases which have come to us from countries all over the world. A very large number of our place-names and words are Indian—and that part of our language and life did not come to this continent to join us—we came to join them!

I would agree with Mr. Rosenfeld that our variety of ethnic, racial, and religious groups cause tensions and stresses and problems. They always have. But the astounding achievements we have made as a people may be due, at least partially, to those very tensions and the effort we have been forced to make in adjusting to more than one kind of people and more than one culture and language group.

We live in a multicultural and multilingual world which becomes smaller and closer and more full of tension every day. We must learn to live together on this planet as human beings who respect ourselves and others. We are indeed, as has been suggested, a "great rehearsal" for the kind of international understanding and cooperation which is increasingly important.

It is perhaps a long step from a good bilingual/bicultural program in a first grade class in a little town in New Mexico to an international agreement about world problems, of course. But I think a very good argument can be made for the idea that our ability to succeed in that little schoolroom will be helpful and set a good example for our larger efforts in the world.

I realize we cannot accomplish all the goals of better bilingual/bicultural education overnight. As has happened so often in our past, these programs are evidence of our recognition of a problem, however—and a first step in providing solutions.

I am hopeful that the discussion which has been engendered by this debate will result in a broader understanding of not only the needs of our minority language children, but also of the great strength of our multicultural heritage.

[From the Washington Post, Sept. 30, 1974]

EXHIBIT 1

A SECOND LOOK AT BILINGUALISM

(By Stephen S. Rosenfeld)

I am indebted to my critics for broadening my understanding of bilingualism—teaching in English and in the "home language," usually Spanish, in the public schools. The issue was discussed in this space on Sept. 27. Nothing I've ever written has drawn a larger response—about four to one against, by the way.

I think I understand better now that bilingualism is a program devised to meet a social and educational crisis, a situation in which a great many kids arriving in school speaking, say, Spanish fall behind at once, drop out and thereafter get a raw deal. Mexican-Americans are the key group here but Puerto Ricans and American Indians are also importantly affected.

Bilingualism also serves, I understand better, to redress the sense of those many Americans who speak English poorly or not at all, that their culture—a central element in personal identity—is not respected by the American majority and that their Americanism is somehow suspect.

Perhaps there is nothing more to be said about a program which promises so much to so many. But I think there is more.

First of all, can bilingualism reasonably be expected to carry the educational and social burdens which its sponsors have loaded upon it? The claim is made that a child educated first in the home language will find it easier to learn English, and to learn other subjects in English. But none of its supporters contend that this has been demonstrated other than in a small number of model school programs. It does not seem to me unreasonable, furthermore, to be skeptical about a proposal which puts so much weight on changing the method of instruction, since method is only one factor affecting a child's education.

Some argue in effect that bilingualism is a kind of consolation prize for kids who start school and life with heavy handicaps: "at least let them develop proficiency in the home language and pride in the home culture." But in that case it should not be sold as a catch-up. I can think of no crueler trick than a bilingual program which promises catch-up but leaves kids unprepared for society's rigors in two languages. Supporters of bilingualism should be more interested than any one else in making this point.

If it were up to me to resolve this particular issue, I would proceed full steam ahead on bilingualism, but I would tone down the promises made in its name and I would keep looking hard to see how the programs go and whether other programs need to be carried forward at the same time.

For reasons that no doubt reflect on me as well as my critics, I was startled to be called a "cultural fascist" and the like for expressing the hope that all American kids will learn English and have a fair chance at the good things in American life. Thereby to be accused of favoring "homogenized Americans" and "bland uniformity" set me to wondering about the ambivalences in American society; we want ethnic pride and conventional success and are uncertain whether the former is help or hindrance to the latter or whether the two have any real connection at all.

What is certain is that Americans of European stock have a very different view of the matter—a much more confident view based on their own experience—than do Mexican-Americans, Puerto Ricans and Indians. These Americans, far from being "immigrants" who chose to join this society, became Americans involuntarily by being militarily taken over by the expanding United States. They have not been "melted" or acculturated in the "melting pot" which absorbed Europeans. Rather, they have often gotten the worst of both worlds, their home culture degraded and their assimilation denied.

But, I still ask, where does this leave America? It is all very well for Americans to "recognize our multicultural heritage" but it does not signify "fear of diversity" or, I would contend, "latent bias" to express concern about how the different ethnic, racial and religious groups which compose this country relate to each other. Observers of the American scene at least since de Toqueville have noted these stresses and have pondered how to give each group its cultural due while ensuring that some larger "national" interest be assured.

Certainly it is fair to ask what role the public school system, perhaps the principal "cultural" institution in American life, should be expected to play in sorting out this generation's, or this decade's, answer to that fundamental, continuing question. Our "diverse parts" deserve respect but how should it be accorded? Yes, "jingoism," "xenophobia" and "cultural chauvinism" are aspects—baleful aspects—of the American scene. But not everyone who expresses a longing for Americans to get along better with one another need be charged with them.

BILINGUAL EDUCATION—TAKING EXCEPTION

(By Senator JOSEPH M. MONTOYA)

A recent column in *The Washington Post* raised the frightening prospect of a divisive ethnicity being developed and fostered by Congress through passage of a "new" program for bilingual education. Stephen Rosenfeld expressed his "apprehension" at the possibility that our "melting pot" schools would no longer be able to Americanize immigrant children in what he called the "traditional" American way. He reported that the taxpayer was being asked to pay $170 million a year for this "extremely disturbing" new kind of education through legislation which he said had been enacted "without any public challenge" and with "no one paying heed."

It is hard to imagine a statement founded less on fact and more on fright. However, since it is always difficult to get coverage for the education problems of minority children, I welcome Mr. Rosenfeld's invitation to debate, and hasten to do what I can to correct the record.

First, let us be clear about what Congress did. The legislation passed this year was not new, but was simply an amendment to the Bilingual Education Act of 1968, written and introduced first in 1967 by Senator Ralph Yarborough and me. This year, that legislation, Title VII of the Elementary and Secondary Education Act, was amended in bills introduced by Senator Kennedy, Senator Cranston and me. The changes made will provide clearer definitions, better administration, an increase in funding to cover teacher-training, and better coordination between State and Federal programs. The $170 million mentioned by Mr. Rosenfeld is an authorization, not an appropriation, and *is for the year 1978, not this year.* The authorization for this year is $135 million, but only $70 million has been requested for appropriation. That will provide for only 284 programs across the nation—26 less than were funded last year.

Because the Federal Government has never provided for more than two percent of the children who need this special kind of education, however, the Federal program is really irrelevant to the debate which Mr. Rosenfeld's column raises. The controversy, it seems to me, centers on two concepts: First, an understanding of what bilingual and bicultural education is, and, second, an understanding of what we want America to be.

In order to understand bilingual/bicultural education, it is necessary to work with reality, not myth. The reality is between five and seven million children who are poor and come to school speaking a language other than English. They have historically been considered "marginal" children—barely worth educating, just as marginal products are barely worth producing. They live in barrios and ghettos, or on reservations, and they have drop-out rates as high as fifty or sixty percent. When the National Education Association held its first national conference to discuss this problem in 1966, educators urged a real commitment toward building

"bridges of understanding" so that all Americans could learn to value our variety as a nation and at the same time provide an equal opportunity for education to these "other language" children.

Unfortunately, we did not succeed in solving the problem in time to help the children who entered school in 1966. For those who did not speak English, we know what has happened: Ten percent of them have dropped out of school already. Of those who are still in school, sixty-four percent are reading below grade level and ten percent are at least two years behind—in the fourth or fifth grades. And by the time they should be in twelfth grade—just four years from now—forty percent will have dropped out of school. Only five percent of them will ever complete college.

What those statistics mean to the dropouts is painfully clear to all of us. They will face the handicaps of higher unemployment, less income, less opportunity, all their lives. All the fringe benefits of poverty will be theirs: More illness, harder and less rewarding work, an earlier death. And fifteen years from now, when *their* children are ready for school, the whole sad story will be repeated, unless we are able to use the better techniques developed by educators in the last twenty-five years.

We know a great deal more today than we used to know about how children learn. We know, for instance, that when a child is five or six years old and has learned to think and make sounds in one language, he is ready to learn to read and write in that language. We call that "reading readiness." But if we switch languages on that child suddenly, and at the same time make him feel ashamed of all that he has learned so proudly in his first six years, he loses his reading readiness and suffers irreparable learning damage. Soon he falls behind in school and eventually he drops out.

It was through this modern understanding of learning that bilingual education was developed. The idea is to let the child learn to read and write in his own vernacular, the language he brings to school with him, and at the same time introduce him to English so that he can learn to speak and be literate in both languages at the same time.

Although this sounds *more* difficult, educators have been able to prove that it works better. Children who are taught in a truly bilingual and bicultural program learn better and faster in *both* languages. In the relatively *few places* where programs have been fully funded and where trained teachers are available, we find monolingual English-speaking students clamoring to be a part of bilingual programs because their parents see the evidence of expanded educational opportunity and understand the economic value of being able to use two languages fluently as an adult. In these places, the language the minority student brings with him to school becomes an asset instead of a liability.

The thought that an individual's language and cultural heritage is something of value brings me to the second concept which is important to this debate: The "melting pot" myth versus the American reality. We have always been a multicultural and multilingual nation. For our first hundred years, the "traditional" idea of America was that of a nation which gladly welcomed the cultural and lingual contributions of each inhabitant and every new citizen. The names of our states and of our cities are drawn from many languages, and tell the story of our past better than many of our history books do. Every group in America can find something of pride and self-identification in our folk histories. Our great pride in our early years was not that we were a nation full of people who were all of a kind—but that we were a nation full of individuals, each one of a kind, who shared a belief in liberty and personal freedom.

It wasn't until 1908 that the "melting pot" myth was extracted from a popular play of that name. The idea of an homogenized American emerging from the economic and cultural crucibles of the immigrant ghettos of our Eastern cities caught the imagination of social chauvinists. Unfortunately, the victims of this foolish attempt to create a bland uniformity in us have been the minority-language children of the poor, those who were least able to fight for our respect.

Now, at last, many minority Americans are asking that we recognize and use all of our multicultural heritage in order to broaden the educational experience of all of our children. They think our textbooks should reflect the fact that Cabeza de Vaca's exploration of Texas and New Mexico in 1528 is historically as important to us as John Smith's adventures at Jamestown in 1620. They believe that in a world which grows smaller every day, America should no longer ignore the language ability and cultural variety of its people or its heritage.

We Americans came to this continent from many countries and brought with us many talents. It is time to use those talents—including our multilingual abilities—to help our children build upon and enjoy their own great variety.

Those who are frightened of this resurgent appreciation of our worth as individuals should take time to examine closely the possibilities for growth which bilingual and bicultural education for minority-language chldren will give to us all. Let us not continue to throw away the rich legacy which minority-language children can contribute to our American inheritance.

GAITHERSBURG, MD.,
November 1, 1974.

Hon. JOSEPH M. MONTOYA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONTOYA: Your article "Bilingual Education" appearing in the October 22 edition of the Washington Post deserves both congratulations and many thanks. You have spoken out on a poorly-understood concept which is vital to many peoples.

Behavioral scientists have long espoused the importance of childhood experiences as a foundation of later characteristics. Language is perhaps one of the most significant of those experiences; yet very few recognize it as such.

A child does not distinguish between a verbal symbol and that which it represents. For example, several months ago I gave my 7-year-old daughter a "beginner's book" in Spanish. She carefully studied one of the pages, which pictured a ball with "BOLA" written beneath it. Finally, she asked me to pronounce the word for her, which I did. She frowned at the book a few more seconds, then announced with emphatic conviction, "Well, that may be what they call it, but it's still a ball." The word and the object were identical to her, and she could see no reason to call it something it obviously wasn't. Having come to this logical conclusion, she stubbornly refused to have anything further to do with the book. Yet at the end of her first year of school, her reading comprehension level IN ENGLISH was placed at the middle of the fifth grade; and school officials had measured her "IQ" at 140.

This is an excellent illustration of the obvious idiocy of denying children the opportunity of learning to read the language they grew up speaking. Had my daughter been give only Spanish books to read when she first entered school, the chances are she would have been considered retarded, indeed! She HAS recently begun asking me for specific Spanish words, which indicates she is mastering the concept of languages. Once she is completely capable of separating verbal symbols from the objects and concepts they represent, she will be ready to learn a second language. Until that time, forcing her to read another language would be nothing short of sadism.

I do most sincerely hope you will continue actively supporting the concept of bilingual/bicultural education, for I can conceive no greater service to so many of our people.

Very sincerely,

JANICE W. LEFFINGWELL.

COUNCIL OF CHIEF
STATE SCHOOL OFFICERS,
Washington, D.C., October 22, 1974.

Hon. JOSEPH M. MONTOYA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONTOYA: I have just finished reading your article on bilingual education in this morning's *Washington Post* (October 22, 1974) and I would like to take this opportunity to express my appreciation for the article. You have presented, in clear and succinct fashion, a sound rationale for bilingual and bicultural education. And at the same time, you have provided the public with an excellent explanation of the concept.

I would hope that the article could be made available to a vastly larger segment of the American public, because, as you have so neatly suggested, the public, by and large, either misunderstands or remains unknowledgeable. In this context, I would respectfully suggest that the article, as it is written, would be excellent for inclusion in a popular magazine such as *Reader's Digest*. I would hope that you and your staff would pursue the possibility.

As an educator, it has been traumatic, to say the least, to see non-English speaking youngsters enter school systems in which they were told, either explicitly or implicitly, to "speak English." I can readily recall an instance in which a beginning first-grade teacher, during the first two weeks of her first year, thought one of her students was either a deaf/dumb mute or a severely retarded youngster. The youngster was, as you describe, a monolingual non-English speaking child. This situation, I am certain, has occurred in millions of instances over the years, and I, as one concerned educator, applaud you and your colleagues for your efforts to remedy it.

Sincerely,

DAVID L. JESSER, Ed.D.,
Director of the Career Education Project.

WASHINGTON, D.C.,
October 24, 1974.

Re Bilingul Education.

Hon. JOSEPH M. MONTOYA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONTOYA: Just a note of commendation for your fine letter published in the Washington Post this week (Tuesday, October 22) concerning the legislation you have introduced to fund bilingual education. Although I am what is commonly referred to as a "WASP", being native-born of English ancestry resident in this country going back to 1640, more or less, I believe very firmly in bilingual education for ALL of our children, starting in the primary grades. With a smattering of Latin, Spanish and French, I feel not a master of any language but my native English, and it has been a source of life-long embarrassment to me in

traveling and meeting persons from other countries who shame me with their polished English. Meagre as my Spanish and French have been, I have learned that it opened doors (and hearts) for me in countries where these languages are spoken.

A little anecdote from my childhood may prove relevant to your point. My mother was a teacher; she dearly loved and understood children. One year she was called as a substitute teacher to a little country school in western Oregon, to finish out the last two months of the school year for a teacher who had become ill.

At the hospital, the sick teacher explained a little about her students and added at the end, there was one little boy, about 8, who was retarded and had been unable to learn. She had kept him in the first grade for the past two years but just gave him "busy-work" to do, as he seemed unable to carry out the simplest order. The other children shunned him and he just sat around by himself all day. Her first day in the new school, my mother found it to be as described. (Having completed my own year of schooling, I was also sitting in the classes—I was about a sixth grade student at the time.)

At recess, Mother called the shy little dark-eyed boy to her side. He came reluctantly and looked down at his shoes. She addressed a few words to him gently and was answered in what she immediately recognized as a foreign language. She guessed him to be Mexican, and spoke the very few words she knew in the language—padded out with Latin, which proved to be a god-send! The little guy had been trying to communicate with that dum-dum teacher for two years and she never took the trouble to learn that he was the son of a Mexican "section hand" on the railroad, living in a boxcar on the siding!

Through recess, Mother and I sat with little Manuel and drew pictures on the blackboard with the English words underneath—which she pronounced and he repeated perfectly. The same routine at noon was repeated, and at afternoon recess. The child had exceptionally good learning ability and before the week was out he was writing words and speaking them in whole sentences. At her first opportunity, my mother secured a Spanish dictionary and grammar, and they fell to with a real gusto—he was delighted to TEACH HER his language, and with her background in Latin which she knew very thoroughly, they were communicating with real pleasure on both sides, in the two languages.

By the end of the two months, with her special coaching (we also went to see his parents and were received graciously in their box-car home, with the special courtesy which is typical of Mexican people, however poor their station in life.) He spent Saturdays and Sundays with us, practicing his English, and we found this bright and lovable child a real joy to know. He shared his luncheon sandwiches with us (bread spread with lard and garlic) and we in turn traded ours with him. By the end of the 2 months, when school closed, my Mother promoted him to third grade, which earned him new respect among his scornful fellow students. The gratitude of his parents was boundless and they gave a little fiesta for us before we left. We gave him small presents of primary story-books. My mother assured his parents—"It is I who have learned the most—your son has taught me far more than anything I have taught him." We parted from them with kisses and tears.

The following year, when school began, Mother wrote a note to the new teacher (Miss Dum-Dum did not return to that school, fortunately) relating the child's progress and urging that he continue to receive special attention until he could catch up in all the subjects, as he was a boy of exceptional intelligence who needed only loving appreciation to shine scholastically. She was assured that the new teacher would follow up on what she started.

That was over fifty years ago, but it is an episode which I have never forgotten and in my own lifetime it has borne rich fruit, of tolerance and appreciation for persons of different nationalities, races and religions—lessons that I owe to my wonderful mother who took the trouble to UNDERSTAND and leap over the barriers of background, culture and language, to communicate with a lonely child.

Sincerely yours,

MRS. IONE WARREN CONWAY.

HANOVER, MD.,
October 25, 1974.

Hon. JOSEPH MONTOYA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Allow me to offer my most sincere congratulations for a most articulate and eloquent rebuttal in the Washington Post concerning bi-lingual education in the United States and the support it needs and is getting from the Congress.

Mr. Rosenfield apparently neither understands our bi-lingual society or he is, as you so correctly pointed out, living in the myth and not the reality.

I am thirty years old and just finished college. Yes, it took me all these years and more to mature enough intellectually to be able to master the English language and have the confidence and motivation to be able to do the rigid work required in a major university like Maryland. You see, my dear Senator, school officials kept sending me back to repeat grades like the third grade, the seventh grade twice, and the ninth grade twice. Seems I couldn't understand what was going on. Maybe with bi-lingual education a child will not have to suffer the humiliation and sense of futility I experienced as a child in an anglo dominated society where speaking Spanish was considered a punishable offense.

You have made my pride in you, our only representative in the United States Senate, even more intense. Gracias a dios por Joe Montoya!

Yours truly,

GUSTAVO CABALLERO.

INTERGOVERNMENTAL PERSONNEL ACT

Mr. MUSKIE. Mr. President, recently, Gov. Mike O'Callaghan of Nevada addressed a conference in Emeryville, Calif., praising the merits of the Intergovernmental Personnel Act. Governor O'Callaghan describes numerous achievements and reports that as a result of IPA "there is a much higher degree of cooperation and a much-improved relationship between State and local government in Nevada."

The burden carried by government below the Federal level grows constantly. Citizen demands for better educational systems, improved transportation, clean air and unpolluted water, more and better recreation facilities as well as increased health care and hospital services place an increased strain on the capacity of State and local government to assume its full share of responsibility for public services today. I commend to my colleagues in the Senate Governor O'Callaghan's speech as a worthy illustration of the progress that is being made under the Intergovernmental Personnel Act to improve and strengthen the administration of State and local governments and to assist them in dealing more effectively with their personnel problems. I ask unanimous consent that this speech be printed in the RECORD.

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

REMARKS BY GOV. MIKE O'CALLAGHAN TO REGIONAL CONFERENCE

It is an honor for me to be here. It is an honor to represent the State of Nevada, whose Personnel Division—by numbers a small Division in a small State—is nationally recognized for its achievements in improving personnel management.

The achievements are many, and the level of the achievements is high. But what it all comes down to . . . is getting the most worth out of precious tax dollars.

Dollars don't go as far as they used to. And all of us in Government are being put out on the point, and told to produce.

Well, frankly, I think that's good advice, whether you're in Government or elsewhere.

And when about sixty-five percent of the total cost of Government is in personnel, we'd better produce, all of us.

Some of you here—I hope most of you, for the sake of Nevada's tourism industry—know our State and our people. Nevadans are a tough, independent breed and they demand results. We're still a small State by population, a very personal State, and our public administrators face a lot of pressure in the form of public scrutiny. Maybe that's one reason that Jim Wittenberg, my Personnel Division Administrator, does such a superb job. If he doesn't, he can be sure that Nevadans, everywhere I go in the State, are going to be telling me about an inadequate performance.

Instead, I'm told by Nevadans throughout the State about the fine work our Personnel Division is doing for local public agencies. The support for this fine work is the Intergovernmental Personnel Act, and I want to mention today a few of the dividends of the IPA investment in Nevada.

The IPA recognized the critical need of state and local governments to strengthen personnel management programs, and to enhance cooperation in the programs among all levels of governments. This need grows every day, as state and local responsibilities grow.

For Nevada, IPA has provided grants for training, test validation, cooperative personnel services, work performance standards and affirmative action. All of these areas, as you well know, are under the gun for improvement. They are Nevada's personnel management priority needs. And without IPA, our needs may not have been met.

But there is IPA . . . . and as a result, there is a much higher degree of cooperation and a much-improved relationship between State and local government in Nevada. This is a strong tribute to Federal, State and local officials who had an important role in IPA accomplishments.

I was so personally impressed with the accomplishments—and the accomplishments to come—that last year by special proclamation I declared October 26 as "IPA Day" in Nevada. My proclamation was issued as a sincere gesture to recognize the benefits of

IPA to our State, and to emphasize to all our citizens that good public personnel administration is the main ingredient in the effective delivery of public services.

With the award only a month ago of the latest IPA grant to Nevada, our total Federal funds through IPA has reached three hundred and five thousand, five hundred dollars.

Not a large amount of money, as grants go, but believe me, it is most welcome in Nevada, and it has helped us attain some important objectives. We are very proud of the fact that our overhead for our total IPA grants has been under ten percent.

This is one of the reasons that Nevada has received national recognition for achievements in improving personnel management. As you know, Nevada is the designated State from Region Nine . . . for the Presidential Level Goal on Comprehensive Personnel Management Improvement. The overall action plan developed by the Nevada IPA staff aims at twenty-five specific improvement projects over the next twenty months. These projects include our priority needs, and I'd like to tell you now how far down the road we are on these projects.

One of the most important programs under IPA is the Cooperative Personnel Services Project. The majority of IPA funds granted to Nevada has been utilized in Cooperative Personnel Services. Nevada law provides that the State Personnel Division make its services available to local Governments on request, and such requests have resulted in numerous joint efforts between State and local governments to meet today's challenges in personnel management. Through IPA funding, the cost of such efforts and services to local governments has been greatly reduced, and personnel management at local levels has become more effective.

Incidentally, it sometimes happens that small amounts of seed money—such as the IPA funds we have received in Nevada—can trigger such impressive results that it can lead to State funding, when the executive and legislative branches see a good track record. In effect, IPA grants can be parlayed into State support.

Test validation is another of our priority needs, and Nevada is about one-fourth the way through this IPA project. We have established an examination research function in Nevada, which followed our entering into a bi-state agreement with the California Selection Consulting Center. Through the Center's assistance, Nevada has developed its own staff consultants, and our people can now offer training and technical guidance to local governments in the State.

Another of our priority needs is affirmative action. For the past several months, we've zeroed in on this one. And within the next thirty to sixty days, our affirmative action plan will be finalized, with timetables and solid goals.

My top priority among the critical needs being met by IPA funding was placed on work performance standards. I issued an executive order that all of the State's fifty-three operating agencies . . . develop and implement work performance standards for each classified job in State Government. This massive project over the past nine months will be successfully completed by the end of this month. And by June of next year, all classified State employees . . . as well as a large portion of Nevada's local public employees . . . will be subject to work performance standards. The dividends of this IPA investment almost defy measurement . . . because it's a measurement of quality. Quality is what we're after . . . and reward for quality.

The valid criticism of most public personnel systems is that, in the past, individual performance standards have been virtually non-existent. In many cases, current systems encourage less work . . . rather than more . . . because outstanding performance is not given any higher recognition than average or mediocre performance. This stifles workers' incentive and innovation. It reduces productivity and fosters less effective Government.

The public—the taxpayers—will not stand for this. So we simply must have change which brings about improvement in the system.

In the future for Nevada's work performance standards are further refinements. To continually improve the quality of the delivery of services to the public, we will broaden the current incentive system so that superb performance is given the recognition it richly deserves.

We have our eye on monetary rewards, as well as other forms of recognition for hard and effective work. For instance, certain members of the State workforce must, for the protection of the public, be on duty on such days as Christmas. We are looking at the possible incentive of rewarding the top few performers in these professions . . . with Christmas Day off.

Now, this may not seem like much to those of us who have Christmas Day off. But rest assured, if you had to work *that* day every year—if you were unable to spend Christmas, of all days, with your family . . . then having Christmas Day off would seem the best possible recognition you could have for excellent work.

We are striving for career incentives for *merit*, as opposed to incentives merely for time put into the job.

Some other key people in Nevada's IPA projects are also here today . . . George Earnhart and Mitch Brust of my IPA staff, and Don Dawson, Chairman of my IPA Committee in Nevada. Don's the city manager in Henderson, my old stomping grounds near Las Vegas. He's certainly one local government official in Nevada who's had direct benefits from IPA through the Joint Wage and Salary Survey.

Before I conclude my remarks, I must mention that Don, Jim Wittenberg and IPA staffers have told me of a startling development. It boggles the mind. It's unheard of. But they tell me . . . that the IPA grant process doesn't involve a mountain of paperwork and red tape.

Now, that's progress. My hat is certainly off to the IPA staff of the Regional United States Civil Service Commission, and to the exceptional direction of Asa Briley.

My hat is off to the concept, the results, and the future of IPA and good personnel management. The dividends of the IPA investment in Nevada represent what I am convinced is an excellent return on tax dollars, a giant step forward in the efficient delivery of services, and a plan to give outstanding public employees the distinction they have earned.

Thank you.

OVERRIDE OF PRESIDENT'S VETO OF REHABILITATION ACT AMENDMENTS OF 1974

Mr. WILLIAMS. Mr. President, by a vote fo 398 to 7, the House of Representatives has voted to override the President's veto of H.R. 14225, the Rehabilitation Act Amendments of 1974. I commend my colleagues in the House for this swift and decisive action on this legislation and hope and expect that the Senate tomorrow will take similar action. It was with some surprise that many of us learned of the veto of this legislation during the election recess. H.R. 14225 is an important piece of legislation. It contains many critical changes in the 1973 Rehabilitation Act. It is not, however, legislation which is controversial or legislation which can be said to affect the economy, except to the extent that it will assure handicapped people a better opportunity for retaining employment in these difficult times.

Mr. President, H.R. 14225 is a 1-year extension of the Rehabilitation Act of 1973, making minor changes in authorizations and necessary substantive changes indicated by committee oversight amendments to the Randolph-Sheppard Act, and calling for a White House Conference on Handicapped Individuals. Money is not the issue with this bill, as is so aptly pointed out in the veto message. I hesitate to say this, but this legislation represents one of the lowest increases in authorizations ever reported by the Committee on Labor and Public Welfare, so hard did we work to avoid a veto of this bill on fiscal grounds.

In summary, title I of H.R. 14225:

Extends Rehabilitation Act for 1 year until June 30, 1976, and raises certain authorizations;

Transfers the Rehabilitation Services Administration from the Social and Rehabilitation Services Administration to the Office of the Secretary, and provides that the Commissioner shall be responsible only to the Secretary, the Under Secretary, or an appropriate Assistant Secretary;

Clarifies the definition of handicapped individual for purposes of provisions relating to affirmative action for employment under Federal contracts and nondiscrimination under Federal grants, and other provisions;

Requires affirmative action in employment in State agencies and facilities;

Includes provisions requiring review of individuals deemed ineligible for VR, and collection of data so that ineligibility determinations may be evaluated by HEW;

Provides for a Consumer Advisory Panel for the Architectural Barriers Compliance Board, and creates a compliance mechanism for the Board.

Title II: Randolph-Sheppard Act amendments makes certain changes in act, including priority to blind persons in operating vending facilities on Federal property, assignment of income of vending facilities, complaints and arbitration procedures, and training for upward mobility for blind vendors.

Title III: White House Conference on Handicapped Individuals authorizes the President to call a White House Conference on Handicapped Individuals within 2 years from date of enactment, includes a National Planning Council, members shall include at least 10 individuals with handicaps and five parents; authorizes grants to States—at least $10,000 but no greater than $25,000—to run at least one State conference required previous to White House conference.

The President, in his veto message, cited this legislation as being disruptive to the rehabilitation program and criticized the Congress for a "hastily drawn" bill. It is hard to understand how this legislation could disrupt the vocational rehabilitation program. Indeed, it is this veto which is disruptive. The vocational rehabilitation legislation

underwent two vetoes in 1972 and 1973, leading to a compromise bill agreed upon by the Congress and the administration and finally enacted in September of 1973. Today, 1 year and 2 months later, we have yet to see final published regulation to implement the provisions contained in that law. This veto has again delayed the implementation of vitally needed program changes and delayed the settling of issues which we thought were settled by the agreements entered into in the compromise legislation in 1973.

This legislation carries the virtually unanimous support of all organizations and groups concerned about rehabilitation and training programs for individuals with handicaps, and has been supported by the State directors of vocational rehabilitation programs. It hardly seems necessary to point out that if this legislation were disruptive, it would not enjoy such strong and pervasive support from those who administer the program and those who benefit from the program.

ACTION ON LEGISLATION

Mr. President, this legislation was originally introduced in March of 1974. The House passed the bill on May 21; the Senate did not take action until September 10, 1974, and the conference committee did not meet until 1 month later. Indeed, if this is the President's idea of haste, I suggest he check with our House colleagues who certainly did not agree with him over that long summer and were critical of the Senate for taking 6 months to finally fashion this bill.

Furthermore, with regard to the Randolph-Sheppard amendments, I am sure that the Senator from West Virginia, does not feel that the long years that he spent trying to enact these amendments, from 1969 until today, have passed by hastily. Review of this program started in 1969 in the Senate, and the Senate has passed the legislation unanimously now three times in the last two Congresses. The same is true of the White House Conference on Handicapped Individuals which has been passed twice unanimously by the Senate before its inclusion in this amendments. Ample opportunity has been provided to the administration over this entire period of time to meet on this legislation, and such meetings were in fact held.

The President argues that the House did not have hearings and had the House had hearings the administration would have been able to explain the effects of this legislation. This statement is a clear misrepresentation. Both the House and the Senate have been conducting extensive oversight since the enactment of the 1973 Rehabilitation Act. The House committee had 3 days of hearings in August, November, and December of 1973, and was involved in extensive discussion with the administration over regulations. Their hearings and discussions were the basis for House action on H.R. 14225. The Senate, furthermore, did hold a hearing on H.R. 14225 on June 27 at which the Department was the only witness and at which the Department testified at length. The committee further submitted more than 40 detailed questions to the Department for its response. On the basis of this information, the hearings, and other oversight activities, the committee moved some 3 months later to report its bill. Hearings were also held in both House and Senate on the Randolph-Sheppard amendments from 1969 onward.

Mr. President, it is perhaps the height of irony that this is a classic example where a committee has performed its true oversight function and has done it thoroughly and well—a function that is cited by most scholars as vestigial and unexercised. Yet, in this instance, we have been criticized as having acted "hastily" without giving true consideration to the effects of our actions.

TRANSFER OF RSA

The President in his veto message alleges that the transfer of the Rehabilitation Services Administration from Social and Rehabilitative Services Administration to the Office of the Secretary is an attempt to "administer through legislation." Yet beyond the transfer of RSA out of SRS, H.R. 14225 makes no changes in organizational structure which were not fully encompassed with respect to the agreement between the Congress and the administration in the final version of the Rehabilitation Act of 1973. And, the Congress made a decision to move RSA on the basis of its oversight hearings, and on the basis of philosophy. This move is not without precedent. Legislation passed by the Congress quite often makes transfers of this type. Indeed, this committee moved the Office of Aging from SRS in a similar transfer in 1973. More importantly, a similar transfer was recommended by the Ash Commission and was strongly advocated within one of the reorganization proposals submitted by the Nixon administration in 1971. Indeed, those proposals recognized the need for congressional participation in organizational decisions and that such decisions were not to be the prerogative of the executive branch alone. Under that reorganization proposal, a Human Development Administration would have been created within a restructured HEW and would have included: rehabilitation, child development, aging, juvenile delinquency, manpower training, social services, and education programs. Furthermore, SRS was to contain income maintenance programs including welfare, social security, medicare and medicaid. The clear point of this proposal was to do exactly what H.R. 14225 has done: To separate the human services programs from income maintenance programs. It is not often that the Congress adopts reorganization proposals of the administration, and in this case, many of the other recommended programs transfers have already been moved to the Office of Human Development. It is indeed strange that we are criticized for what was lauded as an important and vital step toward a more manageable Department of Health, Education, and Welfare, and to be criticized now, 3 years later, for acting "hastily."

Mr. President, contrary to other allegations in the veto message, there are no requirements in the bill which would create, as the President states, "independent organizational units." Furthermore, his claim that a "250 man bureaucracy" is required for "monitoring the construction and modernization of Federal facilities" has no actual or implied basis in the law. There is no provision in H.R. 14225 which would require so much personnel, and no monitoring responsibility which would require so much personnel.

Mr. President, perhaps the most disturbing argument in the veto message is that because the present program does not expire until mid-1975, plenty of time remains to work out a bill. Having been criticized in the past for failing to enact legislation long enough in advance to provide ample time for planning, I must say that I find this criticism rather absurd. The Congress takes a great deal of abuse for failing to plan ahead, for failing to take timely action, for being late. Because both committees believed strongly that this program had been abused enough in 1972 and 1973, we enacted legislation some 8 months before the expiration date. As many of my colleagues understand, this program's allocations are based on the authorization of appropriations. States cannot plan the State share in advance without knowing the authorized level. If H.R. 14225 is enacted tomorrow, States will have but 8 months to plan their fiscal year 1976 programs and to obtain adequate State funding.

I feel I must remind the President that it is the Congress responsibility to legislate. The Congress has legislated after full consideration of proposals before it, after oversight hearings, and after consultation with the executive branch. This legislation was not introduced on Monday and passed yesterday. It has been before the Congress since March, and the issues dealt with by the bill have been with us much longer. It is highly important for the future of this program that we take final action immediately to allow the States to get on with their business. Their business is providing high quality rehabilitation services to persons with handicaps, and to carry out the priorities within the 1973 act for services to the severely handicapped. I urge my colleagues to vote to override this veto, so that we may get on with our responsibilities of insuring that the 1973 act is implemented fully and completely.

ALASKAN FISH CAMPS FOR MILITARY

Mr. PROXMIRE. Mr. President, the General Accounting Office has been requested to investigate reports of a number of fishing resorts located in Alaska and Canada that have been used by high ranking officers and civilian guests.

Available evidence indicates that there are several such camps, some of them only accessible by aircraft.

For example, the camp at King Salmon, 300 miles southwest of Elmendorf Air Force Base has been opened for the salmon season. The Air Force flies military personnel into this camp as their guests.

Mr. President, the Reasoner Report has conducted its own investigation of these fishing camps and aired its results October 12 on national television. This report is very interesting and contains

many of the facts I have asked the GAO to investigate.

Mr. President, I ask unanimous consent that the transcript of the Reasoner Report be printed in the RECORD.

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

FISHING CAMP STORY

REASONER. At six o'clock on a Saturday morning in August, a fleet of boats sailed into Alaska's Resurrection Bay for the 19th Annual Seward Silver Salmon Derby.

The first Derby winner was an Air Force Lieutenant from Elmendorf Air Force Base, 125-miles away. The military has been well represented ever since, because the Army and the Air Force have built their own fishing empire in Alaska.

As the Silver Salmon Derby began this year, there were questions being raised about the right of the military to run fishing camps. Questions about the cost, the authorization and the safety.

ILSE HARPER. I was getting kind of upset but I wasn't very much worried because my husband is pretty good at things like this you know. I never had to worry much because he took care of the kids very well.

REASONER. Ilse Harper has filed a claim for one-million dollars against the United States, charging negligence in the operation of the Army's Recreation Area at Seward.

ILSE HARPER. I had supper prepared and I put it in the oven in the camper and I washed the dishes and over the radio what I had in the camper I heard that a Sergeant was—(crying)

REASONER. In May, 1973, Army boat F-R 22, driven by PFC Jimmy Foster, an 18-year old from Old Hickory, Tennessee, left the Seward camp for a day of fishing. His passengers were career Army Sergeant Floyd Harper and his four children. There was an accident and all six people died. Ilse Harper, the Sergeant's widow, and Ruth Harper, his mother, live in Riverbank, California.

ILSE HARPER. There is only six allowed on the boat. So, either one of the children had to stay back or I had to go. So I didn't like fishing so I stayed back and the children went. But today I wish I would have went. I wouldn't be here either. That would have been much simpler.

REASONER. The General Accounting Office, the budget investigating arm of Congress, is looking into the accident.

At the request of Senator William Proxmire, the G.A.O. also is trying to determine how many tax dollars are spent on the camps, and who uses them. The Senator wants to know whether enlisted men do the work, and if so, is that proper? Quite simply, he is asking whether the military is wasting money on a recreational fringe benefit for the brass.

A former Air Force Sergeant, Thomas Staudenmeier, has been an outspoken critic of the cost of the camps.

STAUDENMEIER. Years ago, the military wasn't paid very much. This was part of the benefits. In this day and age the military are well paid and it is my belief if they don't want to pay their own way, then they shouldn't have it.

REASONER. Our own investigation started at an Air Force Camp and an Army Camp, side by side at Seward.

The Air Force Camp is open for three months each year. Air Force men bring their wives and children down from Elmendorf Air Force Base on a three day pass. This year, the Air Force estimated the cost of running its camp at 298-thousand dollars. 268-thousand from tax dollars, budgeted for national defense.

The Army told us its operation at Seward had been trimmed this year. The only available cost figures were for last year, when the Army's camp cost the taxpayers another 106-thousand dollars. That did not include the salaries of the enlisted men assigned to the camp.

We also visited two more Air Force camps, at an out of the way fishing paradise called Camp Naknek. There are no wives or children at Naknek.

The Air Force flies its fishermen into the town of King Salmon, 300-miles southwest of Elmendorf Air Force Base, and provides buses out to the camps. This year, the camps were kept open just for the salmon season, between mid-May and the end of July.

CHUCK SAMUELS—*resident*. I think the folks here in King Salmon feel that the thing is grossly overdone. A lot of taxpayers' money is wasted in bringing them down here in Air Force aircraft. We can understand the use of the fish camps for local Air Force personnel, but it seems like quite a waste of money to bring people in from far places.

REASONER. The cost of running the Naknek camps: 159-thousand dollars. 152-thousand came from appropriated Defense Department funds—tax dollars.

DEAN PADDOCK—*guide*. It does bother me a little bit that they are providing facilities there for nickels and dimes in direct competition with me. This past year I have been charging a hundred-ten dollars a day per person. I understand that the cost to the military personnel over there is something like seven-and-a-half dollars a day.

REASONER. As for who uses the camps: according to the Air Force, of the 563 active duty men at Naknek this summer, almost half were officers. There were nine Generals, six of them retired.

The Army, in Washington, told us that most of the servicemen who visited its Seward Camp early in the season were officers or non-commissioned officers. An Army fact sheet said the lack of enlisted men was not surprising considering that, "Fishing is not a high interest activity with the young soldier."

The General Accounting Office also is investigating the use of enlisted men at the camps. At Seward, 59 Army men were assigned to temporary duty.

ARMY LIEUTENANT. Let's be sure we don't have any hassles with civilian drivers. Let's go through the whole Salmon Derby without a single complaint about Army drivers. Make sure you watch where the hell you're going when you back out of your slip in the morning.

REASONER. Commanded by a Lieutenant fresh out of West Point, the boat drivers are enlisted men from the 1st Battalion, 60th Infantry, at Fort Richardson in Anchorage.

ENLISTED MAN. I'm in the infantry, I'm just at Seward driving boats for the summer.

I'm in the infantry, so I can get down here in the summer.

REASONER. The use of young, inexperienced servicemen to drive boats is one of the objections raised in Ilse Harper's million-dollar claim against the government. She says that James Foster, the driver of the boat in which her husband and children were killed, was given very little training.

ILSE HARPER. The most he had was 3-weeks out there because he had tonsillitis, he was brought back, he was in the hospital, he was taken back, and there is no fault at all to go to James for the simple reason he was an 18-year old boy.

REASONER. Since the accident, the Air Force has switched to civilian drivers at Seward, citing increased safety as the prime reason. The Army still uses military drivers.

Our Defense Department correspondent Frank Tomlinson was told there was no one available to answer questions on film. We were told that the Army and the Air Force are given a free hand in their recreation programs until something goes wrong.

Ilse Harper and the other people we interviewed seem to think there is now sufficient reason for a review of the fishing camps.

ILSE HARPER. It is just too bad that I had to lose my family for them to realize and do something about it.

THE DANGER OF SABOTAGE AT NUCLEAR POWERPLANTS

Mr. RIBICOFF. Mr. President, the General Accounting Office has reported to the Chairman of the Atomic Energy Commission on the need for immediate improvement of security at nuclear powerplants.

The report, dated October 16, makes clear that even under the most recent physical security plans approved by the AEC nuclear powerplants are now vulnerable to takeover by small groups of saboteurs. I ask unanimous consent that the text of this report be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. RIBICOFF. Mr. President, according to the report:

> Licensee and AEC officials agreed that a security system at a licensed nuclear powerplant could not prevent a takeover for sabotage by a small number—as few, perhaps, as two or three—of armed individuals. Such a takeover, particularly of a nuclear powerplant near a large metropolitan area, could threaten public health and safety, if radioactive materials were released to the environment as a result of successful sabotage.

The report goes on to note that the AEC is presently funding studies, scheduled for completion by June of next year, in an attempt to resolve disagreement among experts on the vulnerability of nuclear powerplants to sabotage in the event of a takeover by would-be saboteurs. However, the report does note:

> According to AEC and licensee officials, the used-fuel storage facility at a nuclear powerplant is more accessible and vulnerable to sabotage than is the reactor core.

The used fuel is generally stored in an uncovered pool of water near the reactor for cooling before being packaged and shipped to a commercial fuel reprocessing plant. The highly radioactive used fuel is not covered by the containment vessel which is designed to prevent the active fuel in the reactor core from penetrating beyond the plant in the event of an accident. There is a shortage of storage space for used fuel because no commercial fuel reprocessing plants are now in operation. As a result, the report states:

> The dwindling commercial storage capacity has already resulted in some nuclear powerplants' keeping more used fuel on hand than they normally would. This situation increases the potential consequences of successful sabotage of the used-fuel storage facilities at such plants.

The GAO, in its survey of nine nuclear powerplants at five sites, found examples of noncompliance with AEC security guidelines, including unlighted protected-area perimeters, unlocked outside doors, lack of intrusion alarms, and unarmed watchmen.

GAO investigators also found that the "AEC's review and approval of licensees' proposed security systems are not based on specific performance criteria," leaving "no way to measure the

effectiveness of licensees' total security systems." Furthermore, the report found that there was "no specific coordination with other Federal agencies, such as the Department of Defense and the Federal Bureau of Investigation, to protect against or respond to attacks by paramiiltary groups." Nor did the AEC require nuclear powerplants to establish such coordination with local law enforcement agencies, according to the report.

Mr. President, these GAO findings contain the latest disturbing indications that inadequate safeguards against theft and sabotage may yet be the Achilles heel of the nuclear power industry.

Earlier GAO reports revealed the lack of protection of plutonium and other weapons-grade nuclear fuel during storage and transportation in the AEC-licensed industry.

Earlier this year, as chairman of the Subcommittee on Reorganization, Research and International Organizations, I conducted the first congressional hearings into the problem of safeguards against theft and sabotage in the nuclear power industry. On March 12, Dr. Theodore B. Taylor, an eminent theoretical physicist and former designer of atomic bombs at Los Alamos, testified that present AEC safeguards were incomplete and that thefts of nuclear materials and the fashioning of terrorist atomic bombs were now possible. The next day we heard the testimony of responsible AEC officials who reassured the subcommittee that the commission's safeguarding of industrial nuclear materials was being upgraded and that the newest regulations were adequate to protect them from theft and sabotage.

The actual seriousness of the situation became clear a few weeks later, however, when on March 31 I released an AEC internal study—the Rosenbaum report—which found the latest AEC safeguards to be "entirely inadequate" to prevent theft of these materials and their later conversion into atomic bombs by terrorist groups.

Now we learn that the AEC has done little to protect nuclear powerplants from sabotage, and that highly radioactive used fuel is especially vulnerable to such threats.

It was in response to this kind of regulatory blundering that Congress acted recently to abolish the AEC and replace it with an all-new Nuclear Regulatory Commission—NCR—with special, upgraded safeguards responsibilities. As author of the safeguards provisions of this legislation, I wish to stress that the intent was to assure that the NRC will have the capability to make security at reactor sites and fuel facilities airtight and foolproof. Protection of the highly vulnerable transportation link between these facilities also must be upgraded through the use of special armored and boobytrapped vehicles that are now available only for the nuclear weapons program.

One of these provisions requires the new Commission to report within 1 year on the advisibility of forming a Federal security force to take over some or all of the safeguards functions now in the hands of the nuclear power industry. It should be noted that within 10 years, this industry will be producing more plutonium than the Government weapons program, reaching a projected 660,000 pounds a year, every year, by the turn of the century.

Unfortunately, there has been little evidence to date that either the executive branch or the nuclear industry is prepared to take the safeguards problem seriously. Just recently, the Office of Management and Budget slashed AEC's request for supplemental finding to improve safeguards from $87.6 million to $18 million. The action included a total rejection of the AEC Regulatory Division's request of $13 million to begin a major upgrading of safeguards in the nuclear power industry.

Senator JACKSON and I were able to obtain an additional $5 million for safeguards—$3 million of it to go to regulatory—in the still-pending supplemental appropriations bill. Yet, this is little more than stop-gap funding, and it will have to be increased substantially in the next fiscal year if the vast quantities of commercial nuclear materials are to be adequately protected.

Unless safeguards against theft and sabotage are given the same priority attention as the prevention of reactor accidents, the materials used in the nuclear power industry will pose a serious threat to public health and safety regardless of how safely the reactors themselves operate.

Exhibit 1 follows:

EXHIBIT 1

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C., October 16, 1974.

Hon. DIXY LEE RAY,
Chairman, Atomic Energy Commission.

DEAR DR. RAY: We have surveyed the security systems at commercial nuclear powerplants, and have noted issues which warrant your attention.

As you know, security in the nuclear industry has been a matter of considerable public and congressional concern mostly related to safeguards for preventing the theft of special nuclear materials. Some concern has been expressed about security systems at nuclear powerplants. The consensus of opinion is that security throughout the industry needs to be improved.

We made this survey as a follow-on to our recent work on in-plant and transportation protection of special nuclear material. During the survey, we visited nine nuclear powerplants at five sites. We identified those sites for AEC officials. We also visited local law enforcement agencies. We saw the existing security systems and discussed them with licensee and AEC officials. We also discussed with these officials any planned changes in these areas.

AEC's guidance to licensees for security systems at nuclear powerplants does not specifically define the level of sabotage threats that licensees' security systems must be able to handle, and AEC has not clarified the Government's responsibility for protecting nuclear powerplants against sabotage threats beyond the capabilities of licensees' security systems. Studies AEC is funding should provide a basis for determining credible sabotage threats and for developing performance criteria. However, it will be some time before these studies are completed, performance criteria are developed, and revised security requirements are adopted. The actual or prospective increase in the amounts of highly radioactive used fuel stored at nuclear powerplants would seem to warrant establishing interim additional security requirements as soon as possible.

SECURITY SYSTEMS AT COMMERCIAL NUCLEAR POWERPLANTS

AEC regulations effective November 6, 1973, require licensees to prepare physical security plans for their nuclear powerplants and to submit them to AEC for its approval. To help licensees develop their plans, AEC issued Regulatory Guide 1.17, "Protection of Nuclear Power Plants Against Industrial Sabotage." The guide endorses the American National Standards Institute Standard N18.17, "Industrial Security for Nuclear Power Plants." As of September 1, 1974, AEC had reviewed and approved the physical security plans for all nuclear powerplants licensed to operate.

Under the AEC guide and the standard, licensees, to detect, deter, and protect against intrusions, are expected to maintain an armed-guard force, install protective barriers, and provide intrusion detection devices. Licensees are also expected to establish liaison and communications with law enforcement agencies to help licensees protect their plants against acts of industrial sabotage.

At several plants we visited, we noted unlighted protected-area perimeters, unlocked outside doors, lack of intrusion alarms, and unarmed watchmen. Licensees were planning to correct such weaknesses in their security systems to comply with the AEC guidelines for security at nuclear powerplants.

Are commercial nuclear power reactors vulnerable to sabotage?

Licensee and AEC officials agreed that a security system at a licensed nuclear powerplant could not prevent a takeover for sabotage by a small number—as few, perhaps, as two or three—of armed individuals. Such a takeover, particularly of a nuclear powerplant near a large metropolitan area, could threaten public health and safety, if radioactive materials were released to the environment as a result of successful sabotage.

Various experts disagree on the vulnerability of nuclear powerplants to sabotage. In an attempt to better define this vulnerability, AEC is funding studies, scheduled for completion by June 1975, to determine the:

Potential sources of sabotage threats;

Vulnerability of nuclear power reactors to sabotage;

Resources necessary to carry out successful sabotage, and

Potential consequences of sabotage.

According to AEC and licensee officials, the used-fuel storage facility at a nuclear powerplant is more accessible and vulnerable to sabotage than is the reactor core. Such a storage facility generally is an uncovered pool of water near the reactor. The highly radioactive used fuel does not have the same degree of physical protection as that provided to the reactor core by the reactor containment vessel.

The used fuel is stored on site for cooling. After cooling it is packaged and shipped to a commercial fuel-reprocessing plant. Fuel-reprocessing plants have large storage capacities and have been storing used fuel. However, these plants are not expected to be in operation until 1976 or later and their storage areas are rapidly being filled. AEC has recognized this problem and is considering allowing AEC facilities to store used fuel from commercial nuclear powerplants.

The dwindling commercial storage capacity has already resulted in some nuclear powerplants' keeping more used fuel on hand than they normally would. This situation increases the potential consequences of successful sabotage of the used-fuel storage facilities at such plants.

Need for improved security requirements

Standard N18.17 states that the security system it outlines is designed to protect against a wide variety of potential threats, including a "small group of discordant individuals." The standard specifically excludes protection against "deliberate assaults by trained para-military groups," stating that such protection is the Government's responsibility.

Licensees have not been given specific guidance on the difference between threats posed by small groups of discordant individuals and those posed by trained paramilitary groups. Therefore the level of threats that licensees' security systems must be able to protect against is unclear.

AEC's review and approval of licensees' proposed security systems are not based on specific performance criteria. Without such criteria there is no way to measure the effectiveness of licensees' total security systems—their onsite security system and assist agencies' response capabilities.

AEC officials told us that there had been no specific coordination with other Federal agencies, such as the Department of Defense and the Federal Bureau of Investigation, to protect against or respond to attacks by paramilitary groups. These officials said that local law enforcement assist agencies would be expected to respond to such attacks. However, AEC guidance to licensees does not provide for making such assist agencies aware that they would be expected to carry out the Government's responsibility to counter attacks by paramilitary groups against commercial nuclear power reactors.

The need to give licensees specific guidance on the level of threats their security systems must be prepared to handle and on the Government agencies which must be contacted for assistance and to provide for evaluating the response capabilities of assist agencies, has been recognized within AEC. During a recent review of an applicant's security system, AEC's Atomic Safety and Licensing Board said that, since the applicant depends on the assist agencies to handle situations beyond the onsite capabilities, their abilities to respond should be tested.

In a later comment on that same security system, AEC's Atomic Safety and Licensing Appeal Board recommended that the AEC Regulatory staff make sure that requirements for security plans "prescribe precisely the 'design basis threat' that the applicant itself must be prepared to meet." The Appeal Board further said that the AEC Regulatory staff should make sure that those requirements specify "the governmental authorities which an applicant must contact for assistance" to counter threats beyond its own capabilities. AEC Regulatory officials told us that these recommendations were advisory and they did not plan to take any specific action on them.

In addition, the need for increased security is being advocated from within AEC. AEC's Advisory Committee on Reactor Safeguards, which independently reviews all applications for construction permits and operating licenses for nuclear power reactors, recently recommended to AEC, as a result of its analysis of a construction permit application, that more attention be given to reactor design features which "prevent or mitigate the consequences of acts of sabotage." Furthermore, an AEC Commissioner recently noted that the use of built-in protective devices, such as incapacitating gas in critical areas of reactors, would help provide greater insurance against sabotage.

CONCLUSIONS

AEC needs to (1) give licensees more specific guidance on the level of threats their security systems must be prepared to handle by clarifying the differences between assaults by small groups of discordant individuals and by paramilitary groups, (2) clarify the Government's responsibility for protecting nuclear powerplants against sabotage by paramilitary groups, and (3) establish performance criteria for licensees' total security systems.

After AEC gives licensees better guidance on what their security systems are expected to protect against and clarifies the Government's responsibility for protecting nuclear powerplants against sabotage by paramilitary groups, licensees will know more precisely what their security systems must be designed to do and AEC will be better able to judge this capability.

The studies AEC is funding should provide a basis for determining credible sabotage threats and for developing performance criteria. However, it will be some time before these studies are completed, performance criteria are developed, and revised security requirements are adopted. Meanwhile, there is one vital area at nuclear powerplants—the used-fuel storage facility—which seems to warrant establishing additional security requirements as soon as possible, particularly in view of the actual or prospective increase in the amounts of used fuel stored at nuclear powerplants.

When the vulnerability of nuclear powerplants to sabotage is better known as a result of the current studies, AEC should be able to establish performance criteria; evaluate security systems against such criteria; and adjust security system requirements, as necessary.

RECOMMENDATIONS TO THE CHAIRMAN, AEC

We recommend that AEC clarify the differences between assaults by small groups of discordant individuals and by paramilitary groups and clarify the Government's responsibility for protecting nuclear powerplants against sabotage by paramilitary groups. We recommend also that, in view of the actual or prospective increase in the amount of used fuel stored at nuclear powerplants, AEC determine what additional interim security requirements can be established to strengthen licensees' security systems.

We appreciate the courtesy and cooperation extended to our representatives during the survey. We shall appreciate being informed of the action you take on our recommendations.

We are sending copies of this report to the Director, Office of Management and Budget; the Chairman, Joint Committee on Atomic Energy; and the Chairman of the House and Senate Appropriations and Government Operations Committees.

As you know, section 236 of the Legislative Reorganization Act of 1970 requires the head of a Federal agency to submit a written statement on actions taken on our recommendations to the House and Senate Committees on Government Operations not later than 60 days after the date of the report and to the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of the report.

Sincerely yours,

HENRY ESCHWEGE,
Director.

OVERRIDE VOTE ON H.R. 14225, REHABILITATION ACT AMENDMENTS OF 1974

Mr. CRANSTON. Mr. President, the House of Representatives today voted 398 to 7 to override the President's ill-advised veto of H.R. 14225, the Rehabilitation Act Amendments of 1974. At present, the Senate is scheduled to vote on this matter tomorrow at approximately 2 p.m.

Mr. President, the principal sponsors of this legislation in the Senate — the Senator from West Virginia (Mr. RANDOLPH.), the distinguished chairman of the Subcommittee on the Handicapped of the Labor and Public Welfare Committee, the ranking minority member of that subcommittee (Mr. STAFFORD), the chairman of the full Labor and Public Welfare Committee (Mr. WILLIAMS), and the ranking minority member of the full committee (Mr. JAVITS)—and I sent a letter to each of our colleagues urging their vote to override this veto.

Mr. President, I ask unanimous consent that the text of our letter, along with the enclosure which specifies a response to each of the objections set forth in the President's veto message on H.R. 14225, be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON
LABOR AND PUBLIC WELFARE,
Washington, D.C., November 20, 1974.

DEAR COLLEAGUE: The House of Representatives today voted to override the President's veto of H.R. 14225, the Rehabilitation Act Amendments of 1974, by a vote of 398 to 7. The Senate will vote tomorrow—tentatively scheduled at approximately 2:00 p.m.

H.R. 14225 contains amendments to the Rehabilitation Act of 1973 which seek to carry out the original compromise agreement and to provide a one-year extension of the authorization in order to assure stability for this program for an additional year. It also makes long overdue improvements in the Randolph-Sheppard blind vending facility legislation and provides for a White House Conference on Handicapped Individuals.

For the sake of the continuity of the vocational rehabilitation program and the welfare of the blind vendor program and handicapped persons generally, we urge you to vote to override this veto. The President in his message makes clear that there is no monetary issue involved. We believe that the reasons given for the veto are not substantial.

We are enclosing a summary of responses to the point made in the veto message. Should you have additional questions about this matter or desire additional information, please contact Bob Humphreys (47673), Jon Steinberg (47651), Mike Francis (45141), Lisa Walker (49161), or Jack Andrews (47682).

With best wishes.

Sincerely,

JENNINGS RANDOLPH,
Chairman, Subcommittee on the Handicapped.

ALAN CRANSTON,
HARRISON A. WILLIAMS,
Chairman.
ROBERT T. STAFFORD,
JACOB K. JAVITS.

FROM THE OFFICES OF SENATORS RANDOLPH, CRANSTON, STAFFORD, WILLIAMS, AND JAVITS

REASONS CONGRESS SHOULD OVERRIDE THE PRESIDENT'S VETO OF H.R. 14225

H.R. 14225 contains a one-year extension of the Rehabilitation Act of 1973, making minor changes in the amounts and substantive changes which both Houses have considered necessary; certain modifications in the Randolph-Sheppard program agreed to by blind organizations and employee union representatives; and provision for a White House Conference on Handicapped Individuals. MONEY IS NOT THE ISSUE. The following are the objections and answers to the objections.

I. Haste

The message states that the legislation is "hastily drawn".

Response: This legislation was originally introduced in March of 1974; passed the House May 21 and the Senate not until September 10. The Conference did not meet until one month later. Opportunity was provided to the Administration to meet and discuss this legislation, and such meetings were held.

The Randolph-Sheppard and White House Conference on Handicapped Individuals legislation has been considered and unanimously passed by the Senate twice previously. Both Houses have been involved in review of the Randolph-Sheppard program since 1969.

H.R. 14225 passed the House 400 to 1 and the Senate unanimously. The Conference Report passed the House 334 to 0 and the Senate unanimously.

II. Disruption of programs

This bill would "disrupt existing Federal programs and ill serve the needs of our nation's handicapped citizens."

Response: This legislation has the overwhelming support of 96% of the Directors of state agencies for vocational rehabilitation and concerned groups and organizations.

III. Absence of hearings

"The bill passed the House of Representatives without having hearings. Had hearings been held we would have explained the disruption that would result. . . ."

Response: The House Subcommittee held hearings on the administration and operation of the rehabilitation program on August 3, 1973, November 30, 1973, and December 10, 1973. These hearings formed the basis for consideration of H.R. 14225.

The Senate Subcommittee on the Handicapped on June 27, 1974, held a hearing on H.R. 14225, S. 3108, and S. 3381, at which H.E.W. testified at length. More than 40 additional detailed questions concerning the administration and operation of the rehabilitation program were submitted to which the Department responded in detail. The Committee reported S. 3108 with modifications based on these hearings and Committee oversight.

Three days of hearings were held in late 1973 on the Randolph-Sheppard amendments.

IV. Administration through legislation

"This bill is an attempt to administer through legislation. It transfers a program from one part of HEW to another for no good reason—indeed for very bad reasons."

Response: The Congress has both the responsibility to write laws and to carry out oversight functions to assure that programs are administered according to the law. The Senate Committee report states: "The Committee has formulated its decision . . . on the basis of policy and philosophy. The Committee views the vocational rehabilitation program as a human development program and not a welfare program. As such, it should not be subsumed within an administrative entity whose major program responsibilities relate to welfare. S. 3108, as introduced, would have transferred RSA to the Office of the Assistant Secretary for Human Development. Though such a transfer might be appropriate, the Committee has provided the Secretary with sufficient flexibility to effectuate a transfer to an organizational arrangement within his office which, in his view, would be most appropriate and beneficial for RSA and the programs it administers." The Administration's strong objection to this program transfer is particularly difficult to understand since the Administration in 1971 proposed a similar realignment in its proposed Department of Human Resources legislation (H.R. 6961).

V. Dictation of minute decisions; wasteful duplication

Response: This legislation, except for the transfer, requires no changes in organizational structure which were not intended with respect to the agreement between Congress and the Administration in the final version of the Rehabilitation Act of 1973. Furthermore, in response to the HEW request, certain clarifications were made, in Senate floor debate and in the Conference Report statement, respecting routine administrative services which may be centralized.

There is no requirement in the bill that any new "independent organizational units" be established.

VI. The 250-man bureaucracy

". . . it sets up a monitoring process for the construction and modernization of Federal facilities that would force me to create a new 250 man bureaucracy in HEW to duplicate functions carried out elsewhere in the Federal branch."

Response: We do not know what this refers to. There is certainly no provision in H.R. 14225 requiring so much personnel and no monitoring responsibility requiring so much personnel.

VII. Blurring of accountability

"Most importantly, this bill blurs accountability. I cannot be responsible for the good management of all Federal programs if I cannot hold my cabinet of Secretaries accountable."

Response: The legislation requires no organizational changes with regard to Secretarial responsibilities in carrying out any provisions of this bill or existing law.

The roles of each appropriate official under this legislation are clear, and adequate flexibility is provided the Secretary of HEW and others to assure direct lines of authority and responsibility for program operation.

VIII. Expiration of the act

"The present vocation rehabilitation legislation does not expire until mid-1975. Plenty of time remains for us to work out a bill which will improve Federal programs for the handicapped. . . ."

Response: The Rehabilitation Act's title I funding entitlements are computed on the basis of the authorized level of appropriations, and states must contribute 20 percent of their allocation. States cannot plan in advance the state share under the rehabilitation program if the authorized level is not established. The FY 1976 budget request will be submitted in 2 months. As it is, States will have only eight months to plan their FY 1976 programs and obtain State funding. There is not "plenty of time".

CRIMINAL JUSTICE AND PRIVATE MARIHUANA USE

Mr. JAVITS. Mr. President, the Alcoholism and Narcotics Subcommittee of the Committee on Labor and Public Welfare, of which I am ranking minority member, has completed its second day of hearings on marihuana research and legal controls.

Yesterday three distinguished physicians with outstanding credentials in the field of drug abuse—Dr. Robert DuPont, Director of the Special Action Office for Drug Abuse Prevention, Dr. Jerome H. Jaffe, past Director of the Special Action Office for Drug Abuse Prevention, and Dr. Thomas Bryant, president of the Drug Abuse Council—made it clear that the deterrent effect of the marihuana laws on small private use are virtually nonexistent—we are not here talking about pushers, sellers, or dealers—that such efforts result in overburdening the courts, and diverting our police capabilities from vital serious responsibilities for the public safety. And, that the most significant deterrents to the private use of marihuana, were the result of changing lifestyles, responsibility for nonstudent roles and new patterns of personal relationships—not the criminal penalties we now impose.

During the course of today's hearings, one of the witnesses was Richard J. Bonnie, one of the world's leading experts—a law professor and practitioner of criminal and constitutional law, and former Associate Director of the National Commission on Marihuana and Drug Abuse—on the question of such laws in the United States.

I believe his thoughtful testimony on the need for congressional action to decriminalize the possession of small amounts of marihuana for personal use and for casual, nonprofit distribution of small amounts—the objective of the bill (S. 746) introduced by Senator HUGHES, chairman of this subcommittee, and myself—should be shared with all our colleagues.

I commend to my colleagues his in-depth analyses of how the criminalization of private marihuana consumption has hurt the legal system, tended to erode public confidence in criminal justice and to encourage disrespect for law enforcement.

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

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

STATEMENT OF RICHARD J. BONNIE, SUBMITTED TO THE SUBCOMMITTEE ON ALCOHOLISM AND NARCOTICS OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE, NOVEMBER 20, 1974

Mr. Chairman and members of the Committee, it is a great pleasure to be here today and share with you some of my observations about the marihuana laws.

For the better part of the past 5 years, I have reflected on our current policy toward use of marihuana; and I have done so from many vantage points. Much of my attention has been directed to the origins of present policy, and I have recently co-authored *The Marihuana Conviction* (University Press of Virginia 1974) which traces the remarkable history of marihuana prohibition in the United States. Over the course of these five years I have have also formulated some very strong opinions about the wisdom of these laws, opinions shaped by my experience as a researcher, as a teacher and practitioner of criminal and constitutional law, and as Associate Director of the National Commission on Marihuana and Drug Abuse.

As I was preparing for my testimony today, I began to wonder what I could say that had not yet been said. I knew my basic message would be simple and easily formulated—the criminalization of possession of marihuana for personal use[1] is indefensible.

I could devote the remaining time allotted me to a recitation of the irrefutable case for decriminalization; I could do so in a wholly objective manner, pretending that the arguments for criminalization merit refutation. But this would be a charade. It's all been said so well and so often before.

Footnotes at end of article.

Decriminalization has won extraordinary backing from most serious observers from all points on the political spectrum, including William F. Buckley and Tom Braden. It has been endorsed by a comprehensive assortment of professional organizations. The list is awesome: The American Medical Association, The American Bar Association and numerous state and local bar associations, the National Conference of Commissioners on Uniform State Laws, the National Education Association, Consumer's Union, the American Public Health Association, and the National Council of Churches.

Of central interest, of course, is The Report of the National Commission on Marihuana and Drug Abuse. The Commission was established in 1970 by the Congress for the express purpose of formulating sound policy recommendations in this emotionally charged area. After issuing authoritative findings of fact, the Commission painstakingly addressed the various social policy options. In support of its central recommendation to decriminalize possession for personal use, the Commission documents the serious institutional and individual injuries caused by criminalization and then refutes every conceivable argument against repeal.[2]

That was in 1972. Why, then, haven't the legislatures responded? The federal decriminalization bill introduced in this chamber by the distinguished Chairman and his colleague from New York has lain unattended for 2 years, as has Congressman Koch's bill in the House. At the state level, only Oregon has removed criminal penalties for possession.

If we were to look at public statements alone, we would think the official defense of the status quo runs something like this: "Marihuana use has to be a crime because we're not yet sure how use of the drug would affect a person's physical and mental health if he were to use a lot of it."

But this is absurd. Since when is it criminal for a person to risk his health and well-being? Consider the recent controversy regarding the automobile seatbelt buzzer and interlock system. I have no doubt that these devices decrease the risk of fatalities in traffic accidents by increasing the number of people wearing their seatbelts. Under the law in effect for 1974 models, the manufacturers were required to install these devices. Note carefully that the law did *not* coerce people to wear their seatbelts, and failure to wear seatbelts was not a crime. Instead, the law simply denied the consumer the choice to buy a less safe car.

Yet, Congress has just repealed the mandatory requirement that seatbelt buzzers and interlock systems be included in next year's models. I can not imagine more unequivocal support for the proposition that sometimes the American people and their representatives care very little about individual health and safety and are sometimes willing to tolerate substantial risk for very little benefit. In this case the enhancement of personal safety was apparently outweighed by the inconvenience of having to "buckle up."

Let me turn next to the problem of harmful substances used for non-medical purposes. We all know of course that long-term tobacco use is clearly harmful to individual health; yet the prevailing governmental policy is to discourage use of the substance by informing the public of the risks and by prohibiting commercial attempts to encourage smoking. At the same time, in the context of this discouragement policy, the government has not curtailed the availability of these substances, relying instead on personal choice.

Obviously the same is true for the present social policy toward alcohol. And this is so despite the well-documented effects of chronic alcohol use on individual health and the equally clearcut harms to the public health and safety flowing from acute or chronic alcohol intoxication.

My message then comes into clearer focus. The issue on the legislative agendas in every state capital is *not* a health issue. Nor is it a moral issue. The intoxicant property of marihuana cannot honestly be distinguished from that of alcohol in terms of this society's moral and social acceptance of recreational drug use.

The issue is *not* the properties of marihuana—the ethics or effects of its use. No, the only issue is the wisdom of applying the criminal sanction to individuals who choose to use the drug despite the government's preference to the contrary[3] and despite the government's efforts to suppress availability.[4]

Throughout my testimony I will assume that marihuana use poses serious risks to individual health and welfare if the drug is consumed in large doses or is used frequently over a long period. I will assume, in short, that the risks are roughly equivalent to the risks associated with alcohol use.[5] And I will assume further that government has correctly decided to discourage *any* use of the drug in order to minimize the types of use which present these risks.[6]

Even with these assumptions, the criminalization of the user is indefensible. Little social benefit is achieved by invoking or threatening to invoke the sanction; yet the costs of doing so are overwhelming. The question isn't even a close one.

If the case is as persuasive as I have indicated, why is injustice perpetuated? Again, I ask: Why haven't the legislatures acted? As I have turned this question over in my mind, I have begun to suspect that too many legislators are not sufficiently aware of limits of the criminal sanction. So, at the risk of repeating what has been said so well before, let me review some of the purposes and consequences of the criminalization of marihuana use.

PURPOSES OF CRIMINALIZATION

Let me first consider the various purposes which can be served by criminal sanctions or by the criminal process. In this way we can isolate the benefits of criminalization which might be offered to offset its substantial "costs" as applied to marihuana use.

Punishment and immorality

In the past, marihuana use was identified with immorality, criminality and degeneracy, and the possession offense was a convenient device for punishing the marihuana user for his entire deviant lifestyle. But marihuana users are no longer "outsiders," being drawn instead from the social mainstream.

For this reason, a desire to assist, not to punish, now characterizes popular and official attitudes toward the contemporary marihuana user. The public views the marihuana user for what he generally is, a young, otherwise law-abiding citizen. The prevailing motivation is to get him to stop using marihuana, not to punish him for having done it. To the extent that the retributive instinct supports the criminal sanction, it is totally inapposite to marihuana use.

Therapy and leverage

The criminal process is sometimes used to identify particular offenders in need of treatment and to exert leverage for this purpose. This is the primary rationale for the heroin possession offense, and for many sex offenses as well since it is presumed that *most* (not all) persons who engage in these behaviors are in need of attention. The criminal offense is the entry mechanism.[7]

However, most marihuana users *and* marihuana offenders as well, are not in need of treatment in any sense and are in fact indistinguishable from their peers in all respects other than their marihuana use. The vast majority of marihuana users do not use the drug heavily and do not use any other illicit drug. Thus, even if a possession offense is legitimately used as a leverage device in other contexts, this rationale is simply not applicable to possession of marihuana.

Control and dangerousness

In some contexts, a behavior may be criminalized in part to give society an objective basis for confining a person who is perceived to be dangerous to person or property. Again, this rationale is totally inapplicable to marihuana use.

Deterrence and discouragement

We come then to the only remaining rationale for a criminal prohibition: the policy-making bodies have determined that citizens should be discouraged from using marihuana and have sought to preclude the drug's availability. Through its deterrent function, the criminal prohibition of possession may be regarded as a necessary implementation of this discouragement effort.

Despite its central role in our criminal law, the deterrent process is ill-understood and under-researched.[8] The otherwise difficult task of determining why people behave in a given way is compounded by the need to isolate and define the different components of the legal threat. For present purposes, however, several propositions can be enunciated with some confidence.

1. The legal threat plays a greater role in shaping some types of behavior than other types. From this perspective, marihuana use is probably less deterrable than conduct which is a means to some other end—e.g. forgery—and which is more visible and susceptible to detection.

2. Adolescents and young adults are less deterrable by legal threats than their elders. Since young people predominate among marihuana users, one would expect the overall deterrent process to be less effective.

3. The deterrent process plays little role in determining the frequency or amount of use. Whether a user will use heavily is instead determined by a wide variety of non-legal variables, particularly psychological ones, as well as availability and price of the drug. The possession offense is thus inapposite to the government's major aim—to minimize heavy use.

4. A corollary is that the possession offense does deter some people from experimenting with the drug (initial use) and may also deter some of those who have experimented with the drug from continuing to use it after the initial trial. This is *not* to say however that all of those who have not yet experimented or who have tried the drug and not continued have refrained from use *because* they were deterred by the law.

Quite the contrary is true. A large proportion of persons who have not yet used marihuana profess that they would not use the drug even if it were legitimately available, and offer health-related or ethical reasons. This may be true of 75% to 90% of those who have not yet tried the drug; for them, the illegality of the drug and the criminalization of use have not played the key role in their failure to experiment. Similarly, a large proportion (perhaps 50%) of the persons who have chosen not to continue use after their initial experimentation profess that they would not become "users" even if the drug were legitimately available. "Loss of interest" is the most frequent explanation.

5. The range of persons who could be affected one way or another by the legal status of possession is relatively narrow—about one-fifth of those who have not yet experimented and perhaps a third of those who have experimented but forsaken use of the drug.

6. To the extent that the deterrent value of the possession offense depends on the credibility of the threat, the law must be enforced—violations must be detected and sanctions must be applied to violators. But society would pay a heavy price to maintain the credibility of this threat at a meaningful level. Indeed, given the private nature of

Footnotes at end of article.

the behavior, the Fourth Amendment precludes a highly credible threat of *detection*.[9] Moreover, society has also chosen to sacrifice the credibility of the threat at every phase of its *application* in order to reduce the costs.[10]

7. To the extent that the mere existence of a criminal sanction,[11] credible or not, functions as a deterrent, society can reap its benefit at very little cost simply by leaving the law on the books and failing to enforce it altogether—through desuetude. This approach is in effect for adultery of course; and has been endorsed editorially by the *Los Angeles Times* in opposition to repeal of the criminal penalties against marihuana use.[12] The only loser, in such an event, of course, is the rule of law.

These observations suggest that repeal of the criminal sanction may result in a slight increase in experimentation by non-users and a slight increase in the proportion of experimenters who become users. But two caveats are in order even on this narrow point. First, this prediction is in comparison to the level of use under current sanctioning conditions; however, the levels of experimentation and use will continue to increase to some extent in any event as the level of enforcement (and the credibility of the threat) continues to drop. Second, the substitution of a civil sanction may result in greater deterrence, by virtue of its greater probability of application, than a sporadically applied criminal sanction.

THE COSTS OF CRIMINALIZATION

Now we must turn to the price this society currently pays for this ounce of deterrence. I will consider the impact of marihuana criminalization on the nation's legal institutions, on the availability of law enforcement resources and on the nearly half-million individuals apprehended for violating the possession laws.

Impact on legal institutions

The most compelling reason for modification or elimination of marihuana prohibition lies in its disastrous impact on the law as an institution. In this century American society has turned to law, particularly the criminal law, to serve a multitude of functions. An attitude has evolved that any behavior offending a prevailing sentiment should be punishable by law. As a result, the legal system has been overextended until its value as a symbol has been magnified beyond its capacity to absorb disobedience. When the law is so readily employed as a symbol of disapproval, it will be easily wielded as a symbol of oppression. When a society so frequently relies on the legal system to control behavior, it will inevitably debase and weaken the influence of those institutions with the greatest capacity to mold desirable conduct.

The marihuana laws manifest the crisis of law that this society now faces. No criminal law can be fairly or effectively enforced unless it commands a popular consensus. Yet, the consensus which supported the marihuana laws from 1915 to 1965 evaporated as soon as the prohibition encountered the rigors of public dialogue. This is not to say that prohibition lacks the support of a popular majority. The point is that utility or propriety of a criminal law is not measured in votes but in shared values. Price controls and other regulatory devices derive their legitimacy from the support of a majority, however transient; but outright criminal prohibitions, particularly those involving private behavior, derive their legitimacy from congruence with more enduring normative precepts. The fact that one-third of the voting population of a major state actually registered electoral opposition to marihuana prohibition definitively establishes the evaporation of the marihuana consensus.[13] All other evidence establishes that uncertainty dominates the vast center of public opinion, while an increasingly smaller fraction of the public affirmatively supports the current prohibition. Undoubtedly, marihuana prohibition does not command the minimum amount of public support necessary to sustain and reinforce a criminal prohibition.

As a result the law suffers disobedience and ridicule. More than 26 million Americans have used marihuana and perhaps 13 million continue to use the drug. In this context the criminal justice system operates unfairly and without confidence. And the moral force of the criminal law wanes with each undetected or unenforced violation. Criminal justice simply cannot be achieved when conviction of a crime is perceived to be an injustice not only by the defendant but by large segments of the public and by the participants in the system itself.

Our society normally employs the criminal justice system to apprehend and punish those persons who have committed certain classes of acts which the general society believes to be deserving of punishment. We then utilize discretion at various points in the system to mitigate the implications of this presumptive judgment. Thus, depending on the culpability of the individual offender, we may forgo prosecution or avoid a punitive sentence. Where the marihuana laws are concerned, however, the presumption has become precisely the opposite. Since the larger society generally does not view its marihuana offenders, who are overwhelmingly young, as morally culpable and deserving of punishment, the effort is now made to select from the near half-million persons who are arrested each year, those few who should continue to be processed through the system.

Our police, our prosecutors, and our courts—sworn to uphold and enforce the laws of this nation—have been confronted with a population of lawbreakers alien to the ordinary process of the criminal justice system. Thus, the system has responded by contorting itself. The discretion ordinarily exercised—whether or not to arrest, whether or not to prosecute, whether or not to convict, and whether or not to incarcerate—has been employed to determine which of these unlikely defendants should remain in the system: and as the need for discretion increases, so does the likelihood of selectivity and inequality.

The punitive instinct simply is not there. In most cases effort is directed not at securing the symbol of wrongdoing—the conviction—but instead to avoid stigmatizing the youthful or otherwise unlikely offender with a criminal record.

The criminalization of marihuana consumption has severely wounded the legal system, has eroded the public confidence in criminal justice, and has made a mockery of respect for law.

Diversion of criminal justice resources

The police energies consumed by the more than 1000 marihuana arrests which they make each day are diverted from detection and apprehension of persons who have committed serious crimes against person or property. Many marihuana arrestees (more than 50%) are apparently dismissed at some point in the criminal process because of prosecutorial or judicial unwillingness to apply the criminal sanction; in these situations, criminal justice resources have been expended for no apparent purpose. Estimates of misallocated resources run as high as 600 million dollars per year. In this connection it is not surprising that spokesmen for police, prosecution, and judicial organizations are increasingly registering official support for repeal of the possession penalty.

I might also observe that substantial attention has been directed in recent months to two matters of criminal law with substantial public consequence. On the one hand, we apparently are witnessing additional increases in the incidence of street crime, and our present economic difficulties can only exacerbate the situation still more. On the other hand increasing public antipathy has been directed to the social and economic devastation—and even political corruption—engendered by white collar crime. The Attorney General has recently indicated that this administration will pull out the stops in its war on white collar crime. Against this background, the application of criminal justice resources to the problem of marihuana use and possession is simply ludicrous.

Impact on individual violators

Persons apprehended but not convicted for marihuana violations are nonetheless the subjects of arrest records. The actual and potential threats to the individual's economic and social interests posed by arrest records have been well documented.[14] The question is thus squarely presented whether this backdoor punishment—the sanction of arrest—is justified in light of prosecutorial and judicial unwillingness to apply the sanctions of conviction and incarceration.

Among those convicted, most individuals are spared the full impact of the criminal law. Neither the legislators nor the judges are anxious to punish the offender or to impose harsh sanctions. So probation, with or without verdict, suspended sentences and fines are the normal dispositions. And expungement of the conviction is often available.

Nonetheless, despite these developments, large numbers of offenders *are* stigmatized by the record of conviction, and some judges even persist in sentencing marihuana offenders to jail.

Conviction of a crime is a potent statement of social disapproval. Although the meaning of a "conviction" has been diluted by its application to behavior like marihuana use, serious social and economic disabilities continue to attach as if the criminal code were coextensive with serious wrongdoing. Many potential employers do not stop to ask what offense an applicant has been convicted of; the label of criminal is enough to stop inquiry altogether.

Here I would note the need to educate the public and their representatives about the meaning of criminalization. Too often the current laws have been defended on the ground that the legislators have already reduced the penalties from a felony to a misdemeanor as if this statement rebutted the arguments for decriminalization.

A misdemeanor is still a crime. The consequences of a misdemeanor conviction are no less real because they are not as serious as those attending conviction for a felony.

Consider the possible consequences of a misdemeanor conviction which arise *by law*—

Up to one year in jail in the discretion of the sentencing court;

Loss of, or ineligibility for professional licenses (e.g. medicine, dentistry, law);

Loss of, or ineligibility for industrial or other occupational licenses (e.g. nursing, barbering, private investigation, notary public, insurance adjuster);

Loss of, or ineligibility for public employment.[15]

Consider further the empirically demonstrated consequences of criminal conviction in the private sector: Many employers will not even consider applicants with a prior criminal record; and even if there is no per se exclusion, most employers systematically hire persons without criminal records in preference to persons with such records.

Some legislators of course have recognized the adverse consequences of a criminal conviction and concluded that marihuana users don't really deserve that kind of disability. So they have adopted various techniques for avoiding the implications of the decision to criminalize: expungement of the record of conviction, diversion in lieu of prosecution or entry of conviction, probation without verdict and similar devices which avoid official records of guilt.

Footnotes at end of article.

TIME TO FACE THE ISSUE

The legislatures have apparently found it convenient to pass the buck to the police, prosecutors and courts to ameliorate the consequences of criminalization. The police respond unsystematically and inconsistently; the prosecutors decline to prosecute, sometimes with screening guidelines, most of time without them; and the judges respond according to their own views of the offense and of their role as judges. The real victim of legislative buck-passing is the rule of law. Police, prosecutors and courts roam at large in a sea of discretion because the public doesn't want to punish but the legislature doesn't want to repeal.

Each legislator in every state should ask himself if he would vote to *make* possession of marihuana a criminal offense if there were no criminal sanction now in effect. If the issue is thus put, I am sure the answer is "no." The public would not stand for it.

If use of marihuana—a previously unknown drug—had suddenly appeared on the American scene in 1970 among the same population and on the same scale it has now achieved, prohibition would not even been considered. The drug is used privately as a social drug, with shared ritual and meaning, among a broad spectrum of the American teenage and young adult populations. For the most part, use of the drug has not been associated with visible antisocial behavior. If marihuana had no past, the issue would be whether some form of government regulation would prove beneficial to the users or to the public coffers. And even then the using population would insist that any restrictive action be tailored narrowly to achieve a specific governmental purpose.

The answer should be no different when the question is whether or not to repeal the prohibition now on the books. Indeed, the decision is made easier by the fact that the costs of the criminal sanction are so well documented.

But somehow it does seem to make a big difference. It is contended that use of marihuana would be encouraged by decriminalization even though the substance itself would be contraband and its production and distribution would be outlawed. If the affirmative act of repeal is thought to be encouragement, then we have finally uncovered the pivotal explanation for legislative inertia.

History has woven a web around the use of marihuana; public and legislative reluctance to modify or eliminate marihuana prohibition in 1974 is based on attitudes molded by two generations of illegality.

Marihuana use in the 1960s confronted a system of criminal prohibition which carried its own meaning as defined in another time. Decades of classification as a narcotic, the presumptive immorality attaching to felonious conduct, and the implication of addiction, crime, and insanity had instilled in the public consciousness a fear of marihuana unjustified by the demonstrable effects of its use.

That fear and its codification by law now bars the way to a much needed reform.

Because the origins of marihuana prohibition undercut modern efforts to repeal it, I have attached, as an appendix, some relevant excerpts from *The Marihuana Conviction* (University Press of Virginia, 1974) by Professor Charles H. Whitebread and myself.

SOME COMMENTS ON THE CIVIL FINE

The only defensible alternative to a full de-penalization of marihuana use is the substitution of a civil sanction for possession in public. I refer of course to the Oregon scheme recently endorsed by Dr. Robert DuPont, Director of the National Institute on Drug Abuse and the Special Action Office for Drug Abuse Prevention.

As noted earlier, if violators are fined for every detected violation, the deterrent value of the civil sanction may approach, or even exceed, that of a sporadically applied criminal sanction. In my opinion, the ounce of deterrence thereby preserved does not warrant the diversion of law enforcement resources on the administrative burdens. However, for a legislature unwilling to discard the symbolism of illegality, the civil fine offers an acceptable substitute for the unacceptable criminal sanction.

In this regard, I should note that a civil sanction for marihuana use is in keeping with a significant modern trend. Commentators and public officials have consistently lamented the phenomenon of "overcriminalization"—the tendency to attach a criminal sanction to any and all disapproved behavior.

Although the statutory label varies, an increasing number of states have adopted the recommendation of the American Law Institute's Model Penal Code in 1962 to establish a category of offenses which do not give rise to the civil disabilities attending conviction of a crime. Some call it a "petty offense" or an "infraction" but most call it a "civil violation." One of the principles underlying this reform is that the criminal sanction should be reserved for morally reprehensible conduct and should not be diluted by application to conduct without serious social consequence.

Marihuana use, of course, is the perfect candidate for classification as a "violation," as the Oregon legislature recognized. The problem of marihuana use is not unique from a sanctioning standpoint. There are many examples of behavior that society wishes to prohibit but which are not serious enough to warrant the criminal sanction. Sometimes the law has the perfect word for the occasion—in New Jersey, the non-criminal offense is called a "nuisance violation." In my opinion, that sums up the issue perfectly: marihuana use, under present circumstances, is a nuisance, not a disaster; if there is to be a sanction, it should be formulated in keeping with the minor social consequence of marihuana use.

FOOTNOTES

[1] Hereafter, "possession" will refer to possession of small amounts for personal use and to casual, non-profit distribution of small amounts. The two activities are functionally equivalent, as the Commission, the Congress and many other legislatures have recognized. See *Marihuana: A Signal of Misunderstanding* at pages 157–58.

[2] *Marihuana: A Signal of Misunderstanding*, pages 138–146; 161–157.

[3] In his recent statements on this matter, Dr. DuPont has reaffirmed the distinction between the health-related issues and the criminal law issues. In the fourth *Marihuana and Health Report*, the federal government has continued its prudent effort to disseminate up-to-date information about the effects of marihuana on health and behavior. Continuing uncertainty about these effects and the suggestion that there may be serious risks from heavy use clearly justify Dr. DuPont's efforts to discourage initiation and continuation of use. But this *speculation* about the *potentially* harmful effects of *heavy* marihuana use on individual health must not be allowed to obscure the well-documented harmful effect of the marihuana laws on the public well-being.

[4] The only debatable issue is whether marihuana ought to be legitimately available in a regulatory system for use as an intoxicant or whether, instead, the prohibition of cultivation and distribution outside medical channels should remain in force. My own opinion is that a regulatory approach is, over the long term, a preferable implementation of a discouragement policy. However, it is apparent that serious consideration of this approach is premature. The immediate priority is decriminalization of possession. Once this has been done, the Congress and the state legislatures should initiate serious investigations into the alternative regulatory approaches. See generally *The Marihuana Conviction*, pages 299–304.

[5] This is apparently not the case since alcohol is demonstrably more harmful. See *Drug Use in America: Problem in Perspective*, pages 116–117, for the comparative effects of psychoactive substances.

[6] This is not necessarily an obvious conclusion. The connection between mere use and drug-related risk may not be close enough to warrant a discouragement policy toward recreational use of marihuana. See *Marihuana: A Signal of Misunderstanding*, pages 131–135; see also *Drug Use in America: Problems in Perspective*, page 147, 205–208. In this connection, marihuana should be contrasted with substances having a greater reinforcement potential, such as tobacco cigarettes on one extreme or heroin on the other.

[7] See generally the Uniform Drug Dependence Treatment and Rehabilitation Act, especially § 412. See also *Drug Use in America: Problem in Perspective*, pages 243–277; Bonnie and Sonnenreich, *Legal Aspects of Drug Dependence* (CRC, in press 1974).

[8] See generally, Zimring and Hawkins, *Deterrence: The Legal Threat in Crime Control* (1973).

[9] See Heller, A Conflict of Laws; The Drug Possession Offense and the Fourth Amendment; 26 Okla. L. Rev. 317 (1973).

[10] See the discussion at pages 12–14 *infra*.

[11] That is, the mere declaration of criminality may make the difference. Scholars refer to this possibility as the "moralizing" or symbolic effect of the criminal sanction. This phenomenon probably doesn't play much of a role for marihuana use given changing public attitudes toward use and given the predominant role of social factors in determining whether an individual will use the drug.

[12] See *The Marihuana Conviction*, page 282–284. Compare the ABA Standards on Criminal Justice which legitimize police and prosecutorial discretion *not to enforce* laws like the marihuana possession offense. *Standards on the Urban Police Functions* §§ 3.1–3.4, 4.1–4.3; *Standards on the Prosecution Function* §§ 3.4, 3.9.

[13] *See the Marihuana Conviction*, page 281.

[14] See, e.g., Menard v. Mitchell, 430 F2d 486 (D.C. Cir. 1970); Menard v. Saxbe, 498 F2d 1017 (D.C. Cir. 1974).

[15] Half the state statutes bar from public employment persons with criminal records of one kind or another; the other half authorize the administrators in their discretion to deny employment to persons with prior criminal records.

SUPPLEMENTAL APPROPRIATIONS, 1975

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume the consideration of the unfinished business, H.R. 16900, which the clerk will state.

The legislative clerk read as follows:

A bill (H.R. 16900) making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the Scott-Mansfield amendment.

Mr. HUGH SCOTT. Mr. President, I yield myself 2 minutes.

I have written a letter to all of our colleagues on behalf of Senator Mansfield and myself, pointing out that he and I have sponsored this amendment appropriating $10 million for Eisenhower College in accordance with the authorization signed into law October 11 last.

This money is not to come from the Treasury's general revenues, but, rather, from the sale of the $10 souvenir Eisenhower silver dollars.

The Treasury has already realized more than $830 million from the sale of the souvenir coins.

I would like to stress that the amendment is not designed for the relief of Eisenhower College alone. If it were solely for the purpose of assisting a single hard-pressed school, I would not be a sponsor. I share the concern that there are many deserving colleges meriting assistance.

This appropriation, however, is for a living memorial to the late President Eisenhower, a memorial specifically designated by General Eisenhower who felt that the college would be preferable as a memorial rather than a cold, sterile monument.

Before his death, General Eisenhower visited the school, and today his family, particularly his widow, Mrs. Mamie Eisenhower, and his former comrades of World War II—and a host of his admirers, including the distinguished president of the AFL–CIO, Mr. George Meany—all strongly support this proposal.

I would hope that my colleagues would join me in this matter.

Just to give a little history——

The ACTING PRESIDENT pro tempore. The Senator's 2 minutes have expired.

Mr. HUGH SCOTT. I yield myself 1 additional minute.

As a matter of a little history, I think I ought to add that we helped in the same way to finance the John F. Kennedy Center for the Performing Arts. I cosponsored legislation for scholarships in honor of the late President Truman. I think I was one of the first cosponsors to the suggestion made by the distinguished Senator from Washington (Mr. MAGNUSON), and the distinguished Senator from Missouri (Mr. SYMINGTON).

The same has been done with regard to memorials to the late President Franklin Roosevelt.

There has never been any objection lodged that I can recall on most of these. There was some objection on the size of an amount in one case among all of these cases. But whenever we have honored former Presidents we have done it in an entirely bipartisan manner. We on this side have always joined in it. Here there is the same reasoning exactly.

As of June 28, a total of 8,327,063 coins had been sold. But of that sum, 10 percent—I hope the Senator from Arkansas will notice this—$832,706.30, was transferred by the college to the Rayburn Library under the authorizing legislation. The orders for the silver dollar were closed as of June 28, 1974.

For the period of 1975–76 the coin will be sold only as a part of the Bicentennial coin package, with no receipts from the sale of these coins to go to the college. However, after 1976 the coin will again go on the market and the proceeds will again be eligible to be funneled into the colleges.

It should be remembered that even though Eisenhower College cannot receive the proceeds from the sale of the Bicentennial coin, the Treasury Department does still receive the profits.

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

The ACTING PRESIDENT pro tempore. On whose time?

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield 2 minutes.

Mr. HUGH SCOTT. I withdraw my suggestion as to the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized for 2 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, I have great admiration for Dwight D. Eisenhower both as an individual and as a President. I think he made a good President. I think he was a great general, a great American.

I have considerable doubt, however, as to the wisdom of this particular amendment. I would like to ask the Senator from Pennsylvania a question, if I might.

The Richmond News Leader in an editorial says that Eisenhower College officials have agreed to divert 10 percent of the college's requested $10 million to the Sam Rayburn Library, another great American.

There are several ramifications to this, as I see it.

Is that correct, that part of the funds will go to the Sam Rayburn Library?

Mr. HUGH SCOTT. That is my understanding. I had earlier made that statement here in the Chamber.

Mr. HARRY F. BYRD, JR. I assume the only reason for that—maybe there is another reason—or the apparent reason, is that that would help get votes for the legislation in the House of Representatives. Is there any other reason why they would be diverted?

Mr. HUGH SCOTT. I would not ascribe such motives to anyone. It may be that in the other body the reverence for Sam Rayburn is the same as we hold here, but I believe the library was named in honor of the late Sam Rayburn as a living memorial. It would be my thought that if we should modify our amendment, it would provide again the 10 percent of whatever amount is appropriated to be made available to the Rayburn Library.

Mr. HARRY F. BYRD, JR. They are both great Americans. Does the amendment provide that 10 percent goes to the Rayburn Library?

Mr. HUGH SCOTT. It will, as soon as I modify it.

The PRESIDING OFFICER (Mr. CRANSTON). The Senator's time has expired.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that there be inserted at this point in the RECORD the editorial I referred to from the Richmond News Leader entitled "A Few Million Here . . ."

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

A FEW MILLION HERE . . .

President Ford has a harder job on his hands than he thinks if he hopes to woo Congress out of its free-spending habits. The road to the public purse has been worn smooth by the knees of supplicants who crawl with outstretched palms, seeking succor in the form of tax dollars. Unfortunately, Congress enjoys the role of benefactor, and it seldom says "no" to any cause it considers worthy.

It didn't say "no" the other day when it voted to appropriate $10 million for the benefit of the Eisenhower College and the Sam Rayburn Library. The Eisenhower College opened its doors in 1968 with a $5 million contribution from public funds, and college sponsors told Congress that $5 million would be enough, thank you. But last year, college spokesmen changed their minds and entreated Congress to give the college $10 million from the proceeds of the sale of Eisenhower dollars.

The bill didn't go through last year, but, like all dubious legislation, it returned this year. This time around, opponents lost their fight. Eisenhower College officials had agreed to divert 10 per cent of the college's requested $10 million to the Sam Rayburn Library. The opportunity to bestow public funds on two institutions memorializing national leaders proved irresistible to the nation's legislators. The bill passed, and President Ford signed it.

Only a few demurrers were voiced about the doubtful rationale for funneling federal cash to private institutions. Congressman H. R. Gross of Iowa denounced the appropriation as a log-rolling device for indirect financing. Representative Edith Green questioned the wisdom of singling out two private institutions for federal aid when hundreds of others need help. *Wall Street Journal* reporter Albert Hunt wondered about the split appropriation for a college located in Seneca Falls, New York, and for a library located in Bonham, Texas. "One rationale for this is that the political science students at the Seneca Falls, New York, campus can then use the library facilities in Bonham, Texas, some 1,500 miles away," he wrote.

Criticisms such as these don't bother a majority of Senators and Congressmen. Time and again they have voted to appropriate more funds for projects initially funded, as project sponsors promised—cross their hearts and hope to die—that the first funding would be the last requested. The Kennedy Center in Washington comes immediately to mind. But Congress dispenses a few million here, a few million there, as if $10 million or so were no more than walking-around money. Until Congress can be persuaded to kick its spendthrift habits by rejecting such boondoggles, President Ford's "Whip Inflation Now" campaign will be no more than a pipe dream.

Mr. HUGH SCOTT. Will the Senator yield an additional 2 minutes?

Mr. MAGNUSON. I yield.

Mr. HUGH SCOTT. I yield to the Senator from New York.

Mr. JAVITS. The thing that is important in these circumstances is the follow-

ing, Mr. President: In view of the fact that the amount to the Eisenhower College will be reduced to 10 percent of the amount actually received for these coins, I believe it would be fair to provide separately for the Rayburn Library.

In other words, the provision would then read for Eisenhower College $8,327,063, except for the amount of 10 percent to be provided to the Rayburn Library at Bonham, Texas—under section 2(c)—shall be separately provided in the amount of $837,000.

I believe that would result in giving what Eisenhower College ought to have, and without deducting from the already reduced amount the $837,000, which would then go to the Rayburn Library.

I might point out in that regard, Mr. President, that this is by no means an unusual situation. Indeed, we are not treating Eisenhower nearly as well as we have treated other Presidents.

For example, we just passed the Harry S. Truman Memorial Scholarship Act, with an authorization of $30 million. I think we all support that.

Mr. HUGH SCOTT. Not a word was raised against it in this body.

Mr. JAVITS. Not a word. Look at what we have spent on the Kennedy Center. We have spent $50 million on the Kennedy Center. Eisenhower was not only a great President in terms of the tranquility which was vouchsafed to the American people during that period, which we can more appreciate today——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MAGNUSON. I yield time to the Senator.

Mr. JAVITS. But also, he certainly is entitled to at least equal treatment with Harry Truman and Jack Kennedy. None of us, I think, would wish to controvert that.

I feel that this is the very minimum of fairness, and I hope that Senator Scott will amend his amendment that way.

I should like to add one other point: A great deal of money has been poured into this college by the friends of Dwight Eisenhower, at least equal to what the Federal Government has done.

On all those grounds, I think this is eminently justified.

The PRESIDING OFFICER. All time has expired.

Mr. McCLELLAN. I yield 1 minute.

The PRESIDING OFFICER. All time has expired.

Mr. HUGH SCOTT. On the bill?

Mr. President, I ask unanimous consent that debate may continue for 4 additional minutes, for the purpose of enabling me to offer a modification of my amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that I may modify my amendment in the terms suggested by the distinguished Senator from New York, to be in the amount of $8,327,063, and 10 percent of that to be transferred by the college to the Rayburn Library.

Mr. JAVITS. Mr. President, I do not think that is quite accurate. What I had in mind was to provide $8,327,063 to Eisenhower College, and then to provide separately $832,000 to the Rayburn Library.

Mr. McCLELLAN. Is there any authorization or statute authorizing that?

Mr. JAVITS. I think that is a valid point.

Mr. President, I ask unanimous consent that after the 4 minutes have expired, there be a quorum call and then 2 minutes allowed to the proponents and the opponents, should the proponents desire to propound an amendment to the amendment. This is not any waste of time, as I could amend the amendment, anyhow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

Mr. HUGH SCOTT. Mr. President, I yield 1 minute to the distinguished Senator from New Hampshire (Mr. COTTON).

Mr. COTTON. Mr. President, I want to ask one question, and this perhaps is because my understanding is not clear. I cannot quite understand the need for legislation about the amount of coins to be sold to the public for the benefit of Eisenhower College. It seems to me that if we authorize the coinage of the Eisenhower dollars, the people interested in the college can buy the dollars for $1 apiece and dress them up as they choose and sell them. I wonder why it was necessary for legislation to extend to the sale as to the amount of the dollar.

Mr. HUGH SCOTT. I can explain that. Three kinds of dollars are authorized.

Mr. COTTON. I am in favor of it.

Mr. HUGH SCOTT. I understand.

Three kinds of dollars are authorized under the existing act. One is the so-called "sandwich" dollar. The second is the uncirculated dollar, 40 percent silver, which sells for $3 from the Treasury. The other is the so-called proof dollar, or jeweler's silver dollar, which sells for $10. Therefore, it is necessary to have an appropriation implementing the authorization; and the authorization says what is not now in the law, and that is that, of a certain proportion of these over $80 million being received, $10 million—or, as now modified, some $8 million plus—of these profits may be channeled to the Eisenhower College. So that they get roughly 10 percent of all the profit made by the Federal Government.

The PRESIDING OFFICER. The 4 minutes have expired. Under the unanimous-consent agreement, there will now be a quorum call.

Mr. COTTON. Mr. President, I ask unanimous consent to proceed for 1 additional minute.

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

Mr. COTTON. What kind of dollar do these people get, of the three?

Mr. HUGH SCOTT. The $10 dollar—that is, the dollar which sells for $10.

Mr. COTTON. I see. We authorized the mintage of that for this purpose.

Mr. HUGH SCOTT. We have already authorized that. It is out of the proceeds, where we have already sold some $80 million worth of coins, that this amount is being allocated.

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. HUGH SCOTT. 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. HUGH SCOTT. Mr. President, in the very brief time available to me, I ask unanimous consent that I may modify my amendment, and I send the modification to the desk.

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

The modified amendment will be stated.

The legislative clerk read as follows:

On page 23, after line 6: Department of the Treasury Bureau of Government Financial Operations Eisenhower College Grants for payments to Eisenhower College as provided by Public Law 93-441, $9,000,000.

Mr. HUGH SCOTT. Mr. President, the amendment now, instead of "$10 million," reads "$9 million," because under the public law authorization signed in October, the 10-percent allocation to the Rayburn Library is contained in the authorization.

Therefore, I have further modified, from $10 million down to $8,327,063 to $8,100,000 for the Eisenhower College, because $900,000 now becomes available to the Rayburn Library.

Therefore, I ask unanimous consent that my amendment may be modified accordingly, with this further reduction.

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

Mr. HUGH SCOTT. I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, with this modification, I shall support the amendment. It is a little more than is actually in the Treasury now, but I am certain that the sales will soon be made to take up the slack. With this modification, I will support the amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. JAVITS. I greatly appreciate this. The college is acquiring an excellent reputation, and with this help, I think it will be a fine memorial to General Eisenhower.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. Mc-

GOVERN), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from California (Mr. TUNNEY), and the Senator from South Dakota (Mr. ABOUREZK) are necessarily absent.

I further announce that the Senator from Minnesota (Mr. HUMPHREY) is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I also announce that the Senator from Maryland (Mr. MATHIAS) and the Senator from New York (Mr. BUCKLEY), are absent on official business.

I further announce that the Senator from Oregon (Mr. HATFIELD) is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 52, nays 26, as follows:

[No. 487 Leg.]

YEAS—52

Baker	Hartke	Moss
Beall	Haskell	Muskie
Bible	Hollings	Packwood
Brock	Hruska	Pearson
Brooke	Huddleston	Roth
Byrd, Robert C.	Hughes	Schweiker
Case	Inouye	Scott, Hugh
Clark	Jackson	Sparkman
Cook	Javits	Stafford
Cotton	Long	Stevens
Cranston	Magnuson	Stevenson
Curtis	Mansfield	Symington
Dole	McClellan	Taft
Domenici	McGee	Thurmond
Ervin	McIntyre	Weicker
Fong	Metcalf	Young
Gravel	Mondale	
Griffin	Montoya	

NAYS—26

Aiken	Eastland	Nunn
Bartlett	Fannin	Proxmire
Bayh	Hansen	Ribicoff
Bellmon	Hart	Scott, William L.
Biden	Hathaway	Stennis
Burdick	Helms	Talmadge
Byrd, Harry F., Jr.	Johnston	Williams
Cannon	McClure	
Chiles	Metzenbaum	
	Nelson	

NOT VOTING—22

Abourezk	Fulbright	Pastore
Allen	Goldwater	Pell
Bennett	Gurney	Percy
Bentsen	Hatfield	Randolph
Buckley	Humphrey	Tower
Church	Kennedy	Tunney
Dominick	Mathias	
Eagleton	McGovern	

So the amendment as modified was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PEARSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1989

The PRESIDING OFFICER (Mr. CRANSTON). Under the previous order, the Senator from Minnesota (Mr. MONDALE) is recognized for the purpose of calling up an amendment.

Mr. MONDALE. Mr. President, I yield 3 minutes to the distinguished majority leader.

The PRESIDING OFFICER. The amendment will first be laid down.

Mr. COTTON. Mr. President, will the Senator yield to me first for a unanimous-consent request?

Mr. MONDALE. Yes. Mr. President, I first yield 1 minute to the Senator from New Hampshire.

Mr. COTTON. Mr. President——

The PRESIDING OFFICER. The amendment will first be laid down. The clerk will state the amendment.

The legislative clerk proceeded to read the amendment.

Mr. MONDALE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. MONDALE's amendment (No. 1989) is as follows:

On page 10, line 20, strike out "Part A" and insert in lieu thereof "Parts A and B"; and on page 11, line 6, strike out "Part A" and insert in lieu thereof "Parts A and B".

Mr. COTTON. Mr. President, I ask unanimous consent that Robert Mercer of my staff be allowed the privilege of the floor during the consideration of this measure.

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

Mr. MANSFIELD. Mr. President, I call up an amendment which I have discussed with the chairman and the ranking Republican member of the Appropriations Committee, and the chairman of the subcommittee, dealing with the subject.

The PRESIDING OFFICER. Does the Senator from Minnesota yield for that purpose?

Mr. MONDALE. I ask unanimous consent to yield to the Senator from Montana for that purpose.

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

Mr. MAGNUSON. I yield the Senator 2 minutes.

Mr. MANSFIELD. The Senator from Minnesota has yielded time.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

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

For an additional amount for "construction", $100,000, to remain available until expended: *Provided*, That this amount shall be available to assist the Starr Community School, Blackfeet Reservation, Montana, to initiate construction of school facilities.

Mr. MANSFIELD. Mr. President, Senator METCALF, my colleague from Montana, and I met with Earl Oldperson, the president of the Blackfeet Tribal Council and five other tribal members on yesterday.

He informed us that 2 weeks ago the Montana State Board of Education had condemned the Starr School, an elementary school, which takes care of the education—such as it is—of the Blackfeet Indian children and, therefore, they were meeting in a place which was ill-ventilated, certainly unhygenic, and that what was needed at this time was the beginning of the setting up of plans for the construction of a new school for these Indian children.

During the last 2 weeks, the 40-year-old school, as I have indicated, was condemned by the State authorities for the children. The walls are buckling, and so are the floors.

On Monday of this week the school was boarded up, and the children are having classes doubled up in a trailer and in a community building and, at the present time, Senator METCALF and I are in the process of obtaining four trailers through surplus property and have located some at Indiantown Gap in Pennsylvania. But, as we all know, the paperwork of getting these transferred will take a long time. Delivery, we expect, will be forthcoming at an appropriate time, and the paperwork will be made through the Johnson-O'Malley funds.

I ask on behalf of these 50 Indian children, who have not been given the best of everything in the history of this country, that this amendment be accepted.

Mr. McCLELLAN. Mr. President, I yield myself 2 minutes.

Is this school now in existence?

Mr. MANSFIELD. It is in existence, but it is boarded up, because the floors and walls are buckling.

Mr. McCLELLAN. It has been condemned?

Mr. MANSFIELD. It has been condemned.

Mr. McCLELLAN. The present building has been condemned?

Mr. MANSFIELD. Two weeks ago.

Mr. McCLELLAN. Is it a Government structure?

Mr. MANSFIELD. Yes.

Mr. McCLELLAN. This is to replace a Government structure?

Mr. MANSFIELD. To lay the plans for the replacing of a Government structure by another Government structure.

Mr. McCLELLAN. This does not indicate, and we do not know, what the ultimate cost will be. This is simply to make a survey and give Congress a report on what the requirements are and the probable costs thereof?

Mr. MANSFIELD. That is right.

I would hazard a guess that the costs would be slightly over $1 million overall.

Mr. McCLELLAN. But it is the beginning of an anticipated project?

Mr. MANSFIELD. It is.

Mr. McCLELLAN. And this is a preliminary expenditure which is necessary to establish not the need for it, but its possible requirements and anticipated costs?

Mr. MANSFIELD. The Senator is correct.

The chairman of the Interior Subcommittee is well aware of all the details involved.

Mr. McCLELLAN. I just wanted to make the RECORD clear.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes.

Mr. YOUNG. There is no question in my mind but what the school must be rebuilt, and putting money in this bill will save about a year.

Mr. MANSFIELD. I yield to the Senator from Nevada.

Mr. BIBLE. It was considered, but it was not ready to be moved forward at that time. It would be a bad mistake if we did not appropriate this money immediately and get not only the planning but further construction underway without delay.

I think the total cost is a little less than $1 million. That is my memory of it.

Mr. MANSFIELD. Right.

Mr. BIBLE. I think it should be allowed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

Mr. McCLELLAN. Mr. President, my only purpose is to establish the record so we can have it when requests for appropriations are made.

Mr. MANSFIELD. I appreciate the Senator's effort in doing it.

The amendment was agreed to.

AMENDMENT NO. 1989

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. MONDALE. Mr. President, this amendment simply continues funding for the special incentive grant program—part B of title I of the Elementary and Secondary Education Act—as it has been funded in the past, and as it is provided for in the authorizing legislation. This program provides incentive grants to States that make a higher than average effort to support elementary and secondary education.

As the distinguished floor manager knows, this program has been funded automatically out of the overall title I appropriation for the past 3 years, and during this 3-year period, 28 different States have received grants.

During Senate consideration of the education amendments of 1974 this past June, Senator McCLELLAN offered an amendment, which was subsequently adopted, that changed the formula by which funds are distributed under part A of title I.

But at that time I worked with Senator McCLELLAN to assure that the part B program would continue to receive automatic funding out of the total title I appropriation; he accepted my amendment in this regard, and it subsequently became law.

Now for reasons I do not understand, the supplemental appropriations bill passed by the House runs directly contrary to the authorizing legislation and provides no funding at all for part B. And the bill as reported by the Senate Appropriations Committee contains the same problem.

My amendment simply conforms the appropriation bill to the provisions in the authorizing legislation by making the part B an automatic entitlement.

I cleared this amendment with the chairman of the Appropriations Committee, Mr. McCLELLAN, the chairman of the subcommittee, Mr. MAGNUSON, the ranking member of the minority on the Appropriations Committee, Mr. YOUNG, and all are agreeable.

This amendment does not cost any additional money. It is a small special incentive grant program which has been in being for the past several years, and I would hope that could be accepted.

Mr. McCLELLAN. My understanding is that this does not increase the appropriation. It is not an appropriation. It simply is a transfer of funds from one title to another that actually belong in part B; am I correct?

Mr. MONDALE. The Senator is correct.

Mr. McCLELLAN. It was so intended in the legislation, as I recall. This amendment, therefore, proposed by the distinguished Senator would make the appropriations in accordance with the statute.

Mr. MONDALE. The Senator is correct.

Mr. McCLELLAN. I have no objection.

Mr. COTTON. Mr. President, will the Senator yield to me?

Mr. MONDALE. Yes.

Mr. COTTON. I see by the sheet, which reached us this morning, the States that presumably or that it is estimated would gain from the Senator's amendment.

First, I congratulate the Senator because of the fact that this amendment does not increase money in the bill. I think we on the committee are grateful.

I am not hostile to his amendment. I would be friendly because of that. But I am a little concerned.

I note by this estimate which, I assume, is only an estimate and may not eventuate, that 22 States would benefit by this amendment.

If we do not increase the money in the bill, and the 22 States get more than they otherwise would, that has got to come from the other 28 States, if my arithmetic is correct. Is not that a fact?

Mr. MONDALE. Yes.

May I respond to the Senator? This part B distribution is not new. It has been the law for the last 3 years, so it does not change the distribution of the funds as it is now known by the States or by the local school districts.

Second, it is a very small proportion of the total appropriated for title I. It is only $28 million out of $1.8 billion.

The reason for this program—which was authored by Senator DOMINICK—is to try to provide some modest incentive for States to assume a greater share of the burden themselves in terms of effort.

Over the last 3 years, 28 States have benefited. Which States benefit in any one year depends which States exceed the national effort average. It is a modest amount. The most that any State gets is about $4 million. Most get far less than that. It is, in effect, a token expression to States which take on a larger share of their own educational effort. I ask unanimous consent that a table estimating State-by-State distributions under my amendment be printed at this point in my remarks.

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

ESTIMATED DISTRIBUTION OF $1,823,300,000 for PUBLIC LAW 89-10, TITLE I, PART A AND PART B

	Estimated total pt. A [1]	Estimated total pt. B [2]
United States and outlying areas	$1,795,300,000	
50 States, District of Columbia and Puerto Rico	1,774,280,250	$280,000,000
Alabama	41,544,976	0
Alaska	5,235,811	713,683
Arizona	16,225,358	0
Arkansas	26,000,161	0
California	148,940,525	0
Colorado	16,646,370	154,850
Connecticut	16,580,832	103,926
Delaware	5,264,164	219,470
Florida	62,014,093	0
Georgia	45,741,058	0
Hawaii	5,109,033	0
Idaho	5,769,423	0
Illinois	91,323,981	0
Indiana	24,625,226	0
Iowa	15,809,011	71,220
Kansas	13,648,358	0
Kentucky	32,915,243	0
Louisiana	49,740,586	1,514,668
Maine	7,049,168	488,021
Maryland	29,518,986	318,912
Massachusetts	35,719,630	442,990
Michigan	74,383,980	4,200,000
Minnesota	27,092,249	3,513,767
Mississippi	40,024,337	0
Missouri	31,409,991	0
Montana	5,906,036	286,007
Nebraska	9,108,149	0
Nevada	2,318,118	0
New Hampshire	3,324,447	0
New Jersey	55,220,359	2,196,509
New Mexico	14,892,288	1,390,149
New York	210,369,401	4,200,000
North Carolina	53,187,262	0
North Dakota	5,604,141	0
Ohio	57,638,809	0
Oklahoma	20,536,224	0
Oregon	16,951,044	788,754
Pennsylvania	85,620,576	2,744,610
Rhode Island	6,675,227	0
South Carolina	33,324,763	0
South Dakota	6,180,926	0
Tennessee	38,451,334	0
Texas	120,688,801	0
Utah	5,919,192	344,722
Vermont	3,710,602	736,576
Virginia	38,273,178	0
Washington	24,742,346	872,784
West Virginia	17,337,998	0
Wisconsin	28,207,265	2,301,347
Wyoming	2,725,841	397,035
District of Columbia	11,170,543	0
Puerto Rico	27,862,830	0
Outlying areas	21,019,750	

[1] Reduction of estimated authorization under title I, part A with State agencies held at 100 percent authorization, and Puerto Rico reduced under provisions of Public Law 93-380.

[2] Ratable reduction of authorization ($171,413,616) to $28,000,000, with no State receiving more than 15 percent ($4,300,000) of $28,000,000.

Mr. MONDALE. This program was continued in the Education Amendments of 1974. It is strongly supported by the Senate's Labor and Public Welfare Committee, and I would hope that in light of that theory and those facts that the Senator from New Hampshire would be able to support this amendment.

Mr. COTTON. There is a certain other situation which concerns the Senator from New Hampshire which he does not intend to press but, repeatedly, in past years, the Senator from New Hampshire has been compelled to vote against this formula—and that does not affect the Senator's amendment particularly. It affects the whole distribution.

One of the factors, of course, in the formula is the effort, the effort that the States have indicated they are putting into support of their schools and, it seems, in an effort to support their schools to the extent of their ability to

get credit for it. Unhappily, the State I represent, the people of the State, the taxpayers of the State, support the schools, but they do not do it through the State treasury.

The State uses its funds for other purposes, to relieve taxation in the cities and the towns and counties or subdivisions, but the schools are supported by the subdivision's real estate tax and certain other taxes that are levied.

So that we never get credit for the fact that x number of dollars in my State are put into the support of public education by the taxpayers of the State.

The fact that it is not channeled through the State treasury means that under this fund we do not get what I think should be our fair share, I mean we suffer from that particular feature, but that is not just confined to the Senator's amendment, it is confined to the whole situation.

Consequently, the Senator from New Hampshire finds himself personally embarrassed because representing his State he has to take a certain position. However, the Senator from New Hampshire is not seeking to do anything to defeat the Senator's amendment because the Senator has shown consideration by not blowing up the bill by additional money. I suppose there is some reason why 22 States would profit by it and 28 States would lose by it. However, I am not asking the Senator to go into all details of it.

Mr. MONDALE. I may make one further point, at the time this part B program was extended as part of the Education Amendments of 1974, we made a fairly fundamental change in title 1, part A distribution formula by adopting the McClellan amendment. I do not have the tables before me, but I suspect that New Hampshire does better under the McClellan formula than it did before because that new formula changed somewhat the amount of money flowing to the larger center cities and increased the flow of money to rural areas.

I suspect that when we look at the total going to New Hampshire, and I do not have the table, they are probably doing better overall this year than before.

Mr. COTTON. I am aware of that and appreciate that. The Senator from Minnesota has been a recent visitor to my State. As a matter of fact, while I do not interfere with the internal politics of the party to which I do not belong, I did have an opportunity to speak to a couple of the educators for what had been done for our State in this respect. So give me credit for giving the Senator credit in the very State that has the first Presidential primary.

Mr. MONDALE. I have heard about that.

Mr. COTTON. The question still remains, however. I am wondering about these other 28 States, they have got to lose something, and cannot get anything, actually, from the 22, so in a sense the amendment must rob Peter to pay Paul. Maybe there is a real fundamental reason for that.

Mr. MAGNUSON. Mr. President, I want to clarify the record here just a little bit.

There is a total appropriation for this program of $1.8 billion, and the Senator from Minnesota is merely attempting not to add to that, but to shift $28 million, is that correct?

Mr. MONDALE. That is correct.

Mr. MAGNUSON. All right, so that the record will be clear.

The PRESIDING OFFICER. Is all time yielded back?

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota (Mr. MONDALE).

The amendment was agreed to.

The PRESIDING OFFICER. Under the previous order, the Chair now recognizes the Senator from Louisiana.

AMENDMENT NO. 1981

Mr. JOHNSTON. Mr. President, the question at issue is whether or not we shall fund adult education in this country at 90 percent of the level of last year. It is very simple, Mr. President, under the present legislation.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 13, line 5, after "as amended," delete "$128,438,000" and insert in lieu thereof "$155,250,000".

On page 13, line 6, after "amount" delete "$63,319,000" and insert in lieu thereof "$77,625,000".

Mr. JOHNSTON. Mr. President, this amendment is very simple. All it does is to give effect to the action already taken by the Senate in May of this year which guarantees that no State shall receive less than 90 percent of the grant it received in fiscal year 1973 for adult education.

Mr. President, what the present legislation does is take away money from the States that need it most in adult education. It is very nice, Mr. President, to have high levels of literacy, to have high levels of education, but in my State of Louisiana, which stands second from the top in illiteracy, we are being cut by $246,000 on a program which provides the only basis we have, Mr. President, to do away with adult illiteracy.

Some 70,000 citizens in my State of Louisiana have never gone to the first grade, have never received any education at all, and now through a program of adult education these people are given hope, are given some modicum of education, the ability to read, the ability to work with figures, the ability, indeed, to get some basis to compete in the job market.

Mr. President, it is no wonder that my State, which stands second from the top in illiteracy, is at the top in unemployment, at the top of the Nation my State stands in unemployment, and why? Because we have so many people, so many people who cannot read and write, who suffer with that terrible stigma of illiteracy.

Mr. President, if we were talking about blind people, if we were talking about deaf people, if we were talking about mentally retarded people, this Senate would rise up as it has in the past, and thank God for it, and take care of those people, but when we are talking about illiteracy, being handicapped perhaps worse than blindness and worse than deafness, then this Senate turns a deaf ear.

Mr. President, we are not asking for a great deal of money. We are asking for $14 million for this year to restore to those 12 States, I believe it is, who have been cut, States who have been cut deeply.

Listen to this list. Alabama was cut $90,000; Texas $120,000; Mississippi $162,000; South Carolina, which has been in competition with my State of Louisiana as the most illiterate, $183,000; Georgia $236,000; and Louisiana has been cut $246,000 on a program essential, essential to do away with the scourge of illiteracy.

Now, Mr. President, we are trying to conserve money, we are trying to do what we can to fight inflation, but of all places to fight inflation, let us not do it at the price of ignorance, let us not do it at the price of illiteracy, and that is what this amendment does. What this amendment does is try to restore those funds that we need to fight this battle of illiteracy and fight this battle of ignorance and fight this battle of unemployment because the two go hand in hand, go right together.

Mr. President, all this amendment does by adding the $14 million for this year is to give effect to what this Senate did on May 16, 1974, when as an amendment to the Elementary and Secondary Education Act we provided that no State shall receive less than 90 percent of what it did last year in adult education.

Mr. President, I hope this Senate will not turn a deaf ear to the needs of States like Louisiana and Georgia which have been cut deeply in a program so essential in the fight against illiteracy.

I say, let us cut the budget, we have got a lot of fat in this budget, but we do not have an ounce of fat in adult education.

I plead with the distinguished chairman from Washington not to cut this kind of program. They may not need it in Washington, and God bless them for it, I hope they do not, I hope they do not have this scourge of illiteracy there, but we do in the deep South. We have got a lot of people who never went to school.

We have a lot of people who cannot read, a lot of black people, a lot of poor people, and they need help. We are asking for the help of this Senate, for the help of those of you who have the power because of your chairmanships or otherwise to say yea and nay to whether they can respond and whether they can be given help to learn to read, to learn to write, to learn to get those basic skills that will equip them to get a job.

I hope the chairman and the Senate will look at this matter in that light.

Mr. MAGNUSON. Mr. President, over the years I have become used to very impassioned pleas such as I heard from the Senator from Louisiana about programs that, on their face, are good. But we have to sit down and listen to a great number of witnesses and try to arrive at a balance.

If the Senator from New Hampshire and I had our way about this thing, we would probably add a great deal to this

bill. Each one of us has a different project which he is convinced needs more money.

In this particular field, we are not responsible for what the legislative committee did. We have to agree with what is reasonable spending for these programs. If we full-funded every bill that came out of the Labor and Public Welfare Committee, and these other committees, the sheriff would be down at the Treasury Department today hanging a sign. So we have to arrive at some discretion.

We have been pretty generous about these things because they are good programs. No matter what you do with even the new formula in this particular program, some States are going to get less and some are going to get more. It is just like the last amendment we had.

I have no idea how my State fares in this, whether it is down or up. It should not make that much difference to me in *making* a recommendation on a total national figure.

The Senator from Louisiana came by here awhile ago and said the Appropriations Committee cut this program. We upped it. I will put the figures in the RECORD. We upped it from the budget.

Mr. JOHNSTON. Will the Senator yield?

Mr. MAGNUSON. Just a minute. Let me finish.

We are now $424 million over the budget request for the supplemental, and $135 million over the House allowance.

I do not know how far we can go. Everybody comes up with a different program. There were 18 amendments filed here yesterday that would add another $536 million to the budget.

I know the Labor-HEW chapter to this bill is sensitive. Everybody has their programs. I have mine. I would have liked to have added almost double the amount for some health research projects—almost double—if I had my own way about it.

I have no objection to this program. I think the States should receive—what is it—90 percent of last year's amount?

Mr. JAVITS. Ninety percent of last year.

Mr. MAGNUSON. So this would be a hold-harmless level of $67.5 million. We provided $63,319,000. It is a 2-year program.

Mr. McCLELLAN. That is just on one aspect of it. This amendment has two provisions in it.

Mr. MAGNUSON. It is one aspect of it.

There was an error in drafting in the House. The Senate took care of that and added $1.8 million on top of that. This is the amount of the committee add-on for ethnic heritage studies. We had some argument in the Appropriations Committee about that. Even now I am not absolutely clear on what that program will do. Are they going to teach all the Swedes in the State of Washington about Sweden? Are they going to pick out the Norwegians and tell them to look at the Norwegian history? What does it mean? Everybody ought to have the same kind of education.

Illiteracy is a very important matter. I agree with the Senator. It is very important.

As presently drafted, the amendment would provide $75 million for adult education in 1975, and $77 million in 1976. This is the amendment of the Senator. I could not take this amendment no matter how much I believe in the program.

We have not cut this program, nationwide. I think there is an adequate amount.

Some parts of these programs, after we heard all the witnesses, were not doing very well. They were administered badly, although the objectives were good. I am going to oppose this amendment, like I am going to oppose every other amendment. I think we have gone far enough when we put a half billion dollars over the budget in this segment of the supplemental. All of them are very good.

On this one, for the record, the request is $63 million. We made it $65,119,000, and we are plus $1.8 million. We upped it. We did not cut it down.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. MAGNUSON. I yield.

Mr. JOHNSTON. There is apparently some discrepancy in the information which I would like to get clear so that the Senate will well understand.

My information is this: In order to give us 90 percent of what we had last year, you would have to add the amounts as stated in this act, and for Alabama it is $90,000.

Mr. MAGNUSON. I heard all of those figures.

Mr. JOHNSTON. Is that correct or not?

Mr. MAGNUSON. I do not know how it cuts Alabama or someplace else. I do not have any idea whether it cuts or adds to the State of Washington. But we think the total amount is sufficient.

Mr. JOHNSTON. The total amount may be fine for States that do not need it.

Mr. MAGNUSON. If you are going to argue about formula, then you belong up in the Labor and Public Welfare Committee, not here. We do not set the formula.

Mr. JOHNSTON. I am worried about people who need help, about people who cannot read and cannot write, in my State.

Mr. MAGNUSON. Of course, all people need help in this field. But you are talking about a formula that was passed in the authorizing legislation. We think the total amount is enough. If Alabama loses $90,000 with the total amount in this program, I think they are getting off pretty well if we are going to do something about Federal expenditures.

Mr. JOHNSTON. I am not talking about ethnic education or some research program, about something that is irrelevant to what is going on. I am talking about reading and writing, about basics.

Mr. MAGNUSON. We have a right-to-read program. We have millions in here for that. The regular Labor-HEW bill is now $37 billion. I am not going to get too excited about $90,000 that they lose under a formula that we had nothing to do with. If the Senator wants to change the formula he ought to have a hearing up in the Labor and Public Welfare Committee.

Mr. JOHNSTON. When the bill came through here, the elementary and secondary education bill, and pointed out that under this new formula, which they said was wonderful, our State would get less, I said that cannot be.

This program is essential to us. That is why I introduced the amendment which, on May 16, this Senate adopted. We said they cannot get less than 90 percent.

Mr. MAGNUSON. I want to tell my friend from Louisiana something. There are over 300 line items in the Labor-HEW bill.

To many Senators, if $1 is cut, it is essential to them. All these programs are good. Overall, we think we have done pretty well in the supplemental. If somebody would lose $90,000 in a State, I do not know about that. Perhaps the formula is wrong.

Mr. JOHNSTON. $246,000.

Mr. MAGNUSON. Whatever it is. We are talking now about close to $65 million for the total program. We think that, overall, this is a pretty good sum in a supplemental bill. If the formula is wrong, that is not the fault of the Senator from Arkansas or the Senator from New Hampshire or myself. The Senator from Louisiana ought to go up to the Labor and Public Welfare Committee and change it.

Mr. JOHNSTON. All I know is that the States that need it most, those that have the highest rates of illiteracy, are getting the deepest cuts.

Mr. MAGNUSON. Then, the Senator ought to change the formula.

Mr. JOHNSTON. I am trying to restore enough to provide 90 percent of what we had last year.

Mr. MAGNUSON. I do not look at this as the only amendment. The thrust of the amendment of the Senator from Louisiana is to change the formula. The Senator is trying to put it on an appropriation bill.

Mr. JOHNSTON. It would not change the formula.

Mr. MAGNUSON. The thrust of it would change the formula. I do not have any objection to this program. What are we going to do—accept every amendment a Senator from one State wants because of something he does not like? I have no idea what this does to the State of Washington, and I do not think it is important to me to consider that. I am to consider the overall situation. We furnish adequate money nationally. The thrust of the Senator's amendment changes the formula. I will have to oppose it, reluctantly.

I have been accused of being a big spender on this bill. I want to tell the Senator from Louisiana that before he came to the Senate, I was vetoed five times on this bill, and I do not want to go through that again. People went around and said there are too many Federal expenditures, and some of the people who will be Members of the new Congress ran on that issue. But when it comes to their little project or something like this—they do not think there is enough. We are up now a half billion dollars over the budget in a supplemental, and we have not even finished the regular bill.

The White House is going to be looking at both bills. Both bills are going to come down to the White House at the same time, not just one. We are now over the budget $500 million, and $134 million over the House, and we thought this was adequate.

I am going to oppose it for a general reason. I am not against this program. As a matter of fact, I was a cosponsor of the legislation that originated the appropriation. I am hopeful that the Senate will hold the line on this a little.

How much does the State of Louisiana lose?

Mr. JOHNSTON. $246,000.

Mr. MAGNUSON. And some States gain.

Mr. JOHNSTON. I am sure some States gain—probably those that do not need it.

Mr. MAGNUSON. This is the same argument we get into on title I, on impacted aid, and so forth. We just got through with the list.

Mr. JOHNSTON. How the committee could appropriate money for ethnic studies, or whatever it was, and cut adult education, I do not know. It totally escapes me.

Mr. MAGNUSON. We did not cut it. We allowed the full amount of the budget, plus.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. Mr. President, I am fairly in sympathy with everything the distinguished Senator from Louisiana has said about the $1.8 million for this ethnic heritage program. I would vote for an amendment to change that and put it into the fund, to go to the States to take care of adult education, without that restriction. I think restrictions such as that waste the money. However, it is not our fault.

There has been a tremendous migration from the Southern States into the Northern States. That is why up in Boston we are fighting over civil rights, when it used to be down in Alabama. There has been a tremendous migration.

If the need for adult education has increased in a State, it is bound to affect the State from which some of that population has gone.

I ask this of the Senator, and I do not ask it in a hostile way. I am just seeking information. Does the legislature of the State of Louisiana, the State he represents, appropriate anything for adult education?

Mr. JOHNSTON. I believe they appropriate considerably. I will have to check that, but I think they appropriate considerably for adult education.

Mr. COTTON. If we increase this bill—and I must go along with my chairman, the Senator from Washington—I would like to vote for an amendment to take that $1.8 million for ethnic history or ethnic studies and put it right into the pot for adult education, without that restriction; 15 percent comes off the top or is set aside for teacher training, and I suppose that is necessary. That is one reason why his State does not have available as much for actual classroom studies.

As for increasing the overall amount, if we do not hold the line, the Senator's State is not going to gain anything. There will be a veto of this legislation. There may well have to be a continuing resolution, and next year the Senate will start all over again, taking care of the last year. That cannot take place, therefore I cannot vote for the amendment.

If the Senator will offer an amendment to cut out that category, leave the money but cut out that designation of $1.8 million for ethnic studies, and put that into the pot, to go for adult education, distributed among the States, he would gain something and he would not lose a thing. We would still have the overall amount intact.

Mr. JOHNSTON. Mr. President, I am about ready to yield back the remainder of my time.

The point has been made. The point is very simple. We are in a time of austerity, when we want to stop inflation by stopping spending. The American people insist on that, and I well understand the feeling and the desire of the chairman to hold the line on spending.

However, I ask the Senator simply to think of one thing: Is it fair, does it make any sense, to take those States that have the highest rates of illiteracy and take the one program that offers a little hope, offers a little chance for these people to learn to read and write and to break the terrible scourge of illiteracy? Is that the way to fight inflation, when it is causing terrible unemployment? We have people who cannot get jobs because they cannot read or write. We are trying to give them a little hope, not by increasing the budget but by giving them 90 percent of what they had last year. That is all I am asking.

Mr. MAGNUSON. But that increases the budget, and we are way over the budget now.

I agree that some of these things are not fair, but we have to deal with the facts of life here, money-wise.

If the formula is wrong, I would be the first one to vote to change it. I think this program is good, but I do not think there is any great cut coming in it for anybody.

Mr. JOHNSTON. $246,000 in Louisiana.

Mr. MAGNUSON. Many of the grants are processed by what the local contribution is, as the Senator from New Hampshire has said. I do not have the figures, but I do not believe there is very much by the legislature of the State of Louisiana.

Mr. JOHNSTON. I cannot respond to that, because I do not have the figures.

Mr. MAGNUSON. It probably should be more.

Mr. JOHNSTON. The information furnished to me by the staff is that my State is cut $246,000. If the Senator has information that that is not correct, I will research it and check it out.

Mr. MAGNUSON. I do not think that $246,000 is going to wreck the program if we have $64 million in the bill. There is still going to be a program.

Mr. JOHNSTON. We shall still have a program. But it will mean that a lot of people——

Mr. MAGNUSON. Is the Senator not going to have a program? Maybe there will be a good one going there.

Mr. JOHNSTON. It will mean that some hundreds of thousands of people will not be able to get service in the program.

Mr. MAGNUSON. I think that the Senator's figures are quite large on that. I do not think that we need to expect that at all. Some of the programs need to have a look taken at them, and some of the expenditures need to be cut down. I know that in my State, they do.

Mr. JOHNSTON. The Senator will admit that a cut of $200,000 is a tremendous cut in adult education in one State, will he not?

Mr. MAGNUSON. It is not a tremendous cut in the program. The percentage is not great.

I shall put in the RECORD how much we are going to spend in Louisiana. What the Senator is talking about—and I do not blame him—he does not want to be one of those that is cut. But the formula is not our business; that is the business of the legislative committee.

Mr. President, I yield back the remainder of my time.

Mr. COTTON. Before the Senator yields, if I may——

Mr. MAGNUSON. If the Senator will wait just a moment, may I say this? According to HEW records Louisiana will get $1,246,000 under the present bill.

Mr. JOHNSTON. That will be about a 20 to 25 percent cut.

Mr. MAGNUSON. And 90 percent hold-harmless would be $1,325,000.

Mr. JOHNSTON. But it is mandated that they have had to take 15 percent and take it away from adult education and put it in another program of teacher training.

Mr. MAGNUSON. But the difference is, from the $1,246,000 to 90 percent, which it did not have to begin with, that is $1,325,000. That difference is the exact figure, not $240,000.

Mr. JOHNSTON. Then we have to take 15 percent off that because it is a new program, or we have to take that away from adult education and put it in teacher training, whatever it is.

Mr. COTTON. If the Senator will yield, this 15 percent is not being taken away from adult education and put in another program. It is to train teachers for adult education.

Mr. JOHNSTON. Right, and it takes it away and puts it in a training program, rather than the substantive program.

Mr. COTTON. The program will not work at all if we do not have competent teachers to teach in adult education.

Mr. JOHNSTON. It effectively amounts to a cut by mandating use of it.

Mr. MAGNUSON. The Senator is adding on figures that do not belong. It is not the intent of the law to add 15 percent to every appropriation bill in this field for adult education. The 15 percent requirement is in the law. If the Senator does not like that amendment, and maybe I did not—the Senator voted for it and I voted for it—then he ought to go up to the Labor and Public Welfare Committee to get it changed.

Mr. JOHNSTON. Maybe the Senator did. I voted to hold onto my substantive——

Mr. MAGNUSON. It is the law. Maybe we have to do that, train teachers. That is the problem with the program. They had the money, they went ahead and spent it, and they did not have anybody to supervise it, did not have anybody to teach.

Mr. JOHNSTON. The practicality is that we were presented with this formula, and my people back home came to me and said, "Look, this is a big cut."

I went to the Education Committee and said, "How do we fight this?" They said, "Put in the same old 'hold harmless' language you have had for the last 2 or 3 years; that is the way to fight it."

So I put in the amendment. The Senator says, "Yes, that is a good idea." So he accepted it.

Then they come around and cut the bill so that the amendment does not mean anything. I think that in a sense, it is the Senate as an institution breaking faith with our State. I do not mean to say that any person, individually, has done that, but that is what it amounts to.

I go back home and talk to my people in adult education, who think that this program is awfully important. I say look, one committee did this, another committee did that, it is nobody's fault, it is just one of these things that happens.

They look at us with disbelief. Do they say the U.S. Senate is not responsible for this thing?

Mr. MAGNUSON. Well, we are responsible for all kinds of things, and I wish there were an open door down at the Treasury, but there is not. There are 316 line items in this bill. They are all good programs.

I want the RECORD to be clear. The 15 percent, we had nothing to do with. Congress voted that. That is for training for teachers. The actual reduction, even if we use the formula that the Senator is trying to change, is actually, for the record, $79,000.

Mr. JOHNSTON. Well, that is fine if we do not include the 15 percent that has been stated.

Mr. MAGNUSON. I just checked with the staff. If we restored 90 percent to all of the States that are involved, the "hold harmless" principle, it would be $4,181,000.

Mr. JOHNSTON. Will the Senator do that?

Mr. MAGNUSON. Well, that would be little better than what the Senator wants, the $28 million. I cannot speak for myself.

Mr. JOHNSTON. Will the distinguished Senator from New Hampshire——

Mr. MAGNUSON. I would be willing, if the Senator from New Hampshire and the Senator from Arkansas would, to take the $4,181,000 and take it to conference. That would put people back to the "hold harmless" principle.

Mr. McCLELLAN. Mr. President, I would be willing to do that. I would be willing to take that amount to conference. What we can do there, I do not know.

Mr. COTTON. That means approximately $8 million, because it is funded for 2 years.

Mr. MAGNUSON. This is for this year and for next year since we are going to forward fund the program. We cannot include that 15 percent. That is the law which the Senator voted for, and which I voted for. I thought it was good to train teachers, because we found that in some of the adult education programs, there was a waste of money that should not be; they did not have proper supervision and qualified teachers. The Senator and I agree with that. That is why we had the bill. But that is the law.

Actually, if this goes through, I will admit the Senator is out $79,000.

Mr. JOHNSTON. Would the Senator restore the $79,000?

Mr. MAGNUSON. $79,000?

Mr. JOHNSTON. Would the Senator agree to go that far?

Mr. MAGNUSON. Would I what?

Mr. JOHNSTON. Would the Senator agree to go as far as restoring the $79,000?

Mr. MAGNUSON. I cannot accept that for one State.

Mr. JOHNSTON. I mean to amend the program.

The Senator says that the 15 percent should not be in the bill. I believe that it should, because it comes right out of the adult education program. But let us assume that the 15 percent ought to be borne by the States, or not paid. Will the Senator at least give us that percent of the substantive program?

Mr. McCLELLAN. Take it for this year's appropriation and let us see. That can be worked out later. I do not know what they will do in conference, but that was the intent, to try to hold them harmless. That is the purpose of it, and that is the provision.

Mr. MAGNUSON. And it is true that most of the States that have the most illiteracy were the ones that apparently are going to be cut—$79,000 in his State and other States that get that cut.

Mr. McCLELLAN. I think that is the best we can do with it, and if we do that well, we shall be doing well. If the Senator wants to take it to conference——

Mr. MAGNUSON. If the Senator will modify his amendment to $8,362,000, that will activate the "hold harmless" for this year and next year.

Mr. JOHNSTON. Mr. President, I move to modify my amendment by reflecting $4,181,000 added on for—that will be for fiscal year 1975 and 1976?

Mr. MAGNUSON. Yes.

Mr. JOHNSTON. We shall provide the exact language on the amendment, but it will reflect $4,181,000 increase in adult education for this year.

The PRESIDING OFFICER (Mr. ERVIN). The Senator has the right to modify his amendment, but I suggest that the Senator send the amendment to the desk in writing.

Mr. JOHNSTON. Can the staff have that ready?

Mr. MAGNUSON. Yes, they can do it. We shall send that to the desk with those figures.

The PRESIDING OFFICER. The amendment is so modified.

Mr. MAGNUSON. I will be glad, and I know all of us will, to take a look at this formula and this whole matter of this 15 percent next year, when we get ready to do this. I think it should be up to 90 percent, personally.

Mr. JOHNSTON. Mr. President, I thank the distinguished Senator from Washington, the distinguished Senator from New Hampshire, and the distinguished Senator from Arkansas for helping us on this critically important matter. It is not as much as we feel is necessary in the program, but if we have a look at the 15 percent next year, that will give us a chance to see how that is working.

The $4 million additional will mean everything to this program in my State and in other States like it.

I yield back the remainder of my time.

Mr. COTTON. Mr. President, as far as the Senator from New Hampshire is concerned, he is certainly willing to go along with the chairman of the full committee and the chairman of the subcommittee to make this compromise agreement. I am glad to do it because I am glad to be of some assistance to the distinguished Senator from Louisiana, for whom I have a very high regard.

I think, however, that there are a couple of things this RECORD should show.

In the first place, it is all right to say that the Senate did not keep faith with the people of Louisiana, the people of Alabama, or the people of these other States, because, on the recommendation of the Legislative Committee on Labor and Public Welfare, a new formula was created to hold harmless each State. The great difficulty, and the reason we have lost control of this budget, is this system of legislative committees authorizing all these things, and it goes into the newspapers, and the people of the country read that Congress has just authorized so much for education, so much for the handicapped, so much for cancer, so much for this, that, and the other, and the sums are utterly impossible. Those who vote for them on the floor of the Senate and the House of Representatives know that they are impossible. They know that if the Appropriations Committee went on and appropriated all those sums, as has been so well said by the distinguished Senator from Washington, we would be bankrupt in no time at all.

The only thing that troubles me about even this compromise is that, because the legislative committee decided and the Senate went ahead and passed it, as just a part of the very long and complicated bill, they decided that even though half of the illiterate people from one State moved up into New York, Illinois, or somewhere else, we would have to increase the money for them in the State to which they migrated, but we have got to continue to pay the same amount or nearly the same amount to the State from which they migrated, and where the problem presumably is no longer quite as severe.

It is not breaking faith with any State when the Appropriations Committee comes in with appropriation bills and does not do everything that the legisla-

tive committee has authorized. Furthermore, the time has come when some of these matters must be faced squarely. Look at the problem that we have in this committee. We have not only education, we have health, and for years we have faced this situation of dialysis for diseased kidneys. We have had to sit down and face the grim specter before our committee that even now, in the more sparsely populated parts of this country, a doctor has to make the decision whether this man shall live and that man shall die because we have not been able to produce the money to place within the reach of every afflicted person in this country the dialysis necessary to keep him alive.

When you think of something as gruesome as that—and we have faced that; we have gained on it, and thank God we nearly have it licked, but not completely. Having faced that, I cannot shed so many tears over matters such as, important as it is, the matter of adult education. We in the committee have had to face those decisions and balance them all through the years.

I do not know what the State debt—and I do not want to personalize this and make it any kind of attack on my friend from Louisiana or his State. I do not know what the State debt of Louisiana is. I do not know what the State debt of Massachusetts is. But I would almost be willing to state blindly that it is infinitesimal compared with the Federal debt, a portion of which has to be met by the taxpayers of Louisiana, the taxpayers of Massachusetts, and the taxpayers of Illinois and all of the other States.

We had to produce $35 billion this year just to pay the interest on our debt, and that $35 billion never provided a hospital bed for anybody. It did not do a thing for the veterans. It did not do a thing for adult education. It did not do a thing for cancer, or for kidney dialysis. It did not do a single thing for any of the great crying needs of this country. It just goes into thin space, because of our prodigality in past years.

Only 44 percent of the Federal spending in this country now ever reaches the Appropriations Committee because of these legislative bills that have conferred obligational authority and bypassed the Appropriations Committee. That is what we are up against. The only thing that worries me about this $4 million here—it is not very much, and I am delighted to join in that solution to help the distinguished Senator; I admire the fight he has made for his people and for his State—but we have 17 some amendments. If this is going to set a precedent, and open the floodgates, before we get through with this supplemental appropriation bill, we will have that portion that has to do with health, education, and welfare up so high that it will come back with a veto just as sure as there is a God in Heaven, and we will find we have reached too far and lost it all. There will be another continuing resolution; and this business of spending money this year on the basis of last fiscal year is a terrible thing, because it perpetuates programs that have been proven ineffectual, and cuts off progress and new programs that would be more effectual.

Now, I agree to the $4 million. I hope it will not be taken as a precedent for us to compromise and take to conference every additional amount that some very earnest and sincere Senator comes in with.

Mr. JOHNSTON. Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. Is all time yielded back? The question is on agreeing to the amendment of the Senator from Louisiana, as modified (putting the question).

The amendment as modified was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CHILES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 13, between lines 17 and 18, insert the following:

For carrying out an emergency energy program for older Americans pursuant to title III of the Older Americans Act of 1965, as amended, $10,000,000.

Mr. CHILES. Mr. President, I have introduced this amendment to the supplemental appropriations bill with some reluctance, as I feel that present economic conditions demand every effort to hold the line on Federal spending, and this means controlling small budget items, as well as the large.

However, the amendment I have proposed, calling for an appropriation of $10 million, is designed to deal with an emergency situation to prevent or relieve suffering by elderly Americans and, I think, it would prove a most wise and prudent expenditure of Federal dollars.

Mr. President, I also point out that this is an amendment which I took to the subcommittee dealing with the supplemental appropriations bill. It came up late in the day. The subcommittee was tired and, at that time, I was told to bring this amendment to the floor.

I was going to propose this amendment to the full Committee on Appropriations but, again, because of our inability to get a quorum it turned out that the meeting of the subcommittee was, in effect, the meeting of the full committee in regard to the presentation of the supplemental budget.

I want to make clear that I did attempt to bring this before the Senate committee at its hearings so that it would have an opportunity to consider it rather than to present this amendment on the floor.

This amendment, the need for this money, comes to my attention from hearings that I held as a member of the special Committee on Aging. We held two days of hearings with a number of witnesses from the administration trying to find out what kind of programs or procedures had been put into effect or were in the planning stage for the winter, and how these might affect our elderly citizens, those who are retired and living on fixed incomes.

We found that there really were no plans and there were no procedures. The only plan seemed to be that we just pray for a mild winter.

Now we see that every forecast is contrary to that. Every forecast is that this is going to be a most severe winter. We had an emergency energy situation last winter in which many of our elderly citizens were in a terrible plight, and I feel that is again going to be the case this winter.

We know what has happened with respect to the cost of fuel oil. In the last two years home heating fuel oil has increased in cost by 88 percent. This represents an increase of more than four and a half times the overall rise in the Consumer Price Index.

Electricity costs have increased by 26 percent during the same period and in my State they are up over 100 percent. And yet there are really no procedures now for trying to help these older people; to prevent their electricity from being cut off; to keep them from suffering when they have run out of fuel and they have no funds.

During the Committee on Aging hearings, we tried to find out who was really responsible.

FEA says, "Well, we really do not have that role or that authority." The Commission on Aging said, "We are not sure that that is our responsibility."

But now we find that the Office of Human Development, Administration on Aging has sent instructions to the State Agencies on Aging that they will amend their State plans on Aging for fiscal year 1975 and that they will come up with a specific plan of how they are going to deal with the impact of energy shortages and costs on older persons. So we know a program will be implemented by the States. The question is where are the funds going to come from.

If an energy program for the elderly is undertaken by, the States, as they have been instructed, and yet no funds are provided, what will happen to the other projects and programs for the elderly. They will suffer. Granted, $10 million spread among 50 States is not going to do a lot. But I think it would help in giving some impetus, to the required program, and it would show that we are not totally unthinking or unfeeling about the plight of the elderly and the kind of problems they are going to experience this winter.

It would also show the administration that we expect accomplishments from this program; that we expect effective planning and procedures, and not a posture of sitting back and saying "We hope there will be a mild winter."

Mr. President, I feel that if we do not do something we are going to regret it very much. We will regret it if we have a very severe winter, and we have experiences like we had last year in which some of our elderly people were actually found frozen to death in their homes. If we have people whose electricity is cut off, whose oil or gas is not delivered to them because they have no funds, and if there is no program for trying to provide some way of taking care of these people then I think it would be something that we would severely regret. It is for that reason, that I propose the amendment.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. McCLELLAN. To whom would this $10 million be appropriated?

Mr. CHILES. The $10 million would be appropriated under title III, State and community programs for aging, of the Older Americans Act, as amended.

The funds would be provided to the State and area agencies on aging to carry out the action program on energy as required by the Administration on Aging.

Mr. McCLELLAN. Who would administer the funds? How would they be allocated to the different States? How would they be administered?

Mr. CHILES. The Administration on Aging would administer the funds, and the funds would go through the State agencies on aging.

Mr. McCLELLAN. What is the formula for allocating it to each State?

Mr. CHILES. It would be on the basis of population of persons 60 and over.

Mr. McCLELLAN. Are there some States where the need would not be as great, States in the warmer climate, as opposed to States of more severe climate? I am trying to understand it.

I think everybody wants to do something to relieve distress. But does each individual old couple living here who are not able to pay their gas bill or to get coal or something, are they people who have to file a claim or how is it administered? I am trying to find out.

Mr. CHILES. No, sir; there would not be funds to actually meet energy costs.

What the Administration on Aging has required is that every State now start coming up with a plan that would indicate how they will handle those kinds of requests; whether they will try to get the United Funds to come in and help, whether they will try to get the Salvation Army, how they will proceed with the electric companies in respect to the termination of power for these elderly people; the $10 million proposed by this amendment would help in implementing those plans among the 50 States.

This is not funding to buy any fuel oil. There just is not that amount of money, and there is no way that is going to work.

Mr. McCLELLAN. I realize it is not, but I am trying to understand how will they be helped by it, how will they be helped, those who are going to need it.

Mr. CHILES. Specifically, it would fund State agencies on aging to: First, develop agreements with State allocation offices in the event of shortages to provide for meeting the needs of older people; second, to make representations before public utility commissions, to encourage equitable utility rates for the elderly, and to develop procedures to prevent the arbitrary termination of services for older people; third, to develop a program of assistance and education for the winterizing of older people's homes; fourth, to develop a program to coordinate efforts to meet the special energy requirements of the elderly during emergency situations.

Those are the things I would hope this amount of money would help formulate.

Mr. McCLELLAN. What it appears we are doing is appropriate money without any program, without any authority, without any constituted source of responsibility for the administration of it.

Mr. CHILES. No, Mr. President.

Mr. McCLELLAN. I can understand this general idea may have some merit, but——

Mr. CHILES. Mr. President, that is not correct because we do have authorization under title III. The State agencies on aging are in fact being required under the law to implement such a program.

Mr. McCLELLAN. What agency of the State?

What I read here, title 3 to which the Senator referred, it says:

"SEC. 301. It is the purpose of this title to encourage and assist State and local agencies to concentrate resources in order to develop greater capacity and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provisions of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to—

"(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and

"(2) remove individual and social barriers to economic and personal independence for older persons.

I do not see anything in there that authorizes the distribution of fuel or where they would acquire the fuel for them, or anything.

It is something in general terms, some generalities there that may go further than I have read.

Mr. CHILES. Well, if I could, I would like to read to the chairman and put in the RECORD a program instruction from the Office of Human Development, Administration on Aging, dated October 4, 1974. This is directed to the State agencies administering plans under title 3 and title 7 of the Older Americans Act of 1965, as amended, and the subject of it is additional instructions concerning State plans on aging for fiscal year 1975.

Under this, each of the State agencies are directed to provide an action program on older persons and the energy crisis.

It states:

The continuing problems experienced because of the shortage of energy resources have an extremely severe impact on older persons. This problem is aggravated by the current inflationary situation. State Agencies on Aging have a responsibility under their legislative mandate to take positive actions in response to this critical situation so that the burden on older persons may be alleviated. The coming winter months promise to create devastating hardships on the older population unless we intervene now. In order for approval to be granted to the 1975 State Plans on Aging, the State Agencies must provide assurance in their State Plans that they will—

1. Develop an agreement with the State Allocation Office, in the event of shortages, that will provide for reorganizing and dealing with the special needs of older persons;

2. Make representations before the Public Utility Commission designed to lead to the development of regulations that would insure equitable utility rates for older persons;

3. Work for the development of an agreement with the Public Service Commission to insure that services will not be arbitrarily cut off to older persons unable to pay for such services;

4. Develop a program, utilizing existing public and private resources to assist in the insulation of older persons' homes; and

5. Develop a program, utilizing existing public and private resources designed to provide older persons and volunteers who serve older persons with additional resources for transportation in order to offset rising transportation costs.

So it has been directed that each State will amend their State plan and carry out such a program.

What I am saying is that we have ordered them to do this without providing any kind of funds for that purpose. Either they are either going to take from existing programs or they are not going to fully implement the energy program.

I think it is so necessary that we provide some kind of help for elderly people with the energy problem, and that is what I am trying to do with this amendment.

Mr. MAGNUSON. Will the Senator yield?

Mr. CHILES. I yield to the Senator.

Mr. MAGNUSON. Mr. President, this program sounds good, but the Senator from Florida just pointed out what is wrong with it at the end of his remarks.

This is a matter which the States ought to be doing anyway. In most States this would come under the social rehabilitation and the welfare program, and we have hundreds of millions of dollars in the bill for that. We do not need $10 million more for those States to effect plans. All States ought to be doing that anyway, and most of them, I imagine, do have plans.

Now, I do not know why the Federal Government should get into the act when we are giving them hundreds, hundreds of millions through the social rehabilitation and the welfare programs and the social programs in the State. I am sure Florida gets its share. That is part of the programs they should be doing anyhow and they have plenty of money to do it.

As a matter of fact, in some cases, the social services in some States are oversupplied with money. That is what is wrong with some of them; they have so much administration that people do not get the things they should get and there is a welfare surplus that they are not spending. They did not estimate that correctly, and there is a surplus of about $1.2 billion that has not been spent.

So here is another program. The amendment of the Senator from Florida starts a new program on top of it. The States do not need any direct help for $10 million to do this. They can do it anyway. They have got money to do it.

Mr. CHILES. I wonder if the chairman understands that the Older Americans Act is not a welfare program.

Mr. MAGNUSON. No, but to do this is part of the social services that can be done in the States.

Mr. CHILES. No, it is not.

Mr. MAGNUSON. I know what the——

Mr. CHILES. It is part of human development.

Mr. MAGNUSON. Let me finish.

It is part of it; there is plenty of money there.

Now, this amendment was considered by the subcommittee and was turned down. The Senator did appear and pressed his amendment, which is somewhat unusual, which is usually when these amendments come on the floor without anybody coming down talking about them, but——

Mr. CHILES. Mr. President——

Mr. MAGNUSON. Let me finish. The Senator will have all the time he wants.

Mr. CHILES. Yes, but I want to correct the Senator.

The amendment was not considered by the subcommittee and turned down. The subcommittee told me to come to the floor with the amendment. The subcommittee did not consider the amendment.

Mr. MAGNUSON. All right, we did not have a record vote, a rollcall vote on it, but the Senator got the word, did he not, down there in the subcommittee?

Go to the full committee, and the Senator did not go there.

Mr. CHILES. No, sir, because the subcommittee's action took the place of the full committee, so I did not have the opportunity to go there.

Mr. MAGNUSON. All right, let me finish.

Here is an amendment that is not necessary at all for the purposes. My State should be doing this and is doing it now.

They do not need money from the Federal Government. They get plenty under the broad purposes of the billion dollar social services program. Here is an amendment that has no budget request, no hearings, no requests to testify, no regulations to administer, and it duplicates and overlaps the OEO programs.

It is a worthy purpose.

I do not know what my State would do with this. Would it set up a new division when they should be doing it now? If they are not doing it, what are they doing with their share of the hundreds of millions of dollars from social services which fits into this thing.

I know this being proposed under the Older Americans Act, I want to say a person can get just as cold when he is 59 as he can when he is 61. The Senator knows that, does he not?

This is for people who cannot afford it. I do not know what we are going to do. We cannot subsidize everything.

The Senator's proposal is for making plans. My suggestion is the plans should be done by the States now. If they are not doing that, they are not carrying out their purposes.

The proposal is intended to develop agreements with the State petroleum allocation offices for meeting needs of elderly persons. Well, they ought to be doing that now in the State office. They do not need Federal funds to march down to the capital and do that.

It encourages State public utility commissions. My State already held about 3 months of hearings on this under the State appropriations, not using any Federal funds.

Education to winterize older persons' homes? I guess that is good, but the State ought to be doing that. What is the purpose of getting the Federal Government into this?

If we start this, what is going to happen, without any program, without any hearings, and everything else? The next thing is there will be a subsidy to take care of the extra fuel costs. I might be for that, but I can get all the information I need from my State as to whether that is necessary or not. They do not need to have a piece of $10 million on top of hundreds of millions of dollars that are directed toward these goals.

The Older Americans Act supplemented all of these programs. It happened to be directed more specifically to the problems of the older Americans.

As I said to the Senator from Louisiana, there are 316 items in this bill. I think that many of the social service ones could contribute to exactly what the Senator from Florida wants to do under the broad objectives of the program.

So I am going to have to oppose this for the reasons I have stated: There was no budget request, no hearings, no requests to testify, no regulations to administer, it duplicates and overlaps OEO and a score of other programs, and the States should be doing this themselves. They have money to do it.

Mr. CHILES. Mr. President, I will not belabor the point. The distinguished chairman makes a very good philosophical argument as to the fact that perhaps the States should be doing things like this themselves. I might tend to buy that. I did not pass the Older Americans Act, it passed before I got here.

Perhaps, everything that the Older Americans Act is doing the States could do for themselves. Everything that we are talking about in this bill we could say the States should be doing for themselves. Why have a Department of HEW? Let the States handle that for themselves.

That same kind of argument just could cut all the way down.

But we have an Older Americans Act. Under the Older Americans Act, the States are required if they want to get any funds under title II, to come up with this plan. But you have not given them any wherewithal to carry out the program.

The only thing I am saying is if you are going to give them a requirement, then you ought to give them the wherewithal to do it.

Mr. MAGNUSON. They do not need any wherewithal to come up with a plan.

Mr. CHILES. I yield back the remainder of my time.

Mr. MAGNUSON. Sometimes there seems to be more planners in social services than there are recipients of the act.

The PRESIDING OFFICER. Does the Senator from Washington yield back the remainder of his time? Is all time yielded back?

Mr. MAGNUSON. I will yield back the remainder of my time, yes.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Florida.

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. McCLELLAN. Third reading.

Mr. MAGNUSON. I say to my distinguished chairman I understand that two or three Senators are on their way, I hope, to offer amendments.

Mr. McCLELLAN. I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. HASKELL). Without objection, it is so ordered.

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. ROTH. 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 bill add the following new section:

SEC. 204. None of the funds appropriated by this or any other Act which are available during the fiscal year 1975 for travel expenses, including subsistence allowances, of Government officers and employees may be obligated, after the date of the enactment of this Act, at a rate which exceeds 75 percent of the rate at which amounts for such expenses were obligated during the fiscal year 1974.

Mr. ROTH. Mr. President, on behalf of 13 of my distinguished colleagues and myself, I am submitting an amendment to reduce the amount of Federal funds spent on travel and transportation.

The cosponsors are Senators McCLELLAN, BAYH, BEALL, BIDEN, BROCK, HARRY F. BYRD, JR., CASE, DOMINICK, METZENBAUM, WILLIAM L. SCOTT, STEVENSON, TAFT, and TUNNEY.

Specifically, this amendment would prohibit the Federal Government from expending more than 75 percent of the amount expended in fiscal year 1974 for the travel and transportation of persons. A recent examination of the Budget by my staff and the GAO revealed that the Federal Government will spend almost $2 billion this fiscal year on travel and transportation to out-of-town conferences, meetings, and other employee transportation.

With inflation being fed by excessive Federal spending and with the vital need to conserve energy, there is absolutely no justification for the Federal Government to spend such sums on travel expenses.

This 25 percent reduction in Federal travel expenses would save nearly $400 million in this year's budget and untold millions of dollars in energy costs. Such a move would not only set an example for the concerned people of this Nation, it would provide additional fuel that could

be used in the private sector of the economy and save thousands of jobs.

Inflation and the need to save energy have caused millions of Americans to cut back or cancel their travel plans. Virtually every business and private organization has been forced to reduce its travel budget to save fuel and money. Yet the Federal Government has made no effort to cut back on its travel budget.

Every Federal department and agency has some fat in its travel budget that can be cut to save fuel and money, including the Defense Department. I wish to emphasize that this travel limitation is not intended to apply to troop movements. Since last December, the Defense Department has been the Government's number one energy saver by cutting its fuel consumption by 31 percent. I believe the Department can follow suit and trim some fat out of its travel budget without jeopardizing our national security.

Wisely, the President has called on all Americans to conserve fuel and budget their money wisely. But if the Federal Government expects the American people to cut energy consumption and sacrifice in the battle against inflation, the Federal Government must provide the leadership.

A 25 percent cut in travel expenditures would save nearly a half billion dollars, conserve fuel, and demonstrate to the American people that the Federal Government is serious in its efforts to lead this country through a very difficult period and win the battle against inflation.

Mr. President, I yield back the balance of my time.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. On both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I am empowered, on behalf of the chairman of the committee, to accept the amendment, which I think is an excellent one.

Mr. ROTH. I thank the majority leader and the chairman.

Mr. MANSFIELD. I yield back the balance of my time.

Mr. ROTH. I yield back the balance of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. HATHAWAY. Mr. President, I call up my amendment No. 1979.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 13, between lines 8 and 9, insert the following:

Funds appropriated under "Occupational, Vocational, and Adult Education" in the Departments of Labor and Health, Education, and Welfare Appropriations Act, 1975 for carrying out career education under the Cooperative Research Act shall be available only to carry out the provisions of section 406 of Public Law 93-380.

Mr. HATHAWAY. Mr. President, one of the most promising movements in American education is the development of what is called career education. This is the effort to bring the worlds of education and work into closer contact so as to make education more relevant to successful participation in the society at large.

For several years now, the administration has requested funds for the development of this concept on the Federal level, but has been turned down, at least in part, because of a lack of direct legislative authority for such a program.

Finally, in this year's Labor-HEW appropriation bill, both the House and Senate appropriated $10 million for this purpose under the general authority of the Cooperative Research Act. At the same time this was taking place, we were putting the finishing touches on what is now 93-380, the Education Act of 1974. Contained in that act is a provision, section 406, directly addressed to the career education question.

This amendment which I am offering would simply require the Department to conduct its career education activities under the new authority specifically provided for this purpose in Public Law 93-380, rather than the more general authority of the Cooperative Research Act.

This does not add a penny to the bill and will have the effect of seeing to it that these funds will be expended according to the most specific and most recent expression of congressional intent.

Parenthetically, Mr. President, I would like to take this opportunity to clear up one question with regard to the intention of section 406 which has recently arisen. Although the emphasis in this section is on career education programs in grades K-12, the bill and particularly the Senate committee report make clear that grants under this section are available to institutions of postsecondary education as well as elementary and secondary schools. We particularly did not want to discourage comprehensive State programs which might include a postsecondary career education component.

I urge the adoption of the amendment.

I understand that the Senator from Washington (Mr. MAGNUSON), who is not present, is willing to accept the amendment. As I mentioned, it does not involve any additional expenditure whatsoever.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

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.

ORDER TO HOLD H.R. 16757 AT DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 16757, to extend the Emergency Petroleum Allocation Act of 1973 until August 31, 1975, when it is received in the Senate, be held at the desk temporarily.

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

SUPPLEMENTAL APPROPRIATIONS, 1975

The Senate continued with the consideration of the bill (H.R. 16900) making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

Mr. MANSFIELD. Mr. President, I am informed that the distinguished chairman of the subcommittee, the Senator from Washington (Mr. MAGNUSON), has indicated that he is agreeable to this amendment by the distinguished Senator from Maine, and I therefore urge its adoption.

I yield back the remainder of my time.

Mr. HATHAWAY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

The amendment was agreed to.

Mr. HATHAWAY. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

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

Provided, That the Commonwealth of Puerto Rico shall receive grants for the current fiscal year pursuant to sections 121, 122, and 123 of the Elementary and Secondary Education Act of 1965 (as such Act exists on the date of enactment of this Act) in amounts equal to not less than the amounts received by the Commonwealth of Puerto Rico for the fiscal year ending June 30, 1974, pursuant to sections 103(a)(5), 103(a)(6), and 103(a)(7), respectively, of the Elementary and Secondary Education Act of 1965 (as such Act existed immediately before the effective date of the amendments made to title I of such Act by the Education Amendments of 1974).

Mr. HATHAWAY. Mr. President, this amendment likewise would not add any money to the supplemental appropriations bill. Rather, its purpose is to make a technical change which would "hold harmless" to last year's level the amount which Puerto Rico receives for State agency programs under title I of the Elementary and Secondary Education Act.

The amendment would merely provide last year's level of funding in Puerto Rico for title I State agency programs for handicapped children, neglected and

delinquent children, and children in adult correctional institutions.

I have discussed this amendment with the chairman of the HEW subcommittee, and I understand that he is in agreement with it.

I reserve the remainder of my time.

Mr. MANSFIELD. Mr. President, I am informed that this amendment is likewise satisfactory to the chairman of the committee, and I yield back the remainder of my time.

Mr. HATHAWAY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HATHAWAY. Mr. President, I call up my printed amendment No. 1980 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 10, line 21, strike the figure "$120,000,000" and insert in lieu thereof "$146,393,000".

On page 11, line 3, strike the figure "$4,351,043,000" and insert in lieu thereof "$4,377,436,000".

Mr. HATHAWAY. Mr. President, this amendment would continue funding at the present level for title III of the Elementary and Secondary Education Act. This title provides for grants of limited duration to State and local educational agencies for the purpose of stimulating innovation in education methods. The committee recommendation for funding is $120 million—which is $26 million below this year's level and the President's budget request. My amendment would restore the cuts made by the committee and leave the program at the present amount—$146,393,000.

In my opinion, the major thrust of the entire Federal education effort—which only amounts to about 7 percent of total school expenditures—has been and should continue to be in the areas of innovation and development. Title I has focused on the special educational problems of the disadvantaged and has stimulated an enormous amount of new activity in this field. Title II has assisted in the development of new resource programs through aid to libraries and associated services. And title III has, for the first time, made significant amounts of funds available expressly for the purpose of innovation and development.

The first point to be made about title III is that it has worked. Almost three-quarters of the projects funded have been continued with State or local funds after the 3-year Federal support period terminated. In light of the constraints on local school budgets over the past several years, this is an amazing record. Further, there is evidence that a significant number of these projects—about one third according to most estimates—are being adopted by other schools or school systems. And of course, beyond strict replication of specific projects, many of the concepts and techniques developed under title III have been used in modified form throughout the country.

Because of the concern with being able to assess and repeat successful programs, these projects are subject to an elaborate and comprehensive evaluation procedure at each step of their existence. First, each project must have a detailed plan in order to qualify for funding. Before being funded, these plans are subject to review by a State level title III Advisory Council, the State education agency, and often, a panel of outside experts. Second, each program is evaluated annually by the State agency as well as being in continuing liaison with the State. Finally, especially successful projects are nominated by their State for "validation," the process by which the Federal Office of Education certifies projects for replication elsewhere. Here the project is analyzed in terms of cost-effectiveness, exportability and its effect on student achievement.

I am sure that cases can be cited where these projects have been controversial, poorly executed or just plain failures. But any program of innovation and development will involve blind alleys and unsuccessful projects. It would be a poor program of innovation of there were no failures. I think the high continuation rate by the States and localities is very strong evidence of the usefulness of this program.

Finally, it should be apparent that all is not well with American education. Our people sense it in their refusal to support its funding at previous levels. And our inability to deal adequately with national problems such as inflation and the energy shortage indicate, at least in part, a failure of the educational system.

At this time of change and crisis, cuts in funds for innovation and development seem particularly untimely. We spend less than 1 percent of our education funds for development; and title III constitutes 80 percent of this tiny amount, title III is cost effective and the evidence is that it works. I hope Senators will join with me in helping to preserve the vital role of this program in American education.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I think it would be well for the Members of the Senate before voting on this amendment to take account of what is being done in this field already.

According to the Senate report under the title of "Supplementary Services" the report states:

The bill contains $120,000,000 for supplementary services authorized by Title III of the Elementary and Secondary Education Act. The amount recommended is a decrease of $26,393,000 below the request—I think that means budget request—"and $5 million below the House allowance."

Now, this is what I think is significant and it ought to be taken into account:

Under this program, grants are awarded to State and local educational agencies primarily to support projects considered to be exemplary and/or innovative. Although supportive of the thrust of this program, the Committee is not convinced that all of the more than 1,800 projects currently in operation should continue. The Committee concurs with the House concerning the ability to monitor this activity so as to allow successful projects to be replicated. For these reasons, the Committee has also reduced the request for advance funding for Title III programs included under support and innovation grants.

Well, Mr. President, it does seem to me that if we are now supporting 1,800 of these individual projects that out of those we should learn something, and if we cannot learn something from that number, why, we had better begin reducing this program.

I do not think more money is needed. I think the House was wise in cutting it some. It is now $20-some-odd million below the budget.

To add back to it is just giving money to a program that may or may not be working. We have a chance to determine out of 1,800 if any of these programs are any good and, if they are, to make use of them.

Somewhere, Mr. President, in the expenditure of over $300 billion a year there are areas where cuts can and should be made without doing any irreparable harm, and be done at a saving, and be done prudently.

Certainly a prudent reduction could be made in this item and, for that reason, I shall support the action of the committee.

Does the Senator from New Hampshire want some time?

Mr. COTTON. Just one word.

Mr. McCLELLAN. I yield to the distinguished Senator from New Hampshire.

Mr. COTTON. I would simply like to report, in the absence of the Senator from Washington, that we agree with every word that our distinguished chairman of the committee has said.

Now, at the time our subcommittee met and we took the evidence on this matter we found there were in existence already various experimental projects, innovative projects or special projects, and according to the testimony of the Office of Education, over 1,700 of those projects were going throughout the country. At least one representative—I do not think it was the commissioner of the Office of Education, but one of the witnesses—admitted that it was utterly impossible, of course, to monitor any such number of projects and be familiar with their purpose and their success, and most of them have run for 2 or 3 years. Now those projects cannot all be good. They may be good in purpose but they cannot all be effective projects.

It seems that this is one point where, without ending the program, we could be a little more sparing in the money that we appropriated and, therefore, both the chairman of the subcommittee, the Senator from Washington, and I am entirely in agreement with the chairman of the full committee, and we feel we must oppose this amendment.

Mr. McCLELLAN. I anticipate that the chairman of the subcommittee, the distinguished Senator from Washington, will be on the floor in a minute. But, if I may ask the Senator, the ranking member on the subcommittee, according to the information I have from the testi-

mony that the committee heard, is it not quite evident that a number of these projects are not productive?

Mr. COTTON. Oh, yes, there were some of them, I think that certainly seemed nonproductive, but we are not opposed to the program—it seems to be working well on the whole. However, again there are more than 1,700 separate projects and I just do not believe HEW can monitor all these projects properly.

Mr. McCLELLAN. One other point, as I understand it, is that they are not well monitored. Many of them they cannot monitor.

Mr. COTTON. That was the principal point that I was seeking to emphasize. It is admitted, with 1,700 of them in progress across the country at the same time, it was impossible to check them, monitor them, and come into the appropriating committees with specific information.

Mr. McCLELLAN. The report shows about 1,800 throughout the country and the amount of money reduced by the committee would reduce those projects to approximately 1,550 projects which would still be funded, and out of 1,550 projects the average would be 31 projects for each State.

It does seem to me that if there is a place where some cut could be made without doing any harm or hampering progressive education, this could be one area where it might be done.

Mr. COTTON. Of course, it should be borne in mind that a large portion of these are considered by somebody before the grant is made to the State.

Most of them run for 2 or 3 years and my recollection was at the time that we had the hearings and were taking the evidence on this, there were 1,700, but I do not question that there are 1,800 because it is impossible to know. We cannot have 1,800 experimental, innovative, educational projects going and not have some of them—and some of them were, quite obviously—at least not very essential.

I will not say they were ridiculous, I will not say they did not, perhaps, have *some good in* them, but they certainly did not go to the essentials and it seemed to us an obvious waste of money.

We ought to be more selective and invest less.

Mr. MAGNUSON. Will the Senator yield?

Mr. McCLELLAN. I yield to the Senator.

Mr. MAGNUSON. I, along with my colleagues on the committee, necessarily oppose this amendment.

We have placed all kinds of money in the bill for all kinds of educational purposes and this is one program that a good long look has to be taken at.

In view of this we thought we put in sufficient funds. We concurred with the House that there should be some further ability to monitor some of these programs.

Now, no one has been more for education than the members of the Senate committee, particularly this subcommittee over the years. But we are getting to a point where we are getting topheavy with administration.

I think in a lot of new programs, the temptation is to have new programs that do not seem to work, and sometimes I am almost convinced we have lost sight of basic education in this country.

The National Institute of Education is one example, and that was innovation, too. If I read from the floor of the Senate the projects that NIE fostered and sponsored in the last 2 years and asked for appropriations, I would be laughed out of the Senate.

Innovation is fine in education, but I think we are losing sight of some basics—proper teacher training, getting better teachers. What is the reason?

As I said many times, Mr. President, and I say it facetiously, of course, but some days on this education bill I am tempted to ask the committee if they will put in $100 million and subsidize every person in the United States, every parent who would build a woodshed, and subsidize them 100 percent. That is innovation in education.

I know that is not the answer, but the trouble is that we are getting into all kinds of new programs and, as someone once said, newfangled ideas. We have a basic job on education. I will oppose this amendment because I think we have enough in here.

Now, the committee report mentions that there are 1,800 projects currently in operation, and the reason we cut it down a little bit, or we did not add to, maybe, the worthy purpose, is because we need to monitor these things, see how they are going and if they are worthwhile. That is the reason the committee stuck to this amount.

Now, there is $120 million for supplementary services in the committee recommendation. The amount recommended is a decrease of $26 million below the request and $5 million below the House allowance.

I suspect that the $26 million is where the Senator from Maine gets his dollar figure because of the $26 million reduction.

But as the Senator from New Hampshire so aptly pointed out here earlier today, this business of saying that because they had so much last year they have got to have so much this year, sometimes that perpetuates programs that are not really dollar-wise, worthwhile, or serving their purpose, and at the same time shutting out other programs that may be doing fine.

We think the committee did all right on this. I suspect that after taking a look at these 1,800 projects that there will be recommendations to have some of them not continue, or to fold up, and that is what we want to do. That is why we stuck to this figure.

I, of course, like everyone else, agree with the objectives and the dedication of all people for education, including the Senator from Maine, but I wish the Senator would bear with us to see just whether we are doing the right thing with these 1,800 projects. We ought to take a look at some of them to see if they are really adding to what we would like to call quality education in this country, or not. That is why we arrived at this figure.

Mr. HATHAWAY. Mr. President, I appreciate the arguments that have been made against this amendment.

The principal argument is that with 1,800 projects it is impossible for HEW to monitor all of them, and I certainly would accept an amendment to my amendment to earmark some of these funds for the purpose of having HEW monitor these projects.

I do not really think that is necessary, but if it would satisfy those who are opposed to the amendment, I would be happy to accept it.

That these projects are adequately monitored I think is evident from the fact that almost three out of four of these innovative projects, after the 3-year period of Federal funding has expired, have been adopted and continued by the local school agencies. All of us in this Chamber know that the local school agencies are not going to be spending money on projects they do not think are worthwhile.

They are very much more tightfisted in this regard than we are. The fact that this many programs have been accepted or continued I think is pretty good evidence that, even though there may not be sufficient or adequate monitoring at the Federal level, that they are, in effect, getting very good monitoring at the local level. I think that is the best advertisement for the continuation of this program.

I am now asking in this amendment to put the money back to where it was last year. That amendment would call for $51 million. I am asking for $26 million, which simply brings it up to the President's budget request.

We know that this administration and its predecessor have not been very liberal with respect to education money. If this administration is willing to spend $146 million a year on title III, I think we should go along with it. Instead of that, we are cutting it back by $26 million.

Mention has been made that a lot of these projects are not in line with traditional education. Well, I think one of the problems that we have in education generally in our society is that it has been too traditional. One of the reasons that the dropout rate is at least 20 percent—it may be higher than that—is because many students, bright as they may be, have not taken to the current school system. They have been turned off by the traditional methods.

I think it is incumbent upon us to fund, as much as we possibly can, innovative programs that will bring about new techniques in teaching and in learning.

I recall testimony was given just a few years ago when I was on the House Education and Labor Committee indicating that about 80 percent of those who graduated from high school do not know what to do and are not equipped, really, to carry on any occupation.

It seems to me that that percentage figure could be cut down considerably through innovative techniques, by now

teaching and new learning techniques, to keep the students interested in the subject matter, make it more alive for them, and make them better products when they do graduate from public schools.

Mr. COTTON. Will the Senator yield for a question?

Mr. HATHAWAY. I am happy to yield to the Senator from New Hampshire.

Mr. COTTON. The Senator from New Hampshire is very much interested in the statement that the distinguished Senator from Maine just made, that three out of four of these experimental projects, after they have expired and are no longer federally financed, are adopted and continued by local educational authorities.

I am sure that the Senator from Maine had long service in the House on their committee, and I have great confidence in him. I know that he surely believes that.

I have inquired of the staff on both sides of our committee. We have had no tangible evidence of any such huge proportion that have been continued.

I am not questioning either the Senator's knowledge or his sincerity, but I wondered if he could tell us what he bases that estimate on. Frankly, it just does not sound reasonable to the Senator from New Hampshire from the testimony we received.

Mr. HATHAWAY. The basis for that statement is from testimony given on the House side, based upon the last national survey, taken in 1971, in which the figure was actually 67 percent. Those who testified indicated in their opinion they thought it was higher than that now, as high as 80 percent. I split the difference and came up with roughly 75 percent.

Mr. COTTON. I am interested in hearing that, and I thank the Senator. But that is 4 years ago at least.

Mr. HATHAWAY. Three years ago.

Mr. COTTON. I doubt very much if you had 1,800 projects going then, to get three out of four. I would think the Senator's statement almost corroborates what I have believed, that if we have fewer projects and more carefully thought out projects, you would get more benefit from them.

I thank the Senator for his information, but it is hardly up to date.

Mr. HATHAWAY. It is 3 years old, to be sure. Undoubtedly, there were fewer projects in 1971 than there are now in 1974.

On the other hand, State agencies have had much more experience with the projects. They can better evaluate them.

I would be inclined to think the percentage of those which are continued on after the Federal funding has expired is probably higher now then it was 3 years ago. This was certainly the thrust of the testimony in the House. But whether the figure is two-thirds or three-fourths, there seems little doubt that a significant majority of the programs are continued and that is the point I wanted to make.

Mr. President, I reserve the remainder of my time.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that the names of the Senator from South Dakota (Mr. McGOVERN) and the Senator from New Jersey (Mr. WILLIAMS) may be added as cosponsors of the amendment.

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

Mr. HATHAWAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. MONTOYA). Is there a sufficient second? There is not a sufficient second.

Mr. McCLELLAN. 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. 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. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. HATHAWAY. I do.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Maine. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Rhode Island (Mr. PELL), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that the Senator from Minnesota (Mr. HUMPHREY) is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I also announce that the Senator from Maryland (Mr. MATHIAS) and the Senator from New York (Mr. BUCKLEY) are absent on official business.

I further announce that the Senator from Oregon (Mr. HATFIELD) is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 35, nays 48, as follows:

[No. 488 Leg.]

YEAS—35

Abourezk	Huddleston	Percy
Bayh	Hughes	Ribicoff
Brooke	Jackson	Roth
Case	Javits	Schweiker
Clark	McGee	Scott, Hugh
Cranston	Metcalf	Stafford
Dole	Mondale	Stevenson
Ervin	Moss	Taft
Fong	Muskie	Tunney
Hartke	Nelson	Weicker
Haskell	Packwood	Williams
Hathaway	Pastore	

NAYS—48

Aiken	Domenici	McClure
Baker	Eastland	McIntyre
Bartlett	Fannin	Metzenbaum
Beall	Gravel	Montoya
Bellmon	Griffin	Nunn
Bennett	Gurney	Pearson
Bible	Hansen	Proxmire
Biden	Hart	Scott, William L.
Brock	Helms	Sparkman
Burdick	Hollings	Stennis
Byrd, Harry F., Jr.	Hruska	Stevens
Byrd, Robert C.	Inouye	Symington
Cannon	Johnston	Talmadge
Chiles	Long	Thurmond
Cotton	Magnuson	Young
Curtis	Mansfield	
	McClellan	

NOT VOTING—17

Allen	Eagleton	Mathias
Bentsen	Fulbright	McGovern
Buckley	Goldwater	Pell
Church	Hatfield	Randolph
Cook	Humphrey	Tower
Dominick	Kennedy	

So Mr. HATHAWAY's amendment was rejected.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which that amendment was rejected.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. CLARK. Mr. President, I ask unanimous consent that Scott Ginsburg of my staff and David Affeldt and Jim Murphy of the Senate Special Committee on Aging be permitted the privilege of the floor during consideration of this amendment.

The PRESIDING OFFICER (Mr. McCLURE). Without objection, it is so ordered.

AMENDMENT NO. 1984

Mr. CLARK. Mr. President, I call up amendment No. 1984.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

On page 5, between lines 10 and 11, insert the following:

For an additional amount for the operation mainstream program pursuant to title III of the Comprehensive Employment and Training Act of 1973, $3,000,000.

Mr. CLARK. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of the amendment: Senators EAGLETON, WILLIAMS, HUMPHREY, RIBICOFF, BAYH, ABOUREZK, HASKELL, and McGOVERN.

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

Mr. CLARK. Mr. President, I am presenting this amendment on behalf of myself and the Senator from Massachusetts (Mr. KENNEDY) to increase the funding

for the older workers component of operation mainstream. This amendment would increase the appropriation for the Comprehensive Employment and Training Act under the Department of Labor from $2,050,000,000 to $2,053,000,000 and thus would raise the funding for operation mainstream from $20 million to $23 million.

During the past few years, older workers have encountered a number of employment difficulties. Their lives have been disrupted by layoffs, plant shutdowns, and even their own decisions to find new jobs which often do not materialize. This seems especially unfair when we consider that older workers have given so much to this country and their work has contributed significantly to our prosperity. Yet, they have found it increasingly difficult to find a job, and once unemployed, older workers are unlikely to find another job readily. Older workers remain unemployed far longer than younger workers, and individuals over the age of 55 find it nearly impossible to return to their previous positions and status.

This is particularly disturbing since we know that older workers are an important resource which this country can and should use in productive and meaningful ways. Their experience, talents and enthusiasm are unparalleled, and their maturity and dependability have been demonstrated time and time again.

Operation Mainstream is one Federal program which recognizes the importance of older workers and puts their experience and talents to work in productive ways. Under the Operation Mainstream program funding is provided for the Senior Community Service Aides program administered by the National Retired Teachers Association, and the American Association of Retired Persons, the Green Thumb program administered by the National Farmers Union, the Senior Aides program administered by the National Council of Senior Citizens, and two other important programs administered by the U.S. Forest Service and the National Council on Aging.

Because the cost-of-living has increased so dramatically, the cost of administering the mainstream programs has gone up, and with the new minimum wage increase the cost of these employment programs will go up even further during the next fiscal year. The Department of Labor did not request an increase in the funding for these very important programs for fiscal year 1975. That means that the number of participants will be significantly reduced and the hours of work available under Operation Mainstream programs will likewise be cut back unless we increase their funding.

In order for these programs to maintain their work force at present levels, an additional $3 million is needed. That is the purpose of this amendment. It will not increase the scope of the mainstream programs, it will only maintain the present employment levels and allow national aging organizations, which pay prevailing wages, to continue to do so.

If we do not enact this amendment, it has been estimated that the Senior Community Service Aides program will be forced to cut back enrollment by 364—from 1,775 to 1,411. Similarly, green thumb would be forced to reduce the number of hours of employment for its participants. As a result, green thumb would lose the equivalent of 750 full-time employment positions calculated on the basis of a 20-hour week.

There are successful mainstream projects now operating throughout the United States that will be affected by the funding level we establish. In Iowa, for example, almost 100 workers could be adversely affected, and I do not think that the Congress should allow this to happen—in our State or any other.

It would be the bitterest of ironies if we allow the minimum wage increase and the increased cost of running the mainstream programs to reduce the enrollees in these employment programs. The Congress enacted the minimum wage increase to provide some protection for low-income wage earners from inflation and the increased cost-of-living.

Older people are the hardest hit by inflation, because they spend a disproportionate amount of their incomes on essentials like food, fuel, housing, health care, and utilities. These items have led the ever-increasing consumer price index. We would be doing a great disservice to the older workers if we were to cut back on their incomes at this time.

I know my distinguished colleague from Washington (Mr. MAGNUSON) has been a great friend of older Americans throughout his tenure in this body. The Senator's concern and compassion are well-known to our older Americans, and I know he will give this amendment his full consideration.

Mr. President, because of the overwhelming need for this legislation, I urge its adoption by the Senate.

Mr. MAGNUSON. Mr. President, on the first part of the amendment of the Senator from Iowa, I would like to direct my attention to that $25 million that he suggested we add to the nutrition, under title 7, which would make a total of $150 million.

Oh, the Senator has not called that up yet? Then I shall address myself to the $? million. I was hopeful that we might get rid of the large one first.

The additional $3 million may not be necessary at all, since the increased funding in title IX of the Older Americans program is now pending in conference, and we added a great deal to that. We meet tomorrow, and it may be included in the regular bill. So it may not be necessary in this bill at all.

But I would suggest this to my colleagues, the Senator from New Hampshire and the Senator from Arkansas: that we accept about $2.5 million on this item, with the understanding that after we are through with the regular bill tomorrow—and I hope we can be; at least we will be through before we have a conference on this measure—that we would drop the amount out in conference.

Mr. CLARK. If the distinguished Senator will yield for a question——

Mr. MAGNUSON. I do not know how the Senator from New Hampshire and the Senator from Arkansas feel about that, but I do think in this program we intended——

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. MAGNUSON. Yes.

Mr. McCLELLAN. Is it not in the regular bill?

Mr. MAGNUSON. Yes, it is in the regular bill, but I do not know what the conference will do with it.

Mr. McCLELLAN. We do not know what the conference will do with this. But it is in there; the same people have the opportunity to act on it in the regular bill as will have the opportunity to act on this.

Mr. MAGNUSON. I was just checking on the amount in the regular bill. There is $20 million in the regular bill.

Mr. McCLELLAN. $20 million in the regular bill?

Mr. MAGNUSON. I was thinking of a way out, that we could drop this amendment if the $20 million stayed in the regular bill.

Mr. McCLELLAN. Mr. President, if we are going to reinforce everything we have in regular bills by coming in and adding something to a supplemental, so we can go to conference saying it will all appear in the supplemental, if we do not get it here we will get it there, I say that is a very poor way to legislate.

Mr. MAGNUSON. I was just talking about a small amount.

Mr. McCLELLAN. Yes, but the small amounts can grow.

Mr. CLARK. Mr. President, if the Senator will yield for a question, it is my understanding that the House bill has $10 million, the Senate bill has $20 million, but we have been advised by elderly groups that title IX money cannot be used for Mainstream.

Mr. MAGNUSON. That is not the way I interpreted title IX money. It may be that they do, but we have not interpreted it in that way. There is no such interpretation in the committee; that is why we put the $20 million in the regular bill.

So I do not know whether the Senator wants to press this proposal or not, because we surely will try to keep the $20 million in the regular bill, and I am sure that it can be used under title IX. That is my interpretation of it, and the staff's interpretation.

We will have plenty of money there.

I do not want to put the Senate in a position, over this amount, if there is some dispute about it, of saying that we do not intend to do what we can in this program for the elderly people. That is the point I am making.

Mr. CLARK. Yes.

Mr. MAGNUSON. Because we do want to do what should be done.

Mr. CLARK. The elderly organizations have advised us that the Department of Labor has advised them that it was not possible to use title IX funds for transfer to the Mainstream program.

I would think a reasonable compromise would be to do as the Senator earlier suggested, that we could agree to $2.5 million, and if title IX funds can be used in the Mainstream program, then this amendment could be dropped in conference.

Mr. MAGNUSON. For the record, we

have the $20 million for Mainstream in the regular bill, and $10 million carryover into 1975 for the title IX program, plus $12 million more tentatievly agreed to for title IX in the fiscal year 1975 regular Labor-HEW bill. That would be $42 million for this purpose including funds late in 1974, but to be spent for fiscal 1975.

The conference agreement, of course, is tentative. But I would hope the Senator from Iowa would withdraw this amendment, and then we will try to keep this larger amount in the conference report tomorrow.

Mr. CLARK. That really only leaves open the question of the interpretation of whether title IX funds can be used.

Mr. MAGNUSON. We checked during the noon hour, and the staff has just now reported to me that there is $30 million available right now, that they have not spent down there. There is a $30 million carryover.

Mr. CLARK. But that is not for older workers' programs.

Mr. MAGNUSON. Yes, it is.

Mr. CLARK. Is that for Mainstream programs?

Mr. MAGNUSON. Jobs for older Americans; there is $30 million downtown right now. And we were, of course, calculating that money under title IX could be used for this purpose. There may be some doubt about that, but it was surely clear with the Appropriations Committee, and the intent of the legislative committee was that title IX funds could be so used. That is the way I interpret it; and there is $30 million downtown now.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield to the Senator from New Hampshire.

Mr. COTTON. It will not be a difficult matter, if the distinguished Senator who is offering this amendment has reason—and of course he does have reason or he would not say so—to fear that this money out of the funds might not be available for the purpose. When we go into conference on the main bill, I think that could be taken care of in the report accompanying the regular bill, and I think the House would agree to it, to make it very clear that funds are available for the aged out of these title 9 funds.

I am sure, if there is any question about it, it will be nailed down in the report.

Now, I would like to add this, and I do not say this derogatorily, I want to say that I admire our colleague in his desire to take care of the aged and, as one of the aged, I express my appreciation for it.

I find that some people do not know anything about how hard it is for an old man to get a job. "I cannot get a job working for nothing, and I am living on my retirement." They say, "I am too old."

For years, I think the last year that I was a Member of the House of Representatives—and that was 20 years ago—I introduced a bill, I think it was the first bill, 21 years ago to take the lid off permitting the recipients of social security to work, provided they were not working at the same vocation from which they had retired to draw their social security; in other words, to prevent a situation where somebody goes back to the plant in which he has been working for years after he has retired and taken social security, and goes back in an advisory capacity and actually does the same work he has been doing which, of course, would be in violation of the whole principle.

Now, in the minimum wage bill I was perfectly willing to support the national minimum wage if it did not extend the coverage as it did. It extended the coverage so that students and old people are actually deprived of a chance to augment their income. We have people whom I have in mind who do work around some of our resort hotels just pruning the hedges and doing light work and picking up something to augment their social security or whatever retirement they have. And of course, everybody knows of students who are in college who work, waiting on tables and who are employed part time. But, no, those who were supporting the minimum wage have insisted that we have to take the old, the young, and everybody from the cradle to the grave.

Now, in those two instances the very people—and I am not referring individually to the distinguished Senator, I assure him—in the Senate and in Congress who moan and shout about the old people and want to add to all these appropriations, are the ones who just hung like a dog on a rope and said, "No, no, no; the minimum wage has got to apply to people whether they are 16 or 80."

In the same way they have fought liberalizing the chance of people, recipients on social security, to add to their income by doing light work which they are capable of doing at this age.

I feel that in those two instances there would have been a much more effective way to take care of the situation.

As far as this amendment is concerned, I am compelled to agree with my chairman that it is putting the cart before the horse to write an amendment into this supplemental bill when tomorrow at 2 o'clock in the afternoon we are going back into what we hope is a final conference with the House on the main bill, with money that has been carried over and money that is in the main bill; and, if there is any question about its accessibility, we can take care of it, and I am sure the House Members would agree that we can take care of it, by expressing the intent in the committee report. Does not my chairman agree with that?

Mr. MAGNUSON. Yes.

Mr. COTTON. So I hope the Senator will either withhold his amendment at this time or that it will not be adopted.

Mr. MAGNUSON. Mr. President, I yield myself such time as I may require.

I want to state for the record again the amount of money that is available for fiscal year 1975. There is $30 million available right now, $20 million for Operation Mainstream national contracts, and $10 million carryover into 1975 for title IX jobs for older Americans. In addition, there will be at least $10 million more available under title IX in the regular fiscal year 1975 Labor-HEW appropriation bill. That bill is now in conference, with the House recommending $10 million and the Senate $20 million. So there will be at least $40 million available in 1975 for jobs for older Americans, compared with only $20 million in 1974.

I join with the Senator from New Hampshire in saying that we will insist on getting language in the conference report on the regular bill specifying that a portion of the title IX funds which we put in, the amount to cover these things, be utilized to pay the minimum wage on all Operation Mainstream enrollees without forcing any cutback in enrollees. We will put that in the conference report and, it seems to me, that will take care of this situation and we would not be putting the cart before the horse.

We are going to do this tomorrow, so I join with the Senator from New Hampshire, and I do hope the Senator from Iowa will withhold this amendment. I think we will come out all right tomorrow in the conference.

Mr. CLARK. Mr. President, I think that is a reasonable approach. Would there be some assurance that the suggested language would actually be in the report? Could we speak with the House conferees as to their willingness to interpret title IX that way?

Mr. MAGNUSON. Well, of course, when we get into a conference with the House we cannot assure ourselves of anything. But I am sure that they will understand this because they are going to ask us, "Well, why did you add this amount of money?" We are going to say, "To make sure that the minimum wage things were taken care of."

We want to be sure that what we have always, and the White House has always, agreed with our insistence that title IX funds can be used for this purpose.

Mr. CLARK. I see.

Mr. MAGNUSON. I do not know why the Labor Department did that but, it seems to me, we can be insistent. We have two reports now, and the House has accepted them both before, and I see no reason to doubt it, and I see no problem.

Mr. CLARK. With the Senators' assurance that the suggested language could be included in the report, language that title IX funds can indeed be transferred to Mainstream, then I will withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MAGNUSON. I thank the Senator from Iowa.

AMENDMENT NO. 1983

Mr. CLARK. Mr. President, I call up amendment No. 1983.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 13, line 17, strike out "$135,000,000" and insert "$160,000,000".

Mr. CLARK. Mr. President, I offer this amendment with the distinguished Senator from Massachusetts (Mr. KENNEDY) to increase the funding for the nutrition program for older Americans. This amendment would increase the appropriation under title VII of the Older Americans Act of 1965 to $150 million

which would provide full funding for the legislative authorization which passed the Congress and was signed by the President this past July.

The legislative authorization, Public Law 93-351, extended the nutrition program for 3 years and established authorizations of $150 million for fiscal year 1975, $200 million for fiscal year 1976, and $250 million for fiscal year 1977. H.R. 16900, as passed by the House, appropriates $125 million for fiscal year 1975. The Senate report accompanying the legislation directs "The Department of Health, Education, and Welfare to utilize carryover funds to build the program operating level to at least $150 million for fiscal year 1975."

The administration has requested an appropriation of $99,600,000 which is the same as last year's budget request.

This amendment would emphasize the Senate's intent to fund the program at the authorized level of $150 million, from past experience, we have reason to believe that the Office of Management and Budget will not allow the Department of Health, Education, and Welfare to spend more than the appropriated amount. While the Office of Management and Budget has not given an official statement on this matter, we believe that this amendment should be adopted so that the Senate can go to conference with the House in a stronger position.

The title VII nutrition program is one of the most successful and relevant Federal programs helping older Americans. Right now, over 200,000 meals are being served to elderly persons in their communities, at churches, schools, senior citizens centers, and other public and nonprofit private settings. These meals give older Americans the opportunity to eat a nutritious meal, but just as importantly, it gives them the opportunity to meet with their friends and neighbors in a comfortable social setting.

There are over 4,100 meals being served each day at almost 100 meal sites in Iowa alone. I have had the opportunity to visit many of these meal projects, and without exception older people have told me that this is one Federal program that is working for them. They not only like their meals, they look forward to them. But, they live in constant anticipation of having their meal programs cut back because of the unprecedented inflation which has forced many meal sites to close down.

Inflation has cut back the scope of the nutrition program by 15 percent. In large part, this has been due to the tremendous increase in the cost of food. Perhaps, the best indication of the impact of inflation comes from the Administration on Aging. Initially, it was estimated that the $100 million appropriation for this year's nutrition program would fund 250,000 meals. As a result of inflation, that figure was reduced to 212,000.

Mr. President, whenever our economy begins to get out of control, it is our older Americans who suffer first. Their real incomes have been greatly reduced by inflation because they must spend a disproportionate amount of their incomes on food, housing, transportation, utilities, and health care—the items which have led the ever-increasing Consumer Price Index.

All of this means that the elderly poor are forced to cut back on the amount of their budget that they can allocate to food. The result is that millions of older Americans are not receiving adequate diets and therefore the level of disease, the death rate, and the rate at which the elderly are forced into institutions is bound to be increased.

Mr. President, in view of the significant hunger problem which is facing many nations in this world—the problem which we recently confronted at the World Food Conference in Rome—it is very disheartening to look around and see our own mothers and fathers, grandmothers and grandfathers forced to survive on so little food. As the major agricultural producer in the world, I believe that it is indefensible for any of our people to go hungry. Yet, that is the case for too many older Americans. We can do something about that. For one thing, we can increase the funding level for the title VII program to $150 million. And, we can look to many other programs which would help them as well. To bring the spending level to the amount that the committee intends, they will mandate it rather than leaving the remaining $25 million to the discretion of the administration.

The need for full funding of the nutrition program has been well documented in committee hearings by those people who work directly with older people. We have just begun to identify those people who are most in need of the nutrition services, and right now 70 percent of the title VII effort has gone to help low-income elderly people.

There is a great deal more that we can accomplish if we have more funding for the title VII program. A funding level of $125 million would only allow us to reach the goal established for this year's program of serving 250,000 meals. It would represent a standstill operation, and I think that the success of this program and the existing need justify a substantial increase in the funding authorization level.

Mr. President, on behalf of myself and the Senator from Massachusetts, I ask unanimous consent to add the following cosponsors: Mr. EAGLETON, Mr. WILLIAMS, Mr. HUMPHREY, Mr. RIBICOFF, Mr. BAYH, Mr. ABOUREZK, Mr. HASKELL, Mr. METZENBAUM, and Mr. MCGOVERN.

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

Mr. CLARK. On their behalf and my own, I urge the Senate to adopt this amendment.

Mr. President, I ask unanimous consent that a survey conducted by the National State Units on Aging detailing the need for increased funding for the nutrition program be included at this point in the RECORD.

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

SURVEY OF NATIONAL STATE UNITS ON AGING

State	Title VII funding	Number of projects	Average daily participation	Persons on waiting list	Projects unable to get commodities	Additional funding needed in fiscal year 1975	Funding needed for new expanded projects
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Alabama	$1,565,052	6	4,200	6,000–7,000	6	$212,000	$4,500,000
Arkansas	1,098,667	9	1,938	1,500	5	177,585	3,298,459
California	8,454,000	52	17,000	8,724	(1)	1,500,000	12,500,000
Colorado	915,222	5	1,852	425	5	195,000	958,000
Connecticut	1,358,465	11	1,200	1,200	7	543,386	1,268,000
Delaware	493,000	4	1,150	200	2	100,000	250,000
Florida	4,704,547	19	9,300	2,487	17	1,411,364	4,000,000
Idaho	493,000	7	1,140	380	7	47,600	815,000
Illinois	5,023,818	30	10,000	2,500	(2)	750,000	3,500,000
Iowa	1,521,231	12	4,200	4,000–5,000	8	250,000	1,980,000
Kentucky	1,547,256	9	3,866	600	7	250,000	800,000
Louisiana	1,471,149	9	2,978	2,300	9	147,000	1,029,805
Maine	516,467	5	2,564	18,000	(1)	258,233	1,033,000
Maryland	1,471,149	13	3,500	1,063	(1)	220,800	614,423
Michigan	3,518,237	31	8,100	18,490	26	300,000	2,120,000
Minnesota	1,810,695	17	4,300	1,100	17	225,000	1,322,040
Mississippi	1,042,325	9	2,419	1,644	9	208,465	1,050,000
Missouri	2,504,084	9	7,200	6,000	6	1,205,852	5,505,852
Montana	493,000	5	900	1,000	(1)	200,000	1,300,000
Nevada	493,000	10	1,282	850	(1)	123,500	507,000
New Hampshire	493,000	6	1,425	2,850	1	98,000	970,000
New Jersey	3,308,520	23	5,786	2,500	----------	830,000	51,897,000
New Mexico	509,376	6	1,500	10,000	1	509,376	609,376
New York	8,955,000	47	20,000	(3)	(4)	5,000,000	15,000,000
North Carolina	2,050,219	24	4,520	1,100	6	507,000	915,000
North Dakota	493,000	6	945	N/A	----------	200,000	450,000

Footnotes at end of table.

SURVEY OF NATIONAL STATE UNITS ON AGING—Continued

State	Title VII funding	Number of projects	Average daily participation	Persons on waiting list	Projects unable to get commodities	Additional funding needed in fiscal year 1975	Funding needed for new expanded projects
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Ohio	4,731,013	18	8,400	8,000	1	600,000	10,000,000
Oklahoma	1,347,116	5	3,400	257	5	100,000	1,250,000
Oregon	1,067,365	5	3,000	(1)		213,473	1,317,365
Rhode Island	493,000	6	925	1,200		250,000	5,000,000
South Dakota	493,000	8	1,000	(1)	4	131,077	750,000
Utah	493,000	3	1,000	(1)	3	246,000	1,616,000
Washington	1,505,580	14	2,580	2,500	14	225,000	670,000
Virginia	1,787,875	19	3,000	500	19	531,510	650,000
West Virginia	904,600	12	2,000	400	(1)	120,000	500,000
Wisconsin	2,137,862	16	5,500	4,000	15	250,679	2,955,579
Wyoming	493,000	4	700	50	4	100,000	500,000
Massachusetts	2,825,000	18	6,019	2,000	16	$400,000	5,000,000
Texas	4,760,000	16	11,000	5,000	15	960,000	2,080,000
Hawaii	493,000	4	1,440	88	0	205,960	2,459,304
Washington, D.C.	493,000	5	1,340	365	(2)	70,000	200,000
Page 4	8,621,000	43	19,799	7,453	31	1,635,960	9,739,304
Total 41 States	80,367,990	537	178,169	116,583	235	19,873,224	153,133,203

[1] See note.
[2] Not available.
[3] In hundreds.
[4] Almost all.

Mr. MAGNUSON. Mr. President, I do not disagree with anything the Senator from Iowa has said on behalf of himself and the cosponsors, and I do not imply that the cosponsors did not take a long enough look at this thing before they cosponsored it. I am sure they did not because if they asked us for the facts, they probably would have said that we could work this out some other way.

What the Senator said is absolutely correct. No. 1, we have been running into about a 2-year program on which the Department has been dragging its heels. It has not gotten off the ground.

Now, the $25 million the Senator talks about is there. It is there now and we advocated in our report that they spend it, which would bring the funding level up to the $150 million the Senator is talking about. We want it at $150 million at least.

It is just a question of whether we appropriate $25 million in this bill and leave the other $25 million lying down there.

I would think we ought to push for them to spend the $25 million already appropriated and we have done it in this report. It would provide, as the Senator points out, about 300,000 meals per day and I think there ought to be a way to make them. I hope they have learned some lessons down there, to unfreeze money.

Now, we are just giving them $25 million if we do it this way, in the bill, and they will not use that other $25 million to add on to this program. It will go to some other program. I think we ought to nail them down to spend the $25 million they have got down there.

Congress has provided $325 million over the last 1½ years and $225 million has yet to be spent and is available to be spent this coming year.

Now, to add $25 million to this does not seem to be logical at this time. They say they will not be able to spend all this money, I hope they will be able to, but they would not be able to spend any more in getting this program moving because we have gone by, now, 4 months.

No one has prodded them more than ourselves to get at this program. But they have not any plans down there, they failed to put it out in places where it was needed.

I am hoping we can urge them to spend this $25 million, that would mean we have provided pretty adequately for this new program, $325 million over the last year and a half, and at least $150 million now if they spend the $25 million.

I know that as the Treasury goes, this would not mean a thing, one way or another, but it seems to me we ought to prod them.

For instance, I have a complaint with them in Seattle. They have not inaugurated a program they started for home needs on wheels, and there are many other programs.

I am going to have to reluctantly oppose this amendment because I feel that we should keep prodding them to spend the $25 million already appropriated which would bring it up to at least the $150 million level that the Senator and the Cosponsors want.

I do not know if the Senator from New Hampshire wishes to add anything to this, but I have no more to say about it.

It is not a question of the program, it is not a question of the amount of money. It is a question of whether we spend the $25 million already appropriated or add $25 million, which would give them $25 million to play around with down there, not for this program but some other program that they might like better.

I suppose there would be trouble in the House doing it this way, but I do not know. I believe the House wants the $150 million program level. But they would be insistent that we just make the carryover available. That is what they do.

Mr. President, I yield back the remainder of my time.

Mr. CLARK. I think the distinguished Senator from Washington has stated the case that both of us agree with; namely, that we want $150 million spent. His report certainly indicates that. The only disagreement is over whether the administration in fact will spend $150 million, $125 million appropriated plus the $25 million carryover. I think the record of the administration to date is clear that it will not. The private indications we have received from that agency are that the carryover funds will not be spent.

The House, in its bill, has made no such request. They may be prepared to make such a request for an additional $25 million, but even if they do I believe it is clear on the record that the money will not be spent.

As the Senator very accurately said, this amendment will not take any additional funds from the Treasury. It will only clarify the additional $25 million appropriation. If we are concerned about spending the $150 million, as I know that the distinguished Senator from Washington is from his own record and from what he has said here today, then I believe we must adopt this amendment.

Mr. MAGNUSON. I hope that will not happen because if they are not going to spend the $25 million they have down there, they will not spend the $25 million that we put in this bill. I will guarantee that. I would rather break loose the $25 million down there and then we can appropriate money on this bill and it would be fresh money.

I do not think they will spend the $25 million that is there, if we put this in, because they are still way behind on the $325 million we appropriated in this program over the past 1½ years. I just hope it will not work that way.

I think we better do first things first. Get them loose from that money down there. We will put conference report language in.

I must say I am pleased to see that they have been paying more attention to that than usual down there, about the impoundment of money and things of that kind.

As the Senator knows, there have been a few lawsuits that they lost. Now they cannot impound it anymore. I am hopeful we jar loose the $25 million and go ahead with the program.

Mr. YOUNG. Will the Senator yield 2 or 3 minutes?

Mr. MAGNUSON. I yield.

Mr. YOUNG. I feel I should support the position of the chairman of the committee. I do not know of anyone who has been more liberal and sympathetic than he has with a program such as this. This is the kind of program I strongly support. But we have already appropriated this amount of money in the regular bill. Adding funds to this bill just adds to the chance of it being vetoed. It is

confusing to the public, particularly to the older people, to appropriate in one bill and then appropriate the same thing in another bill.

Mr. MAGNUSON. And they do not get either one.

Mr. YOUNG. I would hope the Senator would not press for it. Certainly, no one has been more friendly to the older people than the chairman of the committee and the distinguished Senator from New Hampshire. I would hope that the amendment would be defeated.

Mr. McCLELLAN. We have already added over $100 million to this bill. You are talking about getting a veto. If we add another $100 million, we can expect a veto.

Mr. MAGNUSON. Not in the HEW section.

Mr. McCLELLAN. I am talking about the whole bill. The amendment is to add another $50 to $60 million to this HEW section. I think we better hold it down or we will get the whole thing vetoed.

Mr. CLARK. Mr. President, I believe the facts are that the pending Labor-HEW appropriation bill does not contain funds for the nutrition program, and that we cannot depend upon that bill for nutrition funds. It will have to be included in the supplemental appropriation.

I do not feel we are that far apart. We are in agreement, the Senate is in agreement, that the $150 million should be spent. The only question is whether we are going to mandate that spending as an appropriation, or whether we are going to mandate $125 million and request that the additional $25 million be spent in carryover funds.

I believe we have exhausted the debate on it and it ought to be decided by the Senate. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Is all time yielded back?

Mr. CLARK. Mr. President, I have not yielded back the remainder of my time. I would like to have the yeas and nays. I would request that efforts be made to get 11 Senators in the Chamber.

Mr. McCLELLAN. 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. CLARK. 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. CLARK. Mr. President, ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. CLARK. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Washington yield back the remainder of his time?

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Iowa. The yeas and nays having been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that the Senator from Minnesota (Mr. HUMPHREY) is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Texas (Mr. TOWER) is necessarily absent.

I also announce that the Senator from Maryland (Mr. MATHIAS) and the Senator from New York (Mr. BUCKLEY) are absent on official business.

I further announce that the Senator from Oregon (Mr. HATFIELD) is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 36, nays 52, as follows:

[No. 489 Leg.]

YEAS—36

Abourezk	Domenici	Moss
Bayh	Fong	Nelson
Beall	Gravel	Packwood
Bentsen	Hart	Pastore
Biden	Hartke	Pearson
Brooke	Haskell	Pell
Burdick	Hollings	Ribicoff
Byrd, Robert C.	Hughes	Schweiker
Case	Javits	Stafford
Chiles	McIntyre	Stevenson
Clark	Metzenbaum	Weicker
Dole	Mondale	Williams

NAYS—52

Aiken	Goldwater	Montoya
Baker	Griffin	Muskie
Bartlett	Gurney	Nunn
Bellmon	Hansen	Percy
Bennett	Hathaway	Proxmire
Bible	Helms	Roth
Brock	Hruska	Scott, Hugh
Byrd, Harry F., Jr.	Huddleston	Scott, William L.
Cannon	Inouye	Sparkman
Cook	Jackson	Stennis
Cotton	Johnston	Stevens
Cranston	Long	Symington
Curtis	Magnuson	Taft
Dominick	Mansfield	Talmadge
Eastland	McClellan	Thurmond
Ervin	McClure	Tunney
Fannin	McGee	Young
	Metcalf	

NOT VOTING—12

Allen	Fulbright	Mathias
Buckley	Hatfield	McGovern
Church	Humphrey	Randolph
Eagleton	Kennedy	Tower

So Mr. CLARK's amendment was rejected.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which that amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, this is our third day on the supplemental appropriations bill. It looks as if there is a possibility that we might complete it this afternoon. May I have a show of hands as to how many are going to offer amendments still?

There are six. Mr. President, will the Senate indulge me in agreeing to a change in the time limitation previously agreed to and make the 1 hour on each amendment not to exceed 30 minutes on each amendment, under the same circumstances?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be two votes tomorrow on attempts to override vetoes of the President of the United States. I understand that the House of Representatives has done so this afternoon.

I ask unanimous consent, therefore, that there be one-half hour, beginning at 12:30 p.m., on the vote on the veto of the rehabilitation bill, the vote to occur at 1 o'clock.

Mr. PERCY. Mr. President, reserving the right to object, it was my hope, and I had expressed it to the minority, that we could have the vote a little bit later than that. I must make a United Nations speech tomorrow for the United States, and then I will come back immediately after that. Could that be done?

Mr. MANSFIELD. But there are others who are——

Mr. PERCY. Is there any reason why it cannot be done an hour later?

Mr. MANSFIELD. 1:30?

Mr. PASTORE. 1:30.

Mr. MANSFIELD. Then we have others who will be discombobulated, whatever that means.

Mr. PASTORE. That is a beautiful word; it sounds good.

Mr. JAVITS. What time does the Senator want it?

Mr. PERCY. I would rather have it at 2 or 2:30.

Mr. JAVITS. How about 2 o'clock?

Mr. PASTORE. Senator SYMINGTON is leaving at 2.

Mr. JAVITS. Senator SYMINGTON is leaving at 2?

Mr. PASTORE. That is what I heard.

Mr. MANSFIELD. If possible, I would like to arrange it in such a way that the votes would come back to back. I understand we can get a half-hour limitation on the rehabilitation bill. There is some negotiation still going on as far as the freedom of information veto is concerned.

So I think for the time being I will not make the request, and see if something can be worked out which will be, hopefully, not unsatisfactory to many Senators.

Mr. PERCY. The Senator from Illinois is very anxious to be here for that vote.

Mr. McCLELLAN. What time did the Senator set?

Mr. MANSFIELD. We did not set any time, because there are too many Senators who have problems.

SUPPLEMENTAL APPROPRIATIONS, 1975

The Senate continued with the consideration of the bill (H.R. 16900) making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

Mr. JAVITS. Mr. President, the Senator from Iowa (Mr. CLARK) has spoken with me about the fact that he has an amendment which he says will take 5 minutes. He does not intend to ask for a rollcall. In an endeavor to accommodate him, I ask unanimous consent that, without losing my right to the floor, I may yield to the Senator for 5 minutes and to the opposition to the amendment, if there be any, for 5 minutes, meaning a total of 10, and that I may then regain the floor.

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

The Senator from Iowa is recognized.

Mr. CLARK. Mr. President, I send to the desk an amendment which I shall offer in behalf of myself and the distinguished Senator from Missouri (Mr. EAGLETON).

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk proceeded to read the amendment.

Mr. CLARK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment is as follows:

On page 13, line 14, strike out "Title" and insert in lieu thereof: "Titles III and".

On page 13, line 17, strike out "$135,000,000" and insert in lieu thereof "$155,000,000".

Mr. CLARK. Mr. President, this amendment would add $20 million to the bill to fund an already-authorized transportation program for the elderly under title III of the Older Americans Act.

This new program was enacted earlier this year in recognition of the fact that transportation problems continue to be an overriding concern for virtually all older people. The new transportation program authorized under title III provides that emphasis shall be placed on providing supportive transportation in connection with nutrition projects operating under title VII of the Older Americans Act, although other transportation services could be provided as well.

The special needs of the elderly for improved transportation services designed to meet their particular problems has been thoroughly documented. In urban areas, the failure of mass transit systems to provide adequate transportation hits older people with greater force than any other group. In rural areas, where the population is often an older one, there usually is no transportation system at all.

Fewer than half of individuals aged 65 and over have automobiles—the primary means of transportation for the rest of society. Not surprisingly, older Americans are forced to rely on the most expensive forms of transportation. They must hire taxis or pay someone with a car to get to the doctor's office, to pick up a prescription, or to cash a social security check—simple everyday activities that most people take for granted, but which pose enormous difficulties for people of limited mobility.

The energy crisis has exacerbated these problems. Fuel shortages last winter decimated the core of volunteer drivers who participate in various aging programs, especially the title VII nutrition program.

Over the long-term, increased fuel costs are having the same effect, as well as raising the cost of the transportation services older people are able to purchase.

In a 1970 amendment to the Urban Mass Transit Act, Congress said:

> It is hereby declared to be the national policy that the elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services.

Unfortunately, this national policy consists largely of words, not deeds. Little progress has been made to implement this policy, despite amendments to the Older Americans Act and the Federal Highway Act designed to improve transportation announced that $10 million will be made available to the States under the Federal Highway Act for the purchase of equipment necessary to provide transportation services to the elderly and the handicapped. However, these funds are limited to capital expenditures only—they cannot be used to assist in meeting the costs of operating a transportation program for handicapped and older persons.

The funds that would be made available under the amendment that I am offering could be used for equipment, fuel, or any other expenses connected with the provision of transportation services. Testimony at hearings conducted by the Subcommittee on Aging of the Committee on Labor and Public Welfare made clear that many thousands of individuals who seek to participate in the title VII nutrition program for the aging cannot do so, because of a lack of transportation. The adoption of this amendment would provide the necessary funds to permit many of these persons to participate in the program—in keeping with the congressional action that provides for an approximately 25-percent increase in funding for the title VII program itself.

One last word about problems relating to inflation, Mr. President. We are told that amendments to increase funds in this bill must be resisted, because such spending would be inflationary. Everyone wants a balanced budget, so the real question is one of priorities.

Older Americans are already bearing more than their share of the inflationary load. In the title VII nutrition program alone, some 100,000 older people have been deprived of the opportunity to participate, because inflation has driven the cost of the program up by 25 percent over original estimates. Older Americans have been devastated by inflation and deserve the small amount of help this amendment would provide. The economy has its demands, Mr. President, but this is not one of them. I urge the adoption of this amendment.

Mr. MAGNUSON. Mr. President, again I appreciate the objectives of this amendment, but here again we are putting the cart before the horse. The Federal Government, of course, provides a large amount of funds for transportation, and the States and localities should be encouraged to provide for special subsidies for senior citizen transportation.

We do that. I know in my hometown of Seattle, we provide for special buses, we provide for transfers to airlines, and this proposal would discourage such State involvement.

There has been no budget request and no hearing on this program. In our Senate report, however, we have asked HEW to consider sending up a budget request for fiscal 1976, next year, after they make a report, and we direct the Department to utilize carryover funds to fund the program—no, this is the other one.

We urge them to consider submitting a budget request to follow up the needs of older Americans, and the program would support the development of individualized flexible transportation projects for older Americans, and provide them with increased access to nutrition projects, health care facilities, and so on.

This is a pretty complex thing. I do not know what the amount of money would do to get the thing rolling in the right way, until we have this study. There are plenty of other ways to do it, and we want to get it done.

I think the committee will have to oppose the amendment for those, I think, logical and sensible reasons.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was rejected.

AMENDMENT NO. 1973 (AS MODIFIED)

Mr. JAVITS. Mr. President, I send to the desk my amendment No. 1973, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 13, between lines 17 and 18, insert the following:

ALCOHOL AND DRUG ABUSE EDUCATION

For carrying out the Alcohol and Drug Abuse Education Act, $5,700,000.

Mr. JAVITS. Mr. President, if I may have the attention of the Senate, I shall take not over 5 minutes.

It is always difficult, when a given climate is created in the Senate, to ask Senators to take a look at a situation which does not belong within that climate. Yet I must ask that, because that is exactly the situation with this amendment.

The amendment seeks to provide a continuance of an existing program, to wit, an education program respecting alcoholism and drug abuse in the schools, and of teams that deal with youngsters in the schools, seeking to keep them from addiction or alcoholism, at a time when that program has fallen between the cracks in the following manner:

The alcohol and drug abuse education bill, which is an improvement and extension of the previous drug education program, was not signed into law by the President until after the regular HEW appropriations bill was enacted, and

hence there is no funding in the regular HEW appropriations bill, nor in this supplemental appropriations bill, because the whole thing took place so very recently.

The classic function of a supplemental appropriation is precisely for that purpose, to take care of the funding of programs which fall within this category. That is what this is about.

Whereas I had originally proposed an appropriation amount of $12 million, which is what the program requires, and which I might point out has been appropriated before—in 1972 there was appropriated $13,024,000; in 1973, $12,400,000; in 1974, $5,700,000—in order to try to minimize the controversy, I have asked for the exact sum appropriated in 1974, $5.7 million, that being an even lesser amount of funding support for the program that was carried on then, because we all know costs have materially risen since that time.

The justification for the program is that it is ongoing and it is successful, and the problem with which it proposes to deal is a very critical one, and growing rather than receding, to wit, the problem of drug abuse and alcoholism, tragically afflicting our young people.

I might point out, too, Mr. President, that we now spend in the Federal establishment $316,400,000 a year—that is in fiscal 1975—for antiaddiction programs and antialcoholism programs. Hence, the amount which is sought here, which is $5 million, or less than 2 percent of the total appropriation, is sought for the purpose of education, to endeavor to abate these very, very serious dangers which unfortunately are very present with us.

Mr. President, I said that the problem was increasing rather than decreasing, and in that regard I would like to point out the fact that we have a new incursion of heroine addiction from Mexico. Seventy percent of our heroin today now comes from Mexico, and it is called brown heroin.

The answer is, Mr. President—and, perhaps this will be a matter of some interest to Members who are generally not interested in big city problems—that heroin addiction is now extending into areas of the country, because of its new origin, which never saw it before. We find it now not only in New York and California, but we find it in Texas and in Florida, and we also find, Mr. President, a materially increasing occurrence in respect of that addiction.

Mr. President, amendment No. 1973 would provide the only source of Federal funding for vitally needed local school and community level alcohol and drug abuse prevention programs.

As the author of the Alcohol and Drug Abuse Act Amendments of 1974, I was deeply gratified when the President signed this measure into law—Public Law 93-422. However, the date of enactment into law occurred after Senate passage of the Labor/HEW appropriation bill.

Since the fiscal year 1975 budget request is zero dollars to carry out the purposes of the law, this amendment is essential. Otherwise, there will be no Federal funds to support local school and community personnel in alcohol and drug abuse prevention training and permit them effectively to reach the millions of young Americans at risk to the danger of alcohol and drugs.

The $5.7 million appropriation—of the $26 million authorized by the law for fiscal year 1975—is not for treatment or rehabilitation of heroin addicts or for those who have otherwise fallen victim to alcohol and drugs. Rather it is for helping the troubled youngster who, even though a nonuser, may be headed for trouble with drugs because of their abundance and easy accessibility, because of peer pressure to conform, to join, to belong, and because of the more general but equally strong overall pressure in our society to opt for the chemical solution to life's problems.

I believe the community at large, and the schools particularly, are in the best position to focus on the causes of drug abuse rather than the symptoms, to reflect their own specialized needs, and to plan and develop responsive early intervention and prevention programing. And that is what the funds appropriated under this amendment will enable us to achieve.

One example of how the Office of Education has utilized its limited funding resources—a comparative history of authorizations, appropriations, and expenditures is appended at the conclusion of my remarks—is seen in its operation of an interdisciplinary leadership training program for local school and community personnel, conducted at the regional training centers located in California, Texas, Illinois, Florida, and Adelphi University in Long Island, N.Y.

The need and commitment at the local school and community level is well established. Last year there were 1,000 applications from local school districts committing their educational personnel—for example, teacher, counselor, psychologist, administrator—to receive this team training. Unfortunately, only 388 of the 1,000 could be selected, and of approximately 1,500 community teams which sought training only 247 were selected, because of limited financial Federal resources. Although the ultimate target and the main concern is the youth of our Nation, especially those at risk or already experimenting with drugs and alcohol the training of interdisciplinary leadership teams representing all segments of a community or a local school district allows the program to have as its immediate target the institutions that have primary influence on the behavior, growth, and development of youth—our ultimate target and main concern. At the same time it recognizes the flexibility the local school and community requires in dealing with the drug problem at the local level.

In fiscal year 1974 the budget for the drug abuse education program was cut back from $12.4 million to $5.7 million. This was supplemented by an interagency transfer from the Special Action Office of $1 million for a total $6.7 million.

This reduction necessitated:

First, dropping support to the 55 State and territorial education departments for inservice teacher training programs and technical assistance for local school districts. Although a number of States are continuing these programs at a reduced level, in many instances very effective personnel and programs were dropped.

Second, the reduction from seven to five regional drug training and resource centers, despite the recommendation of an interagency task force that they be continued.

Third, the reduction from a fiscal year 1973 level of 900 to 250 interdisciplinary teams trained and provided onsite developmental assistance in implementing coordinated community response to prevent drug abuse and other destructive behaviors.

Fourth, the funding of only 6 demonstration projects limited to preservice training of teachers to replace the 50 community, college, and school-based demonstration projects that had completed their 3-year cycle.

Fifth, the funding of only 338 of over 1,000 local school district applicants for participation in the school-based drug abuse prevention and early intervention program. Without the $1 transfer from the Special Action Office even fewer could have been supported.

Moreover, there are now reliable reports of a very recent, important phenomenon, an increasing demand for treatment for heroin addiction.

On October 7, 1974, Dr. Dupont, Director of the White House Special Action Office for Drug Abuse Prevention, testified before Congress that there has been "an unexpected increase in heroin addiction in smaller cities like Macon, Ga.; Des Moines, Iowa; or Jackson, Miss. Another change which we are following very closely has been an increase in demand for treatment in certain geographic regions of the country: particularly the Southwest, the west coast, and more recently in Illinois and Pennsylvania."

Moreover, Dr. DuPont stated that:

Within the last year, the number of clients in treatment in the State of California has increased from 16,000 to 23,500. At the same time the number of heroin overdose deaths in the city of San Diego has increased from 29 in 1971 to a projected 105 in 1974. In Texas, where the availability of Mexican heroin has created a large and fairly steady number of heroin users in the border cities, there is evidence of a resurgence of heroin use in the more northern city of Austin, and the state has reported in the last six months 500 untreated persons who have died, been arrested, or developed serum hepatitis. Similar data has come in from the State of Illinois which law enforcement identifies as a major distribution point for Mexican heroin. The number of clients in treatment has tripled in the last year and a half, and in the first six months of 1974 Cook County (Chicago) reported a 100 percent increase in overdose deaths. Even New York City has reported, within the last few months, a sharp increase in the number of heroin detoxifications being performed in the Tombs and the Brooklyn House of Detention, indicating an increase in the availability of street heroin.

I believe the funds appropriated by this amendment will stimulate all of us to grapple with a problem that must be attended to by all of us: teacher, student, parent, minister, policeman, clinician, and involved citizen.

I believe it is all well and good to talk about budget cuts to lessen the possibility of fanning the fires of inflation, but we cannot stand by and see our children's

lives burned out by alcohol or drug addiction.

Mr. President, I would like to point out a report from the Executive Office of the President, Special Action Office for Drug Abuse Prevention, on this subject which is entitled "Current Trends on Drug Abuse," dated November 18, 1974, which gives us, for example, such figures as these: Patients in federally funded treatment in June of 1974 were 36,000; patients in federally funded treatment in August of 1974 were 71,000, an increase of 98 percent.

New patients entering treatment in June numbered 7,000, in August, 14,000, an increase of 100 percent in only a few months.

What the program which we are discussing here—which is not funded at all, I again wish to point out, is not a matter of increasing or having it in the regular bill, but it is simply not funded—seeks to do is to deal with the problems of education so that young people may have a strong argument against narcotics addiction or alcoholism—alcoholism, by way, is a very major and a very growing problem among the very young—rather than that they should be the subjects or patients, as I have just described them, with infinitely greater expenditures.

This program has been operating since 1971 with very considerable success.

The general level of expenditure has been in the area of $12 million a year. But in 1974, for obvious reasons, that was cut to $5.7 million, and the cut to $5.7 million, by the way, was very, very material and was a very serious curtailment of this program with a major reduction in the number of teams that could be trained, as I previously indicated by funding only 338, to wit, one-third of the 1,000 local school districts which were applicants for participation in the school-based drug abuse prevention and early intervention program.

Mr. President, this program has also been supported in terms of the serious increase in drug addiction by the testimony of Dr. DuPont, the Director of the White House Special Action Office for Drug Abuse Prevention which I previously cited.

This is a very grave problem. We know it well. The Federal Government is spending $316 million already with respect to it. There is no provision in that $316 million for the educational aspects which I have just described.

I have heard the Senator from Washington (Mr. MAGNUSON)—and I know his deep sympathy with many of these programs—and the stress under which he has been put by the various amendments which have been offered. But I respectfully submit that this is really an amendment of first impression because this is a characteristic amendment to a supplemental appropriation bill.

I repeat this is a characteristic amendment to a supplemental appropriations bill because the law was signed in between the time of the consideration of the regular appropriation and the consideration of the supplemental. It was signed on September 21, 1974, by the President. Hence, this program is completely unfunded.

There is every reason for continuing it—much more reason, in fact—because of the increase of the use than there was before, and that is why I gave the figures and the facts on the increase in use. So we come in and ask that it be made possible at the same rate as 1974 for the program to continue.

I might point out, too, that I do not feel I am dealing with people who are unsympathetic. Senator MAGNUSON's committee on appropriations provides for this $316 million for drug use and alcohol, that is drug addiction and alcoholism, and Senator MCCLELLAN was my particular hero because when I served on the Committee on the Judiciary it was he who recognized the situation and offered the first amendment to create a drug addiction program in the Federal establishment.

Whatever may be their position on this particular matter, I shall be forever grateful to both of them. But I only point out that I do not argue in any oppositional way because I do not feel that I am dealing with people who are unsympathetic. But, again, I repeat, this is a classic application of what a supplemental is for, to wit, to fund a program which has been ongoing, where the law lapsed, where the law has now been renewed, and where there is no way to get it funded except by a supplemental, unless we are to wait until the 1976 fiscal year which, I think, is hardly fair in a situation of this character.

I ask unanimous consent to have printed in the RECORD, a table of the amounts of money authorized and expended starting in 1971 through 1975.

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

APPROPRIATION HISTORY: DRUG ABUSE EDUCATION ACT

Fiscal year	Authorized (millions)	Appropriated	Obligated	Expended
1971	$10	$6,000,000	$5,901,000	$196,000
1972	20	13,024,000	13,022,000	6,916,000
1973	28	12,400,000	12,322,000	11,936,000
1974	28	5,700,000	5,700,000	8,435,000
1975	26			

The PRESIDING OFFICER. The Senator from Washington.

Mr. MAGNUSON. Of course, here again is another program where the objectives are great, and we are all for it and we want to do what we can about it, like so many other programs in this bill.

If there was an attempt to cut the bill down, of course, there would be more money for these programs. However, although this is a very great concern of many, many people, all the people in the country, from the administration to Congress, this question of the abuse of drugs, this is not quite the approach that should be made, in my opinion.

The amendment would add $5.7 million. There was $12 million provided for this program in 1973 and $5.7 million in 1974. There was no provision—the Senator from New York is right—this year because this program was never intended to go on beyond that.

The committee carefully reviewed this item again in the regular bill, wondering whether it should stop. We found that we wanted to do it in the beginning, and the record is perfectly clear that the original appropriation for those 2 years was to get the States and localities to focus on drug problems.

In many cases, in fact, the committee found this program to be very, very ineffective. In fact, in some instances the programs—and this is sad testimony—had the reverse effect. Some students were using the class as a training ground for drug abuse, and it was not working the way we thought it should work.

I was hopeful that it would work so that we could continue on with it. But we have in the bill, in the regular bill, $221,435,000 for drug abuse.

These funds are for the training, community projects, project grants to States, et cetera, and in any one of these programs one could use the money, some money, for the laudable purposes the Senator wants.

So I do not see that with the $221 million and the reluctance of people to go on with this program, because it was only intended to be a pilot operation, that this amendment should be agreed to.

So, therefore, I reluctantly oppose it with the fact that there is plenty of money in the regular bill for these purposes—$221 million—and that has gone up a great, great deal since we started recognizing this problem a few years ago.

So I say, I reluctantly do this. It creates the implication we are against some kind of program to combat drug abuse and, of course, we hold to just the reverse. That is why we put this huge amount of money in the regular HEW bill for the National Institute of Drug Abuse.

I want to repeat to the Senator from New York that on this particular facet of the program, our best testimony indicates, although the word sounded good—drug education—in some cases it has not worked out at all. I think we ought to take a little longer look and urge in the report that where people think it should continue there is ample money within the $221 million for NIDA to do this and ample authority to do it.

I hope they will work something out. That is the reason I oppose it.

If I thought we could do something about drug abuse in this country, I would be standing here wanting $500 million, if that would do the job. That is my opinion.

Mr. JAVITS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. JAVITS. I yield 3 minutes to the Senator from Iowa.

Mr. HUGHES. Mr. President, I thank the distinguished Senator from New York for yielding.

Mr. President, as I listened to the distinguished Senator from Washington I am certainly sympathetic with his viewpoint and the amount of money he has placed in this bill of $221 million.

As a matter of fact, in that $221 million, as he has stated, there is not one dime for the continuation of this program.

I regret very much that the Senator from New York has reduced it to $5.7 million from the $12 million. The $12 million is absolutely essential.

As a matter of fact, the Senator from New York is the ranking member of the subcommittee that I chair that has held hearings also on this subject matter over the course of the last 6 years.

Certainly, we have had difficulties in education programs, but we have been correcting those difficulties with experience as each year has passed.

There is today, as the Senator from New York has stated, an increasing influx of heroin into the United States. The drug problem is not diminishing. It is increasing when you consider alcohol in the total.

The truth of the matter is that this Congress, this Senate, expressed its opinion on this subject just a while back by voting positively to pass this bill, the authorization bill. The President of the United States signed the bill into law and now what we are, in effect, saying, is that we are going to negate a previous position taken by the Senate, the Congress, and the President, of a need for money in public education run through this department.

I sincerely hope that the Senator from Washington will reconsider his position. This matter is very minimal. It will not meet the essential needs we could go on with, if we did, and I think the Senator's heart is right, but I certainly think the consideration he has given this has been wrong and is mistaken. I do believe we need this money, an essentially small, amount, to continue the programs.

All of us are sympathetic with the overall budget needs and with the restraint in considering that, but I do not think for one moment that any of us in restraint want to reduce an amount of money that will absolutely wipe out a program that is, in the opinion of this Senator who spent 6 years dealing with this subject as chairman of the Subcommittee on Authorization——

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. HUGHES. It is absolutely needed. I encourage the Senate to support the amendment.

Mr. MAGNUSON. I yield myself a half minute.

I hope the Senator from Iowa will not let stand the fact that I did not say there is anything in the $221 million that specifies to be used for this program.

What I do say, under the authority, within the $221 million, any amount they wanted to use, particularly in grants to States, and those things, could be used for this particular program if they wished.

Mr. HUGHES. If the Senator will yield, the facts are that they do not wish, and this program will be ended unless we specifically put in the sum of money.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MAGNUSON. I yield myself a half minute.

I suppose so much of this $221 million the people have already programed, and think they are going to get, and they would be reluctant to change it, but within $221 million they can surely find $5 million for these programs in 50 States, that would not be much of a shift at all.

Now, a lot of this is given to the White House program, as the Senator knows.

Now, if the budget will set up any amount of money——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MAGNUSON. It has got to be looked at. I will say that. It has got to be looked at because some of it is going in reverse.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, I yield myself the remaining time.

Senator HUGHES has been a great hero in this field. I am really devastated that we are losing him, but that is life.

But the points that he has made are very accurate. The Senate has just acted; it is not the committee that decided this is a good or bad program; the Senate and the House passed it and the President signed it into law, so that is the conclusive finding.

Because this is November it means killing it. It is not in a supplemental; it will not figure until the budget of 1976; it is a program that will pass out the window. Educational institutions are not going to continue the machinery for dealing with this if there is no funding for the next 7 months.

I respectfully submit, this is a typical example of shortsighted economy. We are spending $316 million, substantively, and Senator MAGNUSON knows as well as I that every dollar is spoken for in terms of the rest of the program and the rest of treatment, for which I believe the money is inadequate anyhow, but that is another day's argument.

So the education part will go by the boards and that is the one hope we have—trying to reduce usage, both in social terms and in terms of what the Federal Government spends.

Mr. President, it seems to me that this is a classic case for a supplemental and that it is a classic case of being penny-wise and pound-foolish to deny it.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Has the Senator from Washington yielded back the remainder of his time?

Mr. MAGNUSON. Yes, I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the yeas and nays having been ordered, the question is on the adoption of the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that the Senator from Minnesota (Mr. HUMPHREY) is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Colorado (Mr. DOMINICK) are necessarily absent.

I also announce that the Senator from New York (Mr. BUCKLEY) and the Senator from Maryland (Mr. MATHIAS) are absent on official business.

I further announce that the Senator from Oregon (Mr. HATFIELD) is absent due to illness in the family.

The result was announced—yeas 42, nays 45, as follows:

[No. 490 Leg.]

YEAS—42

Abourezk	Hart	Muskie
Bayh	Hartke	Nelson
Beall	Hathaway	Packwood
Biden	Hughes	Pell
Brock	Jackson	Ribicoff
Brooke	Javits	Schweiker
Burdick	Mansfield	Scott, Hugh
Case	McClure	Sparkman
Chiles	McIntyre	Stafford
Clark	Metcalf	Stevens
Cranston	Metzenbaum	Taft
Fong	Mondale	Tunney
Gravel	Montoya	Weicker
Griffin	Moss	Williams

NAYS—45

Aiken	Ervin	Nunn
Bartlett	Fannin	Pastore
Bellmon	Goldwater	Pearson
Bennett	Gurney	Percy
Bentsen	Hansen	Proxmire
Bible	Haskell	Roth
Byrd, Harry F., Jr.	Helms	Scott, William L.
Byrd, Robert C.	Hollings	Stennis
Cannon	Hruska	Stevenson
Cook	Huddleston	Symington
Cotton	Inouye	Talmadge
Curtis	Johnston	Thurmond
Dole	Long	Tower
Domenici	Magnuson	Young
Eastland	McClellan	
	McGee	

NOT VOTING—13

Allen	Eagleton	Mathias
Baker	Fulbright	McGovern
Buckley	Hatfield	Randolph
Church	Humphrey	
Dominick	Kennedy	

So Mr. JAVITS' amendment No. 1973, as modified, was rejected.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, once again, if I may have the attention of the Senate, I ask unanimous consent that there be a time limitation of not to exceed 20 minutes on all other amendments to be offered and that on rollcalls from now on, the time be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR CONSIDERATION OF VETO MESSAGES ON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be ordered that the debate on the veto message on vocational rehabilitation commence not later than 12:30 p.m. tomorrow; that debate on the Freedom of Information Act commence at 1:00 p.m.; that the vote on the veto message on the Freedom of Information Act commence immediately at 2 p.m., to be followed im-

mediately by a vote on the veto message on vocational rehabilitation; that the time for debate be equally divided between and controlled by the majority and minority leaders or their designees.

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

The text of the unanimous-consent agreement is as follows:

Ordered, That on Thursday, November 21, 1974, at the hour of 12:30 p.m., the Senate proceed to the consideration of the veto of H.R. 14225 (the Vocational Rehabilitation Act), with debate equally divided and controlled by the Majority and Minority Leaders or their designees on the question of whether the bill shall pass the objections of the President of the United States to the contrary notwithstanding until the hour of 1:00 p.m. At 1:00 p.m. the Senate shall proceed to the consideration of the veto of H.R. 12471 (the Freedom of Information Act), with debate controlled under the same conditions until the hour of 2:00 p.m. At 2:00 p.m. the Senate shall proceed to vote first on the Freedom of Information Act and followed immediately by a vote on the Vocational Rehabilitation Act.

SUPPLEMENTAL APPROPRIATIONS, 1975

The Senate continued with the consideration of the bill (H.R. 16900) making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

Mr. PROXMIRE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 11, strike lines 11 through 25, and on page 12, strike lines 1 through 17 and insert the following:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950 as amended (20 U.S.C., ch. 19), $340,300,000, of which $320,300,000, including $43,000,000 for amounts payable under section 6 shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and $20,000,000, which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950: *Provided*, That none of the funds contained herein shall be available to pay any local educational agency the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of title I:

Provided further, That none of the funds contained herein shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools: *Provided further*, That, with the exception of up to $1,000,000 for repairs for facilities constructed under section 10, none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950, until payment has been made of 100 per centum of the amounts payable under section 5 and subsections 14(a) and 14(b): *Provided further*, That of the funds provided herein for carrying out the Act of September 23, 1950, no more than 47.5 per centum may be used to fund section 5 of said Act: *Provided further*, That not to exceed $38,900,000 may be used to insure that the amount to be paid to an agency pursuant to title I (except section 7) shall not be less, by more than five per centum, of the expenditures for free public education made by such agency for the fiscal year 1974, than the amount of its payment under title I (except section 7) for the fiscal year 1974: *Provided further*, That none of the funds contained herein shall be for carrying out section 305(b)(2)(A)(i) of Public Law 93-380.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that my staff assistant, Mrs. Barbara Kernan, may have the privilege of the floor during the debate on the amendment.

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

CUT NEEDLESS IMPACT AREA AID

Mr. PROXMIRE. Mr. President, the purpose of my amendment is to reduce the appropriation for the impact aid program for fiscal year 1975 from $656,016,000, the amount recommended by our distinguished Committee on Appropriations, to $340,300,000—a long overdue savings to the taxpayer of $315,716,000. My amendment simply would result in the elimination of payments of large sums of money to school districts merely on the basis of the presence of children whose parents happen to work on Federal property. Such children are known as (b) children in the jargon of the impact aid legislation. The elimination of such moneys would not affect the quality of education nor the budgets of such districts in any significant way, since I have built into my amendment a sum of $38,900,000 as a protection for any districts losing more than 5 percent of their total 1974 operating budget as a result of eliminating category (b) children.

My amendment is an economy measure which would shear nearly a third of a billion dollars from our inflated national budget—but it is more than an economy measure. My primary motivation in offering this amendment is to end a program which in too many instances is unnecesary—and worse. It actually takes money from the poor to subsidize the rich, another example of the Robinhood in reverse principle.

Let me clarify at the outset that my amendment in no way affects the category (a) students. As Senators know, category (a) includes those children whose parents reside and work on Federal property while category (b) includes those children whose parents reside or work on Federal property. I do not argue against the widely acknowledged impact that category (a) children make upon a community. I concur with our committee that Federal allocations in this category should remain at the 90 percent to 100 percent range of entitlements as provided in the supplemental bill now under consideration.

I think it is time that this Congress musters the courage to scrutinize what has become one of our sacred cows and takes a close look at the recipients and effects of (b) category moneys. I am certainly not the first to doubt the validity of this portion of the impact aid program. President Eisenhower called it "arbitrary and illogical." President Kennedy said it "gives more money to more schools for more years than either logic or economy can justify." President Johnson urged its revision. Nixon said the program has "been twisted out of shape" and is "unfair." Former HEW Secretary Robert Finch called the program "a direct boondoggle." Secretary Weinberger has said that it is a "boondoggle that funnels hundreds of millions of dollars into the wrong areas." David Broder of the Washington Post has called it "a classic congressional pork barrel."

The (b) category of impact aid is an idea which has outlived its time. When impact aid was conceived in 1950, it was justifiable as an emergency measure to assist school districts which were being flooded by children whose parents were working on Government installations, such as at those military bases reactivated by the Korean war. The program was born in 1950 with a modest $30 million outlay, but by 1974 had blossomed into a $610,000,000 program.

Just think of that, Mr. President: It has expanded 20-fold since 1950. Since its inception, the Federal Government has provided over $7.2 billion for impact aid.

The program and the number of recipients have grown faster than Topsy. At the start of the program, the prerequisite for receiving funds was a minimum of 3 percent federally connected children of the total school district's enrollment. In 1966, Congress took the lid off the formula and said, "Come and get it" to any school district which had 400 or more "impact" students—regardless of whether that 400 constituted a small fraction of one percent of the district's enrollment. The consequence is that in fiscal year 1973, although only 2.3 million children were federally connected, half the Nation's schoolchildren went to schools receiving impact aid.

No wonder the program has been so politically popular. Yearly checks from Washington pouring regularly into a Senator's State or a Congressman's district which could be used to underwrite anything from badminton birdies in the girl's gym class to the aspirin in the teacher's lounge—with no questions asked.

On top of that, the criteria for determining who is federally connected are disturbingly loose. If a highway-maintenance crewman works on State roads which cross Federal land, for example, his children technically are counted for funding. One district gets approximately a quarter of its locally raised school revenue from taxes paid by privately owned oil-drilling equipment operating on Federal lands. Yet the people who operate that equipment are considered to be employed on Federal property, and consequently their children qualify in the district for impact aid funds.

To me, the most blatant feature of the program is the unfairness of its distribution of moneys. Whether or not a

district receives funds has no bearing upon its financial need. In too many instances, and primarily because of the large numbers of children counted under category (b), the program has benefited rich districts while robbing the poor. Of the 20 school districts receiving the largest amounts of impact aid, 15 have median family incomes above the national average. Let us start by looking close to home.

Take Fairfax County, Va., for example. In 1973 its median family income was $14,942, highest in the Nation, compared with a national average of $9,544. Yet Fairfax County in fiscal year 1974 collected $13,335,883 in impact aid funds. Of that total, 12,119,997 of those dollars were brought in because of the presence of the so-called (b) category children. That sum is more than two and a half times the total impact aid money going to the country's 100 poorest counties. If that is not Robin Hood in reverse, I do not know what is.

Let us explore our neighborhood a little further. How about our Maryland bedroom community for Uncle Sam's employees? Montgomery County, with a median family income of $13,257 raked in $6,088,504 last year, and the (b) children were responsible for bringing $5,997,540 of that total. Montgomery County's neighbor, Prince Georges County did even better. With a median family income of $10,901, Prince Georges County received $9,802,486, of which $8,806,789 was for category (b) children. I could give Arlington and Alexandria in Virginia as similar examples and add countless others. But I think the point is clear—many school districts with the highest median family incomes in the country received tremendous sums under the impact aid program, and primarily because of the large numbers of category (b) children.

Now the question might be raised—well, does not the presence of such large numbers of (b) students cause a burden on the education budget of the communities in which they live? The answer must be a resounding "No!" because most of the children of Federal employees who attend schools in these counties are from families who own property which is taxable, and those tax funds are available for the education budget. The basic assumption of the impact aid legislation is that Federally connected students are an economic burden upon a community. There are profound problems with that assumption.

The present impact aid program overestimates the net burden in many cases. Let us examine a few. First, the Federal Government through the creation of a new—or the expansion of an existing—Federal installation, can create a wealthy community. Better wages for local residents who work at the installation is a direct effect, and the indirect effect comes through greater employment in local stores and service operations. We have just seen the disproportionately high median family incomes in the area surrounding Washington, D.C. We can reasonably speculate that if the capital had remained in Philadelphia, Washington might have been a town dependent on the ports of Georgetown and Alexandria, with an economy that might be comparable to that of Baltimore, Md., or Newport News, Va. Yet, now, because of the presence of such high numbers of Federal employees, the Washington area economy, with its restaurants, stores, real estate, and so forth, far surpasses that of Baltimore or Newport News. It is certainly fair to argue that these higher incomes are reflected in higher property values, and thus in a greater taxpaying capacity in the school districts serving the area. The Federal Government has created similar relatively wealthy communities in Huntsville, Ala., with the Redstone Arsenal, and in Cape Canaveral, Fla. Even without Federal impact aid, such communities are probably much better able to finance more than adequate public education systems than they would have been without Uncle Sam's presence. In these cases, and in others, impact aid dollars tend to add one more feather to an already finely plumed economic cap.

The effects are compounded. Essentially, what happens is that the rich get richer and the poor get deficit education financing. In 1969, the Batelle Memorial Institute of Columbus, Ohio conducted a study on school assistance in Federal affected areas. It concluded that those districts with high percentages of Federal students, such as Montgomery and Fairfax counties, tend to be able to combine local resources, State aid, and Federal impact aid to maintain a higher standard of education, as reflected in low pupil-teacher ratios and high per-pupil expenditures, while at the same time making a lower tax effort.

Mr. President, I ask unanimous consent to have printed in the RECORD a table from that study which bears out this point.

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

PROFILE OF PUBLIC LAW 874 RECIPIENTS BY EXTENT OF FEDERAL IMPACT, 1967-68

	All districts	Districts with this percentage of Federal students				
		0 to 3	3 to 6	6 to 12	12 to 25	25 or more
Students (ADA)	6,271	10,556	5,149	3,914	5,962	2,639
Local contribution rate	$338	$348	$335	$327	$330	$352
Pupils per teacher	23	23	23	23	23	21
Relative salary index	1.83	1.93	1.79	1.76	1.76	1.87
Real tax rate, percent of base	1.09	1.19	1.16	.98	.99	.97
Real assessed value per pupil (thousands)	$46.1	$44.9	$56.1	$40.6	$49.0	$38.8
Real assessed value per non-Federal pupil (thousands)	$57.9	$45.9	$58.7	$44.4	$59.2	$117.7
Operating expenditures per pupil	$623	$634	$610	$598	$619	$683

Source: Battelle calculations.

Mr. PROXMIRE. The rich districts can tax their residents less, and have better education because of the presence of category (b) children, than districts with no or few such children.

And, to further add insult to injury, the extent of overpayment is shown in those richer, heavily impacted districts where the rich are getting so much more education for so much less local effort. More for less. Bargains for the rich. The situation is as ludicrous as it would be if Filene's bargain basement opened its doors only to those with incomes above $20,000.

Mr. President, money for category (b) students has no business being included in the supplemental appropriation we are considering today for all the reasons I have articulated.

I urge my colleagues to join me by supporting my amendment, to which the administration subscribes. Both the Office of Management and Budget and the Department of Health, Education, and Welfare adhere to the position maintained in my amendment.

Keep in mind that my amendment will not lower educational standards nor cause budgetary hardships to those districts which up to now have been receiving millions of dollars of category (b) moneys. Remember that this amendment includes language to appropriate $38,900,000 for making special payments to those school districts which are most severely affected by the termination of category (b). It would pay to those districts any amount which represents a greater than 5 percent loss of their 1974 operating budgets. Remember also that category (a) entitlements remain untouched.

Mr. President, we must not pass this opportunity to protect individual school districts, while at the same time, save the Nation nearly a third of a billion tax dollars. I ask my colleagues to join me in carrying out this responsibility.

The PRESIDING OFFICER (Mr. HELMS). The Senator's time has expired.

Mr. MAGNUSON. Mr. President, the amendment of the Senator from Wisconsin would cut out (b) student impact aid. I think there are a lot of us sitting here who do not disagree with a lot of things he said. The Senator from New Hampshire and I have, for some time, tried and tried, but have never been able to succeed. The problem is that as long as it is the law, we cannot do much about it but furnish the (b) student impact aid. Everybody is now dependent upon it.

I have told this story many times, but I shall tell it again. I am a little bit embarrassed about impact aid. I think I started it all. I never knew it would spread this far. They were building a dam out in the State of Washington called Grand Coulee Dam. The county was nothing but sagebrush and jackrabbits. They did not have any school

funds at all. Because it was a Government dam, I got the money, impact aid money, to build a grade school for the children of the workers.

That is what started it. Now it has gone on and on, and I sometimes wish that I had limited it only to that.

There are many things that the Senator from Wisconsin has said that I am in agreement with, and that Senator COTTON is, also, and some of the rest of us. But we do not have much to do about it now.

Mr. PROXMIRE. Will the Senator yield?

Mr. MAGNUSON. Yes, I yield.

Mr. PROXMIRE. I should like to make three points. One, I do not think we are mandated to fully appropriate funds for everything authorized. Is that correct?

Mr. MAGNUSON. No, but we are obligated as long as the law is there.

Mr. PROXMIRE. No. 2, the administration would like us to make this deletion of category (b) entitlements.

Mr. MAGNUSON. They have cut out of the budget all (b) student funds.

Mr. PROXMIRE. No. 3, I do leave $38.9 million in my amendment, so any school district which would lose more than 5 percent of its operating funds as a result of the loss of (b) funds would be reimbursed for any loss in excess of 5 percent. That is the estimate that the DHEW says will take care of that. So there would be no seriously bad impact, in any case.

Mr. MAGNUSON. We shall have to do something about the legislative matter before we can make a dent on (a) and (b) impact aid funds.

Mr. PROXMIRE. Will the Senator consider accepting this if I modify it?

Mr. MAGNUSON. I could not take this, because they would not even let me in the House conference if this happened. Every Congressman has impact aid in his school district. I may as well stay home from the conference if I do that.

No, I think it is going on, but I think there have to be some radical changes in what they are doing.

I now yield to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

Mr. President, I reluctantly rise in opposition to the amendment, because, like the Senator from Washington, I agree with much of what the Senator from Wisconsin has said. He is only reiterating what many of us have said many times in the past, that the impact aid program no longer serves the need for which it was created.

The Senator from Wisconsin has made reference to the Batelle Memorial Institute study. That study did not conclude, however, that the entire Federal assistance program should be destroyed.

Mr. PROXMIRE. And I do not do that in my amendment.

Mr. McCLURE. Nor did it advocate eliminating the B students. It recommended revising the direction of the program, so that the program provides the aid to the school districts that really need the aid, and sometimes those are B students, not just A students.

Mr. PROXMIRE. Mr. President, my amendment provides $38.9 million for protection of areas where this would result in drastic reductions in operating budgets.

Mr. McCLURE. However, the district that is very needy, and has less than 5 percent of its operating budget in B students, is it fair to take away the 5-percent support they do get?

Mr. PROXMIRE. Of course, the answer is that the analysis shows that this money goes overwhelmingly to the rich districts. One county, Fairfax, gets more than 2½ times the total amount received by the Nation's 100 poorest counties combined. Talking about widows and orphans, they are the ones getting the dividends from corporations.

Mr. McCLURE. No question of that; but what the Senator is doing, in effect, is saying the program is a massive attempt which is misdirected. What I am saying is that the Senator's amendment is a massive attempt, but it is misdirected. It is just as wrong to destroy the aid to the needy as it is to overcompensate those who do not need the aid.

I have testified before the subcommittees in the House of Representatives, when I was a Member of the House; I have testified before the committees in the Senate in regard to the Batelle Memorial Institute report, and suggested we should revise the aid program so that the aid is channeled into those systems that need it. But this is not the way to legislate on that kind of a complex problem, and I very reluctantly rise in opposition to the amendment.

Mr. MAGNUSON. Mr. President, I yield myself 2 minutes.

Of course, there is another factor: As this thing has grown, we have gotten to the concept of revenue sharing, going back and helping out States, counties, and other places, and this has become, now, a revenue-sharing measure. It is a payment in lieu of taxes, is what it amounts to, in lieu of the loss of taxes. So it has one aspect to it that has grown, since I first started out with this little school out in the sagebrush.

Actually, the payment in lieu of taxes and for the loss of taxes has become looked upon by school district people and other people as revenue sharing.

Mr. PROXMIRE. May I say to the Senator from Washington that I am not going to ask for a rollcall vote on this amendment, but I wanted to make a record. I do hope that in the next year or so we can obtain some corrections and reforms. I think, as Senator MAGNUSON and others have pointed out, it does need correcting, and I hope we can revise the basic legislation, as it is obviously a very misdirected program.

Mr. MAGNUSON. The Senator has made a good record for us, but there is an ingrown issue here which will make it very difficult, because it is a form of revenue sharing and a payment in lieu of taxes; but I think the formula has been wrong in different areas.

Mr. AIKEN. Mr. President, will the Senator yield for me to ask a general question?

Mr. MAGNUSON. I yield.

Mr. AIKEN. I notice in the committee report that the bill as reported is $385 million over the budget estimate. Does the Senator know how much more has been added here, by amendments already approved?

Mr. McCLELLAN. About $115 million.

Mr. MAGNUSON. I handle only the section on health, education, and welfare, and we have only added, I think, about $4.5 million. But for the full bill, they tell me it is $115 million, the total.

Mr. AIKEN. Is that all?

Mr. McCLELLAN. It has been added here on the Senate floor.

Mr. AIKEN. Which makes it about $500 million over the estimate?

Mr. MAGNUSON. That is right.

The PRESIDING OFFICER. All time on the amendment has expired. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was rejected.

Mr. AIKEN. If I may ask another question——

Mr. MAGNUSON. I yield time to the Senator from Vermont. Do I have any time?

The PRESIDING OFFICER. The Chair is advised that time has expired.

Mr. AIKEN. Assuming that this bill exceeds the estimate by $500 million, and other appropriation bills carry corresponding increases, does the Budget Committee, I believe under the chairmanship of the Senator from Maine, then have to review all these appropriations, to make sure that they do not exceed the total established ceiling, and perhaps to make changes in them, or what happens?

Mr. MAGNUSON. Well, there is a little dispute about just what the authority of the Budget Committee is. These would be items coming out of the Appropriations Committee.

Mr. AIKEN. I wanted to clear that up.

Mr. MAGNUSON. The distinguished chairman of the Appropriations Committee and his committee were unanimous that we thought the Budget Committee's objective was to establish a ceiling, and we would have to come in with our priorities under the ceiling; but that does not take effect until next year.

But there are other items in appropriations bills. The appropriation bills, as of now, total close to $7 or $7.5 billion under the budget estimates. This bill is a little more difficult to get through.

Mr. AIKEN. But suppose this bill runs $600 or $700 million over the estimate, and the President should feel duty-bound to veto it. What happens then?

Mr. MAGNUSON. What happens is what will happen tomorrow with the other things. That is why we have been attempting to hold this bill down. We do not want another veto. We have been vetoed now five times——

Mr. AIKEN. I know that.

Mr. MAGNUSON. And we do not want another veto on HEW. Now, this bill covers every other item. But the administration sent up over $5 billion in this chapter alone.

Mr. AIKEN. But assuming that the President should veto it, is the Senator confident he would not be charged with being against education, labor, health, and all those things?

Mr. MAGNUSON. I am always charged with that. That is why this is a very difficult bill. I had to oppose an amendment on drug abuse that I guess, in the scheme

of things, dollarwise, did not amount to too much; but they all add up. So they will say, "He is against controlling drug abuse." Every time you vote against what the educators want, they say you are against education.

Mr. AIKEN. I thank the Senator from Washington for partially clearing up this misunderstanding in my mind. But I think that when we know we are encouraging the President to veto legislation, that is not a good thing to do, and I wish we could stop it.

Mr. MAGNUSON. We have kept HEW under the budget on the regular bill.

Mr. AIKEN. The committee did.

Mr. MAGNUSON. The committee is under the budget in the regular bill by about $500 million.

Mr. AIKEN. I commend the Senator.

Mr. MAGNUSON. The regular bill is in conference now.

Mr. AIKEN. I commend the chairman of the committee for doing that.

Mr. BEALL. Mr. President, I have two amendments, one of which will be immediately acceptable to the committee, I understand, and the other will not.

I will send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Which amendment does the Senator prefer to have read?

Mr. BEALL. The one I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

On page 13, line 3, strike "except section 309A,"

Mr. BEALL. Mr. President, on page 13 of this supplemental appropriations bill under consideration we have funded adult education and excepted section 309A of the act of 1969.

Section 309A establishes a clearinghouse for adult education which creates the framework within which all of the aid that is available in adult education can be brought together and disseminated to the public so they understand what programs are available.

This does not cost any additional money. It just makes section 309A eligible for funding in the amount of money that is already appropriated.

As I say, I discussed this with the managers of the bill, and I understand there is no objection.

Mr. MAGNUSON. The Senator from Maryland has talked to us about this amendment. Actually it is a clarifying amendment. It does not add any money to the bill and, therefore, we will accept it at this point.

Mr. BEALL. I yield back my time on this amendment.

The PRESIDING OFFICER (Mr. McCLURE). Has all time been yielded back? All time having been yielded back, the question is on agreeing to the amendment (putting the question).

The amendment was agreed to.

AMENDMENT NO. 1976

Mr. BEALL. Mr. President, I call up my amendment No. 1976.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to read the amendment.

Mr. BEALL. 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 11, following line 10, add the following new paragraph:

READING IMPROVEMENT PROGRAMS

For carrying out title VII of Public Law 93-380 $20,000,000, of which $10,000,000 shall be for section 705, $7,000,000 shall be for section 721, and $3,000,000 shall be for section 722.

Mr. BEALL. Mr. President, the amendment which was just reported would fund the national reading improvement program which was enacted as part of Public Law 93-380. This bill passed through Congress earlier this year.

This program was authored by Senators EAGLETON, DOMINICK, and myself. The bill was cosponsored by Senators DOMENICI, MONTOYA, and PASTORE; and, I might say, this program established under the bill had the overwhelming support of the education community.

The amendment which has just been reported, would provide $20 million, of which $10 million would be available for reading-improvement projects under section 705 of this act.

Under this section, the Federal Government would fund programs designed by local education agencies to overcome reading deficiencies; $7 million would be available for the special emphasis projects under section 721. Under this section, the Federal Government will fund specific demonstration projects to determine the effectiveness of intensive instruction by reading specialists and the regular elementary teachers.

Finally, the amendment would provide $3 million to implement section 722, which authorizes the development of courses to be available for the showing on public television—principally for the benefit of the teachers, so they can better train the teachers who are going to have the responsibility to train young people to read.

At my request, the Library of Congress surveyed the 50 States and this survey documented the inadequate preparation and requirements for the teaching of reading. The educational literature has recognized this for some time. The teachers themselves have indicated the need for more training in this area. Some educational agencies, such as Baltimore City, have ordered teachers to take additional courses. Yet, it is not enough to recognize a deficiency but we must provide the means, for teachers, who after all are busy people, to get this additional training.

This would enable the development of 12 credit hours that could be seen by teachers everywhere in the country.

I believe the following statistics indicate the need for action to combat what I have called the "Achilles' heel" of American education, the large number or high concentration of children in some of our schools with severe reading difficulties.

First. That some 18½ million adults are functional illiterates;

Second. That some 7 million elementary and secondary children are in severe need of special reading assistance;

Third. That in large urban areas, 40 to 50 percent of the children are reading below grade level;

Fourth. That 90 percent of the 700,000 students who drop out of school annually are classified as poor readers; and

Fifth. That massive reading difficulties revealed in those statistics have been confirmed by surveys of teachers and principals alike.

The Office of Education in 1969 surveyed 33,000 title I elementary schools in over 9,200 school districts across the country. Two hundred and sixteen thousand teachers were asked to supply data on approximately 6 million pupils in grades 2, 4, and 6. These teachers judged reading the greatest area of need and they estimated that approximately 2.5 million pupils, or 48 percent of the enrollment in these grades, showed evidence of a critical need for compensatory programs in reading. This data indicated that 22 percent of the urban schools had 70 to 100 percent of their pupils reading 1 year below grade level.

Similarly, a survey of principals representing elementary school populations of approximately 20 million and a secondary school population of 17.8 million was taken seeking their estimate of the reading problem. These responses were analyzed by Carol Ann Dwyer of the Education Testing Services, Berkeley, Calif., and she found that the principals identified some 4.7 million pupils with reading problems in the elementary grades, and 2.7 million in the secondary grades.

Sixth. Alarmingly, 37 percent of the elementary pupils and 46 percent of the secondary pupils with reading problems were reported to be receiving no special assistance in the instruction of reading.

The Department of Education in my State last year released the results of its survey of 11,000 citizens on the most important goal for Maryland schools. The survey found that "the people of Maryland believe that the mastering of reading skills is the most important education goal for the schools of the State."

Seventh. Over and over again, parents, the general public, and the press across the Nation have expressed concern with poor student performance in the fundamental reading areas.

Eighth. After I introduced this measure, an individual from Texas sent me a copy of the Dallas Morning News of June 24, 1973, which did a story on "Illiterate Graduates Face Literate World." I want to read into the RECORD the first two paragraphs from this article:

At commencement exercises throughout the city recently, anywhere from 500 to 1,000 of Dallas' 9,000 graduating seniors, according to official estimates, walked across stages to be handed diplomas they could not read.

Barely able to read, many will wind up with poor jobs or no jobs at all.

Still in school, youngsters who are either unable to read at all or read only at the most elementary level can be found in almost every one of Dallas' 43 secondary schools.

Dallas School Superintendent Nolan Estes has estimated more than 20,000 of the public school system's 70,000 secondary students read at least two or more years below grade level.

Mr. President, on September 23, 1969, then Commissioner of Education James E. Allen announced the beginning of a new right-to-read program. Since then

his three successors have also recognized and supported reading as a priority area.

However, as a recent special report of "Education U.S.A." noted this program "has become one of the most highly publicized and underfinanced Federal efforts in educational history."

The national reading program provides a comprehensive attack on the critical reading problem. This amendment enables us to begin this task.

So, Mr. President, I think it is important if we fund this bill, this particular act, that was added as a part of the Elementary and Secondary Education Act when it passed through Congress earlier this year, that it be funded now, and this is the only vehicle that can be used for that funding this year.

I would suggest to the chairman of the subcommittee, I realize that he has been laboring mightily to see to it that nothing is added in the way of additional expenditures to this bill—I can understand that—but I would suggest that this proposal is in a different category because we are funding a program which Congress has just authorized and it is appropriate, therefore, that we embark on this program at this time because we are dealing with a very important national problem, and I think it should be of the highest priority concern to all of us who serve in the body, as it is of concern to people across the country, that we have the ability, first of all, to identify young people in the first, second, and third grades of school who do not read up to standard, and then once we identify them that we have the capacity to correct this deficiency and that our teachers are adequately trained and prepared to do the job.

It is interesting that this kind of proposal is supported not only by the educational community but it received widespread support throughout the entire community. Gov. Ronald Reagan, for instance, replying to an Education USA Survey, said the following:

> I agree with those who are concerned about the fact there are so many functionally illiterate people in the United States. We can ill afford such a situation in a free and open society which requires a reasonably informed and enlightened citizenry for its very existence. Such functionally illiterate people are unable to fully meet their responsibilities to society and share fully in the economic and social benefits to be derived from it. They become a burden to all of us. Because of its many implications and ramifications this is a problem requiring immediate and continuing attention.

Mr. President, I suggest that this is the kind of immediate attention that this problem deserves, and I think it is rather appropriate that, by accident, this amendment bears the number 1976 because in 1976 we are marking our bicentennial year and, it seems to me, there is no greater commitment we could be making to the future generations of Americans and to the young people of today than to see to it that by 1976 we have operative in our school systems a program that is going to make sure we do not have the kind of reading deficiencies among our younger population that we have today.

I, therefore, suggest to the Senate that it is appropriate that this particular amendment be added to the bill.

I will be glad to yield 2 minutes to the Senator from New Mexico.

Mr. DOMENICI. I thank the Senator from Maryland.

I want to add my few words to his with reference to this aspect of the bill.

I commend the chairman of the committee for trying to keep programs that are funded under this bill in line. However, it appears to me that when we have a new one that is as much needed as this one—and I do not believe there could have been any controversy at the committee level—there could not have been any evidence elicited that would indicate anything other than that this program is long overdue as a stimulant to the States of the United States to get back into the basic business of teaching reading.

We have now funded, well within the budget, a lot of programs that are experimental, that are demonstrative in origin, that have some very fine potential. I would encourage the chairman to accept this as one that goes to the very basic reason for having public education. We cannot deny the fact that there is a failure in the basic system of teaching reading. This will not cure it, but it will be a stimulus for the States to draw on the expertise that this program develops. It will restimulate them to a commitment that indeed they can do a better job at it.

I would add, by way of my own State, I submitted a questionnaire to teachers, principals, and demonstrators with a request as to the priority with respect to which programs they thought should have the highest priority.

I can report to the chairman that it was practically unanimous that of all the programs we were offering, the Beall proposal to put some money into emphasizing reading and the basic skill of teaching reading was high on everyone's list as a basic deficiency now existing within the school system.

I am not one for trying to add to the conscientious effort that has been put into this supplemental budget, to the effort of the chairman to keep it within the executive budget. But I honestly believe it is a serious mistake to pass a bill like this and then not fund it, to leave many people expecting it and then putting nothing in to get it started.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. BEALL. How much time do I have remaining?

The PRESIDING OFFICER. Two minutes.

Mr. BEALL. I yield half a minute.

Mr. DOMENICI. The amount does not seem to me to be extreme, and I urge the chairman to accept it.

Mr. BEALL. I reserve the remainder of my time.

Mr. MAGNUSON. How much time does the Senator have left?

Mr. BEALL. I have a minute and a half left.

Mr. MAGNUSON. Well, Mr. President, here is the same thing we voted on in the Senate now four times today and yesterday about new programs that they want to start up in a supplemental.

There is already $12 million in the regular bill for the right to read, and I do not see any sense in having another program running along the same track or some other track alongside until we know what we are doing.

By the time this new program gets going, we would be looking at the 1976 budget. In the meantime, there would be an add-on to this budget and the House, of course, would not take it and nothing would happen.

I would rather look at this program after the dust has settled. It is brand new, no hearings have been held on it, no one has had any witnesses come down and ask us about this. No one has any plans that we know of. All of these things point to the need to take a closer look.

In the regular bill, through all the education items which amount to billions, there is an opportunity under several of these programs to conduct reading programs.

We did go ahead with right-to-read and we put $12 million in the regular bill.

Now, here is a new program coming along. I do not know what anyone means by special reading projects. I do not think anybody else does.

I do not know whether we should spend $7 million determine whether intensive reading programs help the children. That may be the case, but let us take a close look before we rush headlong into this. We might end up hurting the program if we try to start it up before all the facts are in.

I do not know whether $3 million is enough to encourage reading programs on public TV, but there are reading programs on public TV, and we have got a very substantial sum in here for this type of program on public TV.

As a matter of fact, the Senator from Washington added on money for public TV. I introduced the first bill for public TV.

Now, I do not suggest that these programs might not be good ones, but no one knows, except this afternoon the statement by the two Senators, what they are about and whether we should spend this amount of money, this $20 million.

So I am going to have to oppose it and suggest that we have hearings on it and talk about it and find out if and what is needed. But there are hundreds of millions of dollars in the educational programs in this bill and any one of them can be reprogramed from title I down through all titles for reading programs if they wish. This is just an add-on.

Therefore, I am going to oppose the amendment and I must say I am laboring mightily to keep this bill down.

Mr. BEALL. Mr. President, I appreciate the view of the distinguished chairman of the subcommittee but, most respectfully, I must disagree, of course, because I think this is a needed adjunct. This is going to make the right-to-read program much more effective than it has been.

It is interesting to note a comment from the Commissioner of Education who says that under the new reading program, the shotgun approach of funding innovative programs, as they spring up

around the country, will be a thing of the past.

I point out, the innovative projects will not be vague, random efforts. It is a specific direction at a specific problem.

The purpose of this particular legislation is not to do something about the child when we find out he cannot read. It is to take care of the children in the process of learning to read. It is to have remedial steps available to them when they can be of advantage to the child that is not learning to read properly.

I suggest it is very timely that this be done now. I would suggest further, the Office of Education is already drawing up regulations, so this is something that could be implemented immediately because they are presently working on the project, all they need is the funding.

Mr. MAGNUSON. Well, when the new budget comes up, we will be glad to entertain it if it is in there; but right now we know nothing about it.

I want to say to the Senator from Maryland, I hope I am not correct, but it looks to me after being here, back from the recess, we are going to be here a long time, and any time we are here over 30 days, we have another supplemental.

Mr. BEALL. I recognize that, but I suggest also that——

Mr. MAGNUSON. We will be glad to entertain this at a later date.

Mr. BEALL. I would suggest, the problem is so important and so much in the national interest, it is something that should be done now.

Mr. MAGNUSON. There is no use using that term, national interest.

Mr. BEALL. The longer we delay, it means another school year is passed by before it is started. I think the Congress ought to act on the legislation. Therefore, that we should put the muscle where our mouth has been. We should say that we have authorized the program, here is the money to get started, let us get to work on the job.

Mr. MAGNUSON. I have listened for 3 days to every speaker on how needy these programs are. They are all needy and all worthy, but let us move on; we have got a great deal of money already available for these things.

I will say to the Senator from New Mexico that in here, for bilingual education, we have upped it, doubled it. A reading program is involved in that for the Spanish people.

We have done it all through this bill and we are always adding on one of these special projects when they can be done through the bill. This bill is now about $6 billion. They can find the money to do what you want within that sum.

Mr. BEALL. If the Senator will yield.

Yesterday I had an amendment——

Mr. MAGNUSON. I yield to the Senator from North Dakota.

Mr. YOUNG. I want to join with the chairman of the Subcommittee on Labor, Health, Education and Welfare in opposition to this amendment, primarily on the grounds that hearings have not been held. I do not know how we can operate in the Congress by adding on millions of dollars without hearings or a budget estimate. It is a bad procedure.

This may be a very meritorious program, but I would hope it could wait until the next Congress which convenes in January. There will be a supplemental bill at that time. If it is an urgent matter, it could be added on that bill.

In the last days of the session to add on this amount of money, $20 million, without hearings and a budget estimate is a bad procedure.

I do not think a Member can be considered to be against education because he votes against an amendment when there have been no hearings to justify and support the program.

Mr. MAGNUSON. I yield back the remainder of my time.

Mr. BEALL. I have no time remaining.

The PRESIDING OFFICER. All time has been yielded back.

Mr. BEALL. 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 Alabama (Mr. ALLEN), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Colorado (Mr. HASKELL), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Minnesota (Mr. HUMPHREY) is absent on official business.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "nay."

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Wyoming (Mr. HANSEN) are necessarily absent.

I also announce that the Senator from New York (Mr. BUCKLEY) and the Senator from Maryland (Mr. MATHIAS) are absent on official business.

I further announce that the Senator from Oregon (Mr. HATFIELD) is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 17, nays 66, as follows:

[No. 491 Leg.]

YEAS—17

Beall	Gravel	Ribicoff
Brooke	Hathaway	Schweiker
Case	Jackson	Scott, Hugh
Clark	Javits	Stafford
Domenici	Pearson	Weicker
Dominick	Pell	

NAYS—66

Abourezk	Cannon	Hart
Aiken	Chiles	Helms
Bartlett	Cook	Hollings
Bayh	Cotton	Hruska
Belimon	Cranston	Huddleston
Bennett	Curtis	Hughes
Bentsen	Dole	Inouye
Bible	Eastland	Long
Biden	Ervin	Magnuson
Brock	Fannin	Mansfield
Burdick	Fong	McClellan
Byrd, Harry F., Jr.	Goldwater	McClure
Byrd, Robert C.	Griffin	McGee
	Gurney	McIntyre
Metcalf	Pastore	Symington
Metzenbaum	Percy	Taft
Mondale	Proxmire	Talmadge
Montoya	Roth	Thurmond
Moss	Scott, William L.	Tower
Muskie	Stennis	Tunney
Nelson	Stevens	Williams
Nunn	Stevenson	Young
Packwood		

NOT VOTING—17

Allen	Hansen	Kennedy
Baker	Hartke	Mathias
Buckley	Haskell	McGovern
Church	Hatfield	Randolph
Eagleton	Humphrey	Sparkman
Fulbright	Johnston	

So Mr. BEALL's amendment was rejected.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. AIKEN and Mr. PASTORE moved to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1978

Mr. PERCY. Mr. President, I call up my amendment No. 1987, and I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. NUNN). Without objection, it is so ordered.

The amendment is as follows:

On page 13, after line 11, insert the following:

SALARIES AND EXPENSES

For carrying out section 409 of the Education Amendments of 1974, $750,000.

Mr. PERCY. Mr. President, Public Law 85–874, adopted by the 85th Congress, in section 4, states:

The board shall . . . develop programs for children and youth . . . in such arts designed specifically for their participation, education and recreation.

This act created the Kennedy Center for the Performing Arts. The Kennedy Center Board is required to provide certain programs for children in this country to expand their appreciation of and participation in the arts.

The pending amendment provides for funding of the elementary and secondary schools education in the arts program at a level of $750,000. This program, which was first authorized in the Education Amendments of 1974, is now being funded under the continuing resolution at the level of $500,000.

This program authorizes the Commissioner of Education through arrangements made with the John F. Kennedy Center For the Performing Arts, to carry out a program of grants and contracts to encourage and assist State and local educational agencies to establish and conduct programs in which the arts are an integral part of elementary and secondary school programs.

My amendment will set funding for fiscal 1975 at the authorized level, thus allowing the program to get fully underway, and enabling those additional States that have developed programs to have those programs funded.

Mr. PELL. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. PELL. Mr. President, I am glad to support the amendment of the Senator from Illinois. It is the funding of an amendment on which we worked hard in the authorization bill. I am delighted to

understand that the manager of the bill will accept the amendment.

Mr. MAGNUSON. Mr. President, I speak for myself in accepting this amendment. It does include a matter that we always thought should be part of the whole Kennedy Center operation, extended to the youth programs. That is just what this does. So I am glad to accept the amendment.

Mr. PERCY. I appreciate the Senator's comments.

Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PERCY. Mr. President, I express my appreciation to Senator MAGNUSON, Senator YOUNG, Senator COTTON, and Senator CASE for their approval of this fine program.

Mr. STAFFORD. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 12, line 20, strike out "$324,609,000" and insert in lieu thereof "$349,609,000".

Mr. STAFFORD. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. STAFFORD. Mr. President, I ask unanimous consent that Michael Francis, of my staff, may have the privilege of the floor during the consideration of and vote on this amendment.

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

Mr. STAFFORD. Mr. President, title VI–B, Education of the Handicapped, Aid to the States, is currently a program of grants to the States to assist in the initiation, expansion, and improvement of education for our Nation's handicapped children at the preschool, elementary, and secondary levels.

My colleagues will recall that the Education Amendments of 1974, Public Law 93–380, signed by President Ford on August 21, alters the formula for title VI–B significantly by creating an entitlement based upon the number of all children within a State between the ages of 3 and 21 in the most recent year for which satisfactory data is available multiplied by approximately $8.75. This entitlement at full appropriation would make available $660 million for fiscal 1975.

I would respectfully point out to my colleagues that this in an entitlement, not a simple authorization because we are engaged in unusually serious business, namely, ending the exclusion of millions of our handicapped children from an appropriate publicly supported education. It will be recalled that priority in the use of funds under this entitlement must go to handicapped children still unserved by an educational program.

Needless to say, Mr. President, I supported the creation of this entitlement, originally proposed by our distinguished colleague from Maryland, Mr. MATHIAS. In point of fact, I offered and the Senate accepted vital guarantees for handicapped children and their parents which were authorized as part of the Mathias amendment.

Now we are involved in that equally tough, equally delicate and painful enterprise of determining what the actual appropriation will be under the new "Mathias entitlement." We observe that our colleagues on the Appropriations Committee have not been ungenerous, given the economic condition obtaining, and certainly have not been ungenerous when we compare their appropriation figure of $125 million for fiscal 1975 to the actual appropriations for fiscal 1974 under title VI–B, ESEA, of $47.5 million. I say to the distinguished chairman that we understand the problem he faces.

However, we must bear in mind this entitlement envisioned a "quantum jump," as it were, a move to the "second generation" of Federal support for handicapped children. I would further observe that even the appropriation figure at full entitlement of $660 million would only be a breakthrough when one considers that many of the experts estimate that from $2.5 to $3 billion in additional dollars is needed at all levels of government if all of our handicapped children are to have a genuine equal opportunity in education.

The amendment before the Senate would raise the committee figure to $150 million and would represent a little more than 20 percent of entitlement. My amendment would at least be a minimum liveable response to our own prior commitment in the authorizing legislation and would at least indicate that we are attempting to "put our money where our commitment is." This amendment would in fact put us on the road to a meaningful Federal partnership with the States toward bringing our last neglected offspring into the mainstream of educational opportunity. Let me now discuss some of the reasons which I trust will persuade my colleagues to vote in favor of this amendment.

We are all aware that numerous parents and advocates for handicapped children have in the past 3 or 4 years sought redress in the courts. In point of fact, there are at least 36 cases now filed and/or completed in 25 of the States of the Union. Aside from the vital and immediate consideration that the courts are affirming the right to an education, the very fact that so many suits have been brought is in itself more than eloquent testimony that severe neglect is at last coming to an end.

The landmark case was *Pennsylvania Association for Retarded Children* v. *Commonwealth of Pennsylvania*, 344 F. Supp. 1257 (E.D. Pa. 1971) and 343 F. Supp. 279 (E.D. Pa. 1972).

In January 1971 the Pennsylvania Association for Retarded Children brought suit against Pennsylvania for the State's failure to provide all retarded children access to a free public education. The plaintiffs included 14 mentally retarded children of school age who were representing themselves and "all other similarly situated." At issue in this landmark confrontation was a challenge to law and practice which excludes, postpones, or denies free access to public instruction for all exceptional youngsters who can benefit from special educational opportunities.

The courtroom was alive with frank public debate too long suppressed: The mentally retarded can learn. Education is not just an academic experience, but must be seen as a continuous process by which human beings learn to function within their environment. The earlier these children are provided with educational experiences, the greater the amount of learning that can be predicted.

The court did not mince words in its subsequent decree. It mandated that the State could not apply any law which would postpone or in any way deny mentally retarded children access to a publicly supported education, including a public school program, tuition or tuition maintenance, and homebound instruction.

The court went a bit further: By October 1971, the plaintiff children were to have been reevaluated and placed in programs. The court further decreed that by September 1972, all retarded children in the State of Pennsylvania between the ages of 6 and 21 must be provided a publicly-supported education.

The following quotations from decisions of the Supreme Court of North Dakota on April 30, 1974; the State Commissioner of Education of New York State on November 26, 1973; and the Circuit Court for Baltimore County in Maryland on May 3, 1974, are testimony to the continuing success of the judicial effort to achieve the right to education for all handicapped children.

We hold that G.H. is entitled to an equal educational opportunity under the Constitution of North Dakota, and that depriving her of that opportunity would be an unconstitutional denial of equal protection under the Federal and State Constitutions and of the Due Process and Privileges and Immunities Clauses of the North Dakota Constitution. (*In the Interest of G.H., A Child* v. *G.H., B.H., F.H., Williston School District No. 1, et. al.*, 1974).

I find that a class appeal is properly brought in this matter, in that there are admittedly numerous children residing within the respondent district whose educational needs are not being adequately served, as required by Section 4404 of the Education Law. (*Reid* v. *Board of Education of the City of New York*, 1973).

The Court declares that it is the established policy of the State of Maryland to provide a free education to all persons between the ages of five and twenty years, and this includes children with handicaps, and particularly mentally retarded children, regardless of how severely and profoundly retarded they may be. (*Maryland Association for Retarded Children, et. al.*, v. *State of Maryland, et. al.*, 1974).

The courts are making it abundantly clear that justice delayed is quite simply justice denied.

At the close of the 1972 regular State legislative sessions across the United States, a total of 43 States had in place some form of legislation mandating the availability of public educational services to all handicapped children.

Mr. President, I ask unanimous consent that the nature and extent of mandatory legislation in the States be printed in the RECORD at this point.

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

STATE STATUTORY RESPONSIBILITIES FOR THE EDUCATION OF HANDICAPPED CHILDREN—AUG. 21, 1974

State	Type of mandation	Date of passage	Compliance date	Ages of eligibility	Categories of children not included in mandate
Alabama	Full planning and programing	1971	1977	6–21	Profoundly retarded.
Alaska	Full program	1974		From age 3	
Arizona	Selective planning and programing	1973	Sept. 1, 1976	5–21	Emotionally handicapped.
Arkansas	Full planning and programing [1]	1973	1979–80	6–21	
California	Selective			6–21 [2]	"Educationally handicapped" (emotionally disturbed, learning disabled).
Colorado	Full planning and programing	1973	July 1, 1975	5–21	
Connecticut	do	1966		4–21 [3]	
Delaware	Full program "wherever possible"			4–21	Severely mentally or physically handicapped.
District of Columbia	No statute court order: Full program	1972	1972	From age 6	
Florida	Full program		1973 [4]	3–no maximum (13 years guaranteed).	
Georgia	Full planning and programing	1968	1975–76	3–20	Profoundly retarded.
Hawaii	Full program	1949		5–20	
Idaho	do [5]	1972 [5]		6–21	
Illinois	do	1965	July 1, 1969	3–21 [6]	
Indiana	Full planning and programing	1969	1973	6–18	
Iowa	Full program "if reasonably possible"	1974		Birth–21	
Kansas	Full planning and programing	1974	1979 [7]	Developmentally disabled: Birth–21.	
Kentucky	Planning and programing	1970	1974	(8)	
	Petition (trainable mentally retarded only)	1962	6–21		Other than trainable mentally retarded.
Louisiana	Court order—Orleans parish only: selective for mentally retarded, otherwise permissive.	1973	1973	6–21 [9]	Other than mentally retarded.
Maine	Full planning and programing	1973	1975 [10]	5–20	
Maryland	do	1973	1979 [11]	(12)	
Massachusetts	do	1972	September 1, 1974	3–21	
Michigan	do	1971	1973–74	Birth–25	
Minnesota	Full program		July 2, 1972 [13]	5–21	
Mississippi	Permissive				
Missouri	Full planning and programing	1973		5–21	
Montana	Full program [14]	1974	July 1, 1979	6–21	
Nebraska	Full planning and programing	1973	Oct. 1, 1976 [15]	5–18	
Nevada	Full program	1973		5–18 [16]	
New Hampshire	do			Birth–21	
New Jersey	do	1954 [17]		5–20	
New Mexico	Full planning and programing	1972	1976–77	6–21 [18]	
New York	Court order: full program (New York City only).	1973	1973	5–21	
	Conditional: 10 or more children who can be grouped homogeneously in same class.			5–21	Profoundly retarded.
North Carolina	Full planning	1974	(19)	Birth–20 [20]	
				Adulthood	
North Dakota	Full planning and programing	1973	July 1, 1980 [21]	6–21	
Ohio	Selective, by petition (8 or more crippled or educable mentally retarded children in district).			From age 5	Other than crippled or educable mentally retarded.
	Selective planning	1972	1973	6–18 [22]	Trainable or profoundly mentally retarded.
Oklahoma	Full program	1971	Sept. 1, 1970	4–21 [23]	
Oregon	do	1973		EMR: 6–21, others: birth–21	
Pennsylvania	Court order: selective (mentally retarded only).	1971–72	Sept. 1972	6–21 [24]	Other than mentally retarded.
	Full planning and programing	1956	1956	6–21	
Rhode Island	Full program		1964 [25]	3–21 [26]	
South Carolina	Full planning and programing	1972	1977	6–21 [26]	
South Dakota	Full program	1972		Birth–21	
Tennessee	Full planning and programing	1972	1974–75	4–21	
Texas	Full program [27]	1969	1976–77 [27]	3–21	
Utah	do	1969		6–18	
Vermont	do [28]	1972		Birth–21	
Virginia	do	1972	(29)	2–21	
Washington	do	1971		6–21	
West Virginia	do	1974	1974	5–23	
Wisconsin	Full planning and programing	1973	Aug. 1974	3–21	
Wyoming	Full program	1969		6–21	

[1] Current statute is conditional: 5 or more similarly handicapped children in district. However, a 1973 Attorney General's opinion stated that the law mandating full planning and programing was effective July 1973. If the State activates a kindergarten program for 5-year old children, ages of eligibility will be 5–21.

[2] 5–21 for deaf, severely hard of hearing.

[3] 3–21 for hearing impaired. Lower figure applies to age of child as of January 1 of the school year.

[4] 1973 law did not include profoundly retarded: however, a 1974 amendment brought these children under the provisions of the mandatory law. Compliance date for services to these children is mandated for 1977–78.

[5] Earlier (1963) law was mandatory for all handicapped children except trainable mentally retarded.

[6] 5–21 for speech defective.

[7] "Developmentally disabled" means retardation, cerebral palsy or epilepsy. For other disabilities, the State board is to determine ages of eligibility as part of the State plan. Compliance date is July 1, 1974 for DD programs.

[8] Disabilities and ages to be served were to be determined as part of the State plan.

[9] Residents over age 21 who were not provided educational services as children must also be given education and training opportunities.

[10] In cases of significant hardship the commissioner of education may waive enforcement until 1977.

[11] Court order sets deadline in Supplement, 1975.

[12] Services must begin as soon as the child can benefit from them, whether or not he is of school age.

[13] Date on which trainable mentally retarded were included under the previously existing mandatory law.

[14] Statute now in effect is selective and conditional; at least 10 educable mentally retarded, 7 *trainable* mentally retarded, or 10 physically handicapped in school district. Full mandation becomes effective July 1, 1979.

[15] Acoustically handicapped Oct. 1, 1974.

[16] Aurally handicapped and visually handicapped: birth–18.

[17] Date of original mandatory law, which has since been amended to include all children.

[18] Child must be 6 years old by January 1 of school year.

[19] Implementation date to be specified in preliminary State plan to be submitted to 1975 General Assembly.

[20] Deaf: to age 18—or to age 21 "if need exists."

[21] All children must be served as soon as they are identified as handicapped.

[22] 3–18 for deaf, blind.

[23] 2–21 for blind, partially blind, deaf, hard of hearing.

[24] When programs are provided for pre-school age children, they must also be provided for mentally handicapped children of the same age.

[25] For mentally retarded or multiply handicapped. Others, as defined in regulations. Compliance date established by regulations.

[26] 4–21 for hearing handicapped.

[27] The Texas educational agency is operating under the assumption that the law is mandatory, and has requested an opinion from the State Attorney General on this question. Compliance date is as established by State policy if the law does not specify a compliance date.

[28] Within the limits of available funds and personnel.

[29] Sept. 1, 1976 established by regulations.

Note: This chart was prepared by the Council for Exceptional Children's State/Federal Information Clearinghouse for Exceptional Children. Current State special education statutes were analyzed and direct contact was made with selected State directors of special education.

Definition of the kinds of mandatory legislation used by States: full program mandate, such laws require that programs must be provided where children meet the criteria defining the exceptionality; planning and programing mandate, this form includes required planning prior to required programing; planning mandate, this kind of law mandates only a requirement for planning; conditional mandate, this kind of law requires that certain conditions must be met in or by the local education district before mandation takes effect (this usually means that a certain number of children with like handicaps must reside in a district before the district is obliged to provide for them); mandate by petition, this kind of law places the burden of responsibility for program development on the community in terms of parents and interested agencies who may petition school districts to provide programs; selective mandate, in this case, not all disabilities are treated equally. Education is provided (mandated) for some but not all categories of disabilities.

TABLE 6.10.—HANDICAPPED CHILDREN RECEIVING EDUCATIONAL SERVICE, BY DISABILITY

State	Mentally retarded		Hard of hearing	Deaf	Speech impaired	Visually impaired	Emotionally disturbed	Crippled	Learning disabled	Other health impaired	Total
	Trainable	Educable									
Alabama	2,208	13,884	347	777	8,550	426	616	452	620	540	28,420
Alaska	140	900	160	50	70	35	166	40	400	50	2,011
Arizona	952	6,153	60	0	6,090	61	799	163	376	473	15,127
Arkansas	1,800	7,377	0	342	5,010	224	329	146	845	357	16,430
California	11,000	47,000	3,000	3,000	130,000	2,500	0	58,000	60,000	0	313,900
Colorado	0	8,584	1,716	451	23,184	233	6,241	533	0	1,250	42,192
Connecticut	2,962	5,260	1,573	0	13,033	464	9,044	2,424	9,501	0	44,261
Delaware	650	2,800	8	155	4,000	95	910	200	920	580	10,318
Florida	3,450	26,000	11,410	1,400	33,590	1,050	7,500	7,000	9,000	0	100,400
Georgia	3,683	31,666	1,085	630	28,232	1,100	3,479	0	2,557	4,108	76,540
Hawaii	733	2,409	152	176	3,960	51	193	155	1,339	100	9,268
Idaho	492	1,700	53	109	4,786	80	0	32	2,908	0	10,160
Illinois	7,040	37,840	9,100	2,480	97,000	1,617	26,510	7,600	12,463	5,320	206,970
Indiana	5,420	18,968	200	927	48,616	374	745	402	190	106	75,948
Iowa	1,450	7,883	430	70	20,414	280	9,464	854	1,400	970	43,215
Kansas	945	7,735	256	0	16,000	180	1,300	770	1,170	1,300	29,656
Kentucky	1,464	13,560	1,040	288	19,000	143	840	2,044	984	0	39,373
Louisiana	1,000	13,500	300	100	32,000	150	1,000	200	1,700	1,000	50,950
Maine	665	2,900	98	336	3,700	283	320	405	800	102	9,609
Maryland	3,165	21,180	633	462	22,435	448	1,307	438	6,893	4,987	61,948
Massachusetts	1,969	12,106	1,087	1,377	32,934	730	3,345	5,500	16,480	0	75,528
Michigan	11,522	42,393	2,399	828	91,488	1,818	6,181	7,539	0	0	164,168
Minnesota	4,284	12,500	0	1,200	28,560	400	27,500	500	0	400	75,344
Mississippi	886	8,623	118	310	9,556	192	74	580	528	60	20,927
Missouri	0	19,877	652	0	33,751	129	808	712	912	1,162	58,003
Montana	510	1,700	53	60	3,000	103	600	750	1,733	45	8,554
Nebraska	2,240	6,043	281	305	17,047	246	913	378	1,302	136	28,891
Nevada	300	1,600	70	30	2,800	50	950	200	0	0	6,000
New Hampshire	619	1,999	263	213	5,050	108	463	50	1,304	244	10,313
New Jersey	6,043	20,661	691	1,654	61,023	1,875	26,274	1,178	5,748	24,625	149,772
New Mexico	1,040	4,590	75	265	2,980	385	276	125	625	150	10,551
New York	12,961	49,842	3,666	2,984	118,658	3,069	27,927	11,938	0	5,670	236,715
North Carolina	3,293	38,000	1,645	0	34,000	1,300	2,000	515	2,500	600	83,853
North Dakota	180	1,240	12	0	4,500	60	1,217	115	1,117	160	8,601
Ohio	14,760	53,239	0	2,436	93,035	1,089	0	1,650	18,645	6,576	191,430
Oklahoma	1,243	11,013	186	462	13,597	157	180	158	5,325	1,511	33,832
Oregon	887	4,670	325	398	14,500	250	650	444	7,000	700	29,824
Pennsylvania	6,200	43,233	1,500	600	80,500	2,050	2,200	2,187	0	1,980	140,450
Rhode Island	300	2,500	4,200	0	7,200	281	600	150	3,800	300	19,331
South Carolina	1,200	20,500	830	170	19,000	600	8,000	1,250	2,000	0	53,550
South Dakota	600	2,000	150	150	5,000	150	400	300	3,000	150	11,900
Tennessee	2,850	15,500	350	150	20,000	275	650	3,300	2,700	4,800	50,575
Texas	10,996	44,221	1,830	910	85,683	1,879	6,881	4,052	24,291	15,467	196,210
Utah	1,293	3,258	259	284	9,928	155	1,293	103	9,282	0	25,855
Vermont	313	1,181	236	87	1,440	86	430	72	1,049	300	5,194
Virginia	2,310	16,845	1,020	0	17,775	0	1,485	1,092	2,500	4,497	47,524
Washington	2,895	10,284	349	412	2,278	245	4,054	509	2,599	1,061	24,686
West Virginia	900	6,625	200	30	8,000	37	45	100	45	198	16,180
Wisconsin	3,985	15,474	676	377	32,352	436	1,580	432	851	2,433	58,596
Wyoming	150	710	65	49	2,150	165	120	280	620	300	4,609
District of Columbia	1,476	2,177	283	191	5,630	113	756	230	128	292	11,276
Total	148,000	752,000	55,000	28,000	1,383,000	28,000	199,000	128,000	230,000	95,000	3,046,000
Percent	4.5	24.9	1.8	1	45.4	.9	6.5	4.2	7.5	3.2	100

Source: Estimated 1972-73 students to be served from "Description of Projected Activities for Fiscal Year 1973 for the Education of Handicapped Children."

TABLE 6.12.—ESTIMATED PERCENT OF HANDICAPPED SERVED BY SPECIAL EDUCATION PROGRAMS, 1972-73

State	Mentally retarded	Hard of hearing	Deaf	Speech impaired	Visually impaired	Emotionally disturbed	Crippled and other	Learning disabled	Total all handicaps
Alabama	75.03	7.44	111.10	26.20	45.68	3.30	21.28	6.65	30.55
Alaska	41.95	29.69	61.85	1.86	32.47	7.70	16.70	37.11	18.70
Arizona	63.65	2.47	0.00	35.85	12.57	8.23	26.21	7.75	31.25
Arkansas	80.29	0.00	91.76	28.80	45.07	3.31	20.24	17.00	33.14
California	50.47	12.02	80.11	74.39	50.07	0.00	232.31	120.16	65.02
Colorado	63.51	58.40	102.33	112.72	39.65	53.10	60.68	0.00	71.98
Connecticut	46.58	41.00	0.00	48.52	60.46	58.93	63.17	123.81	57.82
Delaware	100.92	1.08	139.05	76.89	63.92	30.61	104.96	61.90	69.60
Florida	79.64	141.93	116.10	59.69	65.30	23.32	87.07	55.98	62.60
Georgia	125.71	17.75	68.71	65.98	89.97	14.23	67.20	20.91	62.76
Hawaii	67.02	14.92	115.14	55.51	25.02	4.73	25.02	65.70	45.59
Idaho	47.80	5.32	72.89	68.58	40.12	0.00	3.21	145.85	51.08
Illinois	68.26	63.67	115.67	96.95	56.56	46.37	90.39	43.60	72.58
Indiana	76.58	2.89	89.27	100.32	27.01	2.69	7.34	1.37	54.99
Iowa	54.71	11.59	12.58	78.64	37.75	63.80	49.18	18.87	58.41
Kansas	66.06	8.96	0.00	80.02	31.51	11.38	72.47	20.48	52.04
Kentucky	77.49	24.68	45.55	64.40	16.96	5.04	48.50	11.67	46.83
Louisiana	60.65	5.77	12.83	87.96	14.43	4.81	23.09	16.36	49.14
Maine	59.79	7.56	172.82	40.78	109.17	6.17	39.12	30.86	37.16
Maryland	102.05	12.21	59.39	61.80	43.19	6.30	104.61	66.46	59.87
Massachusetts	43.53	15.47	130.61	66.94	51.93	11.90	78.25	117.24	53.86
Michigan	95.80	19.61	45.12	106.83	74.30	12.63	61.62	0.00	67.26
Minnesota	69.52	0.00	152.42	77.74	38.11	130.99	17.15	0.00	71.96
Mississippi	65.19	3.72	65.18	43.05	30.28	0.58	20.18	8.33	33.08
Missouri	73.13	11.03	0.00	81.60	10.92	3.42	31.71	7.72	49.20
Montana	49.01	5.41	40.80	43.72	52.53	15.30	81.09	88.39	43.74
Nebraska	92.99	14.51	105.01	125.77	63.53	11.79	26.54	33.62	74.79
Nevada	65.40	11.08	31.67	63.34	39.59	37.61	31.67	0.00	47.62
New Hampshire	60.27	27.85	150.38	76.40	57.19	12.26	31.13	69.05	54.74
New Jersey	64.66	7.70	122.82	97.10	104.42	73.16	287.40	32.01	83.62
New Mexico	79.08	4.85	114.14	27.50	124.37	4.46	17.77	20.19	34.04
New York	62.71	16.84	91.37	77.86	70.48	32.07	80.87	0.00	54.50
North Carolina	135.82	24.89	0.00	73.49	98.34	7.56	16.87	18.91	63.59
North Dakota	35.28	1.37	0.00	73.46	34.28	34.77	31.43	63.82	49.27
Ohio	104.94	0.00	115.29	94.35	38.65	0.00	58.40	66.18	68.12
Oklahoma	63.48	4.43	73.38	46.28	18.70	1.07	39.76	63.43	40.40
Oregon	45.28	12.18	99.45	77.64	46.85	6.09	42.88	131.18	56.03
Pennsylvania	73.56	10.27	27.38	78.72	70.16	3.76	28.52	0.00	48.19

TABLE 6.12.—ESTIMATED PERCENT OF HANDICAPPED SERVED BY SPECIAL EDUCATION PROGRAMS, 1972-73—Continued

State	Mentally retarded	Hard of hearing	Deaf	Speech impaired	Visually impaired	Emotionally disturbed	Crippled and other	Learning disabled	Total all handicaps
Rhode Island	54.35	375.01	0.00	91.84	125.45	13.39	40.18	169.65	86.52
South Carolina	131.15	23.07	31.51	75.46	83.40	55.60	34.75	27.80	74.62
South Dakota	60.56	16.07	107.15	76.53	80.36	10.71	48.22	160.72	63.91
Tennessee	79.70	6.99	19.98	57.09	27.47	3.25	161.84	26.97	50.65
Texas	120.08	18.31	60.69	122.45	93.98	17.21	195.26	121.50	98.38
Utah	63.41	16.60	121.35	90.90	49.67	20.72	6.60	297.45	83.06
Vermont	55.47	40.30	99.05	35.13	73.44	18.36	63.53	89.58	44.46
Virginia	69.57	17.04	0.00	42.42	0.00	6.20	93.37	20.88	39.80
Washington	65.16	7.94	62.47	7.40	27.86	23.05	35.71	29.56	28.14
West Virginia	74.02	9.05	9.05	51.71	8.37	0.51	13.48	1.02	36.70
Wisconsin	70.42	11.25	41.84	76.94	36.29	6.58	47.69	7.08	48.89
Wyoming	40.80	44.18	71.28	67.02	180.03	6.55	126.57	67.65	50.41
District of Columbia	96.57	34.41	154.84	97.80	68.71	22.98	63.48	7.78	68.73
Average percent served	80.45	21.38	71.61	76.66	54.76	19.27	86.65	44.65	59.23

ESTIMATED COST FOR THE EDUCATION OF ALL HANDICAPPED CHILDREN IN THE UNITED STATES*

[*Additional dollars needed*]

Name:	
Alabama	$35,159,825
Alaska	7,485,057
Arizona	20,444,240
Arkansas	34,201,375
California	786,648,180
Colorado	23,261,168
Connecticut	41,500,550
Delaware	5,133,800
Florida	28,126,136
Georgia	28,484,820
Hawaii	8,205,990
Idaho	9,847,573
Illinois	40,858,884
Indiana	26,066,911
Iowa	29,261,088
Kansas	13,326,850
Kentucky	18,765,253
Louisiana	15,206,922
Maine	8,157,724
Maryland	24,491,327
Massachusetts	24,283,656
Michigan	116,308,873
Minnesota	38,661,257
Mississippi	36,438,237
Missouri	164,229,300
Montana	8,194,374
Nebraska	59,632,194
Nevada	5,409,120
New Hampshire	8,327,059
New Jersey	45,599,763
New Mexico	34,731,225
New York	232,043,680
North Carolina	33,095,171
North Dakota	14,330,364
Ohio	131,465,880
Oklahoma	$35,330,526
Oregon	7,470,200
Pennsylvania	89,749,282
Rhode Island	11,341,072
South Carolina	13,556,480
South Dakota	2,169,360
Tennessee	45,787,664
Texas	252,961,635
Utah	10,169,820
Vermont	9,478,318
Virginia	99,720,120
Washington	66,512,544
West Virginia	19,249,919
Wisconsin	107,035,917
Wyoming	9,789,396
Washington, D.C	11,236,967
Total	2,995,142,246

The State/Federal Information Clearinghouse for Exceptional Children. The Council for Exceptional Children, 1920 Association Drive, Reston, Virginia 22091.

*Data derived from State Education Agency estimates of handicapped population for school year 1971–72 and estimates of projected enrollment for school year 1972–73 and average per pupil cost as reported in *Services for Handicapped Youth: A Program Overview*, Rand Corporation, May, 1973.

STATES

ALABAMA

At present, there are in Alabama, a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Alabama State Department of Education indicates that out of a total of 111,149 handicapped children, only 22,384, about a fifth, were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that while an additional 6,000 handicapped would be served there would still be over 80,000 children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in Alabama mandating that all eligible handicapped children be provided with an appropriate education by 1977.

ALASKA

At present, there are in Alaska a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Alaska Department of Education indicates that out of a total of 5,050 handicapped children, only 1,875, less than 40 percent, were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that while an additional 125 handicapped children would be served there would still be over 1,700 children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in Alaska mandating that all eligible handicapped children be provided with an appropriate education.

ARIZONA

At present, there are in Arizona a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Arizona Department of Education indicated that 27,381 handicapped children, out of a total of 40,059, close to 70 percent, were not receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that while an additional 4,000 handicapped would be served there would still be over 23,000 children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in Arizona mandating that all eligible handicapped children be provided with an appropriate education by 1976. Despite the large number of children still needing service, state appropriations for the education of the handicapped increased only $2.5 million from 1971–72 to $5.6 million for the 1973–74 school year.

ARKANSAS

At present, there are in Arkansas a great many handicapped children who are not receiving an appropriate education. Data collected from the Arkansas State Department of Education indicates that, as of the past school year, only 22.8 percent of the handicapped school age population were being served. 53,118 additional handicapped children need the opportunity to receive a meaningful public education. As indicated in its annual report to the Governor, the State Department of Education estimates that 3,700 additional teaching units costing approximately $10,000 per unit are required to meet this need. Although it is anticipated that some additional funds may be forthcoming from the state, it will represent a relatively small contribution to the overall necessity for 37 million additional dollars. In considering this situation, it must be emphasized that law is presently in force in Arkansas mandating that all eligible handicapped children be provided with an appropriate education by the 1979–80 school year.

CALIFORNIA

At present, there are in California a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the California Department of Education indicates that out of a total of 1,141,080 handicapped children, only 321,760 children, significantly less than half, were receiving an education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that the total number of handicapped children to be served would be little different from the 1971–72 level of service. In considering this situation, it must be emphasized that law is presently in force in California mandating that all eligible handicapped children be provided with an appropriate education. The educational dilemma facing California's handicapped children and their families had been considered sufficiently serious to lead to the filing of at least four right to education lawsuits.

COLORADO

At present, there are in Colorado a great many handicapped children who are not receiving an appropriate public education. Statistics gathered by the Colorado Department of Education for the school year 1972–73 showed that of the 91,060 handicapped children in the state only 34,388, or slightly more than one-third, were receiving needed special educational services. In considering this situation, it must be emphasized that with the passage of H.R. 1164 by the legislature, Colorado has mandated that appropriate public education services must be provided to all eligible handicapped children by September, 1976. The educational dilemma facing Colorado's handicapped children and their families has been considered sufficiently serious to lead to the filing of a pending class action right to education lawsuit in the Federal District Court in Denver, *Colorado Association for Retarded Children* v. *Colorado* (Civil No. C–4620 D. Colo., Filed Dec. 22, 1972).

CONNECTICUT

At present, there are in Connecticut a great many handicapped children who are

not receiving an appropriate public education. Data collected for the 1971–72 school year by the Connecticut State Department of Education indicates that out of a total of 89,866 handicapped children, only 35,544, less than 40 percent, were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that while an additional 4,000 handicapped would be served, there would still be over 50,000 children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in Connecticut mandating that all eligible handicapped children be provided with an appropriate education.

DELAWARE

At present, there are in Delaware a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Delaware Department of Public Instruction indicates that out of a total of 15,722 handicapped children, only 8,351, slightly over half, were receiving a public education designed to meet their needs. While projections done by the Department for the 1972–73 school year predicted an additional 2,000 children would be served, there would still be over 5,000 handicapped children waiting for their opportunity to receive a meaningful public education. The educational dilemma facing these children has been so severe that in 1971, Catholic Social Services, Inc. of Delaware filed an administrative action against the State Board of Education to obtain an education for three handicapped children excluded from school (filed August 24, 1971). Since that time discussion has been occurring throughout the state about the possibility of filing a class action right to education lawsuit against the state.

FLORIDA

At present, there are in Florida, a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Florida State Department of Education indicates that over 34,000 out of a total of 139,903 handicapped children were not receiving an education designed to meet their needs. Projections done by the State Department of Education for the 1972–73 school year indicated little change from the 1971–72 school year. In considering this situation, it must be emphasized that law is presently in force mandating that all handicapped children be provided with a public education. Of importance also is that in the just concluded session of the legislature, this mandate was extended to include profoundly retarded children.

GEORGIA

At present, there are in Georgia a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Georgia Department of Education indicates that out of a total of 127,864 handicapped children, only 65,061, about half, were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that while an additional 11,000 handicapped would be served there would still be over 50,000 children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in Georgia mandating that all eligible handicapped children be provided with an education.

HAWAII

At present, there are in Hawaii a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Hawaii Department of Education indicates that only 9,106 handicapped children, out of a total of 19,590 children, less than half, were receiving an education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that the total number of handicapped children to be served would be little different from the 1971–72 level of service. In considering this situation, it must be emphasized that law is presently in force in Hawaii mandating that all eligible handicapped children be provided with an appropriate education. The educational dilemma facing Hawaii's handicapped children has been considered sufficiently serious to lead to the filing of a class action right to education lawsuit in Hawaii (*Kekahana* v. *Burns*, Civil No. 72–3799, D. Hawaii).

IDAHO

At present, there are in Idaho a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Idaho State Department of Education indicates that out of a total of 36,561 handicapped children, only 8,395, about a fifth, were receiving a public education designed to meet their needs. While projections done by the Department for the 1972–73 school year predicted that an additional 1,700 children would be served, there still would be over 25,000 handicapped children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in Idaho mandating that all handicapped children be provided with a public education.

ILLINOIS

At present, there are in Illinois a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Office of the Superintendent of Public Instruction indicates that 74,504 handicapped children, out of a total of 183,381 children, about 40 percent, were not receiving a public education designed to meet their needs. In considering this situation, it must be emphasized that law is presently in force in Illinois mandating that all eligible handicapped children be provided with an appropriate education. Despite the large number of children still needing service, state appropriations for the education of the handicapped increased only $16.4 million from 1971–72 to $73.3 million for the 1973–74 school year.

INDIANA

At present, there are in Indiana a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Department of Public Instruction indicates that 58,492 handicapped children, out of a total of 145,091 children, were not receiving needed special education services. Projections done by the Department for the 1972–73 school year predicted that the total number of children to be served would be little different from the 1971–72 school year. In considering this situation, it must be emphasized that state law presently in force in Indiana mandates that an appropriate public education must be provided to all eligible handicapped children.

IOWA

At present, there are in Iowa a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Iowa to meet their needs. Projections done by the Department of Public Instruction indicates that out of a total of 94,731 handicapped children, only 36,521, less than 40 percent, were receiving a public education designed Department for the 1972–73 school year predicted that while an additional 7,000 handicapped would be served, there would still be over 50,000 children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in Iowa mandating that all eligible handicapped children be provided with an appropriate education. Despite the large number of children still needing service, state appropriations for the education of the handicapped increased only $3.7 million from 1971–72 to $7.4 million for the 1973–74 school year.

KANSAS

At present, there are in Kansas a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Kansas State Department of Education indicates that 26,853 handicapped children, out of a total of 54,566 children, about half were not receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that while an additional 2,000 handicapped would be served, there would still be close to 25,000 children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in Kansas mandating that all eligible handicapped children be provided with an appropriate education by 1979. Despite the large number of children still needing service, state appropriations for the education of the handicapped increased only $2.4 million from 1971–72 to $6.1 million for the 1973–74 school year.

KENTUCKY

At present, there are in Kentucky a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the State Department of Education indicates that only 24,336 children out of a total of 78,386 handicapped children, less than a third, were receiving an education to meet their needs. Projections done by the Department for the 1972–73 school year suggest that close to 40,000 handicapped children, about half, would receive specially designed services. In considering this situation, it must be emphasized that law is presently in force in Kentucky which requires that all handicapped children be educated by September, 1974. The educational dilemma facing Kentucky's handicapped children and their families has been considered sufficiently serious to lead to the filing of a pending class action right to education lawsuit in the federal district court in Frankfort, *Kentucky Association for Retarded Children, et al.* v. *Kentucky State Board of Education* (Civil Action No. 435, E. D., Ky., filed Sept. 6, 1973).

LOUISIANA

At present, there are in Louisiana a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Louisiana State Department of Education indicates that out of a total of 122,344 handicapped children, only 45,056, less than 40 percent, were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that while an additional 5,500 handicapped would be served, there would still be over 70,000 children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in Louisiana mandating that all eligible handicapped children be provided with an appropriate education. You will be interested to know that the educational dilemma facing Orleans Parish mentally retarded children and their families was considered sufficiently serious to lead to the filing of a successful class action right to

education lawsuit, *Lebanks* v. *Spears* (60 F.R.D. 155, E. D. La. 1973), on behalf of all the Parish's mentally retarded children. Despite the large number of children still needing service, state appropriations for the education of handicapped increased only $8 million from 1971–72 to $20 million for the 1973–74 school year.

MAINE

At present, there are in Maine a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Maine Department of Education and Cultural Services indicates that only 6,758 handicapped children, out of a total of 30,743 children, less than a fourth, were receiving an education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that the 1971–72 level of service would be extended to only an additional 3,000 children still leaving about 20,000 handicapped children waiting for their opportunity to obtain a public school education. In considering this situation, it must be emphasized that law is presently in force in Maine mandating that appropriate educational services be provided to every eligible handicapped child. You should also know that the amount of state appropriations available for the education of the handicapped for the 1973–74 school year was $1.5 million, an increase of only $200,000 since the 1971–72 school year.

MARYLAND

At present, there are in Maryland a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Maryland Department of Education indicates that 57,380 handicapped children, out of a total of 123,639 children, close to half, were not receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that the total number to be served would be little different than the 1971–72 school year level of service. In considering this situation, it must be emphasized that Maryland presently has law in force mandating that all eligible handicapped children must be provided with an appropriate public education by 1979. That date, however, has been set aside as a result of a decision in a class action right to education lawsuit, *Maryland Association for Retarded Children* v. *State of Maryland* (Equity No. 100/182/77676, Circuit Ct. Baltimore City, Maryland, May 3, 1974), in which the court proclaimed that all children have the right to an education which must be provided by September, 1975.

MASSACHUSETTS

At present, there are in Massachusetts a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Department of Education indicates that 45,152 children out of a total of 108,612 handicapped, less than half, were receiving an education to meet their needs. Projections done by the Department for the 1972–73 school year suggested little change from the 1971–72 school year. In considering this situation, it must be emphasized that with the passage of Chapter 766, partially motivated by a class action right to education lawsuit, the Massachusetts legislature mandated that all handicapped children be educated by September, 1974. While state appropriations to implement the act have been increased to approximately $60 million, it has been estimated that an additional $40 to $50 million is still needed to achieve full compliance.

MICHIGAN

At present, there are in Michigan a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Michigan Department of Education indicates that 123,279 handicapped children, out of a total of 288,297 children, did not receive a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that the total number of handicapped children that would receive services would be little different from the 1971–72 level of service. In considering this situation it must be emphasized that with the passage by the Michigan legislature of Public Act 198 in 1971, the state mandated that appropriate public education services must be provided to all handicapped children by September 1973. The importance of this Act was emphasized by Judge Charles Joiner of the Eastern District of Michigan Federal District Court when he ruled in *Harrison* v. *State of Michigan* (350 F. Supp. 846, E.D. Mich. 1972) that "this law is a whole new attack on the problem of special education. For the first time, the legislature has directed in unequivocal terms the state and other educational districts to face up to the problem of providing educational programs and services designed to develop the maximum potential of every handicapped person."

MINNESOTA

At present, there are in Minnesota a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Minnesota Department of Education indicates that 52,242 handicapped children, out of a total of 122,665 children, were not receiving an education to meet their needs. More recent data, reported by the Department in March, 1974 for the 1973–74 school year, indicated that although substantial progress has been made, there are still over 17,000 children waiting for their opportunity to receive special education. In considering this situation, it is important to note that Minnesota law requires that these children be educated.

MISSISSIPPI

At present, there are in Mississippi a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Mississippi Department of Education indicates that out of a total of 116,066 handicapped children, only 16,587, less than 15 percent, were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that only about an additional 4,500 handicapped children would be served, leaving the vast majority of these children still waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in Mississippi mandating that all eligible handicapped children be provided with an appropriate education. Despite the large number of children still needing service, state appropriations for the education of the handicapped totaled $7.1 million for 1973–74, an increase of only $1.7 million from 1972–73.

MISSOURI

At present, there are in Missouri a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Missouri Department of Elementary and Secondary Education indicates that only 65,110 handicapped children, out of a total of 221,578 children, less than a third, are receiving an education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that the total number to be served would be little different from the 1971–72 level of service. In considering this situation, it must be emphasized that with the passage of H.B. 474, the Missouri legislature placed in force a mandate that all eligible handicapped children must be provided with an appropriate public education. The statute also provides that this level of service must be provided by September, 1974. Despite the large number of children still needing service, state appropriations for the education of handicapped children increased only $4.5 million from 1971–72 to $18.5 million for the 1973–74 school year. The educational dilemma facing Missouri's handicapped children has been considered sufficiently serious to lead to the filing of a class action right to education lawsuit, *Radley* v. *Missouri* (Civil No. 73C556 (3), E.D. Mo., November 1, 1973). The suit was dismissed in February, 1974 with the court holding that the presence of the statute rendered the issues moot in that the court could not improve on the implementation schedule or approach to the problem mandated by H.B. 474.

MONTANA

At present, there are in Montana a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Montana Office of Public Instruction indicates that out of a total of 23,480 handicapped children, only 5,358, less than a quarter, were receiving a public education designed to meet their needs. Projections done by the Office of Public Instruction for the 1972–73 school year predicted that only about an additional 3,000 would be served, still leaving 15,000 handicapped children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in Montana mandating that all eligible handicapped children be provided with an appropriate education by 1979. Despite the large number of children still needing service, state appropriations for the education of the handicapped totaled $10.5 million for 1973–74, an increase of only $3.3 million from 1972–73.

NEBRASKA

At present, there are in Nebraska a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Nebraska Department of Education indicates that out of a total of 93,568 handicapped children, only 23,734, about a fourth, were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that while an additional 5,000 handicapped children would be served, there would still be about 65,000 children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in Nebraska mandating that all eligible handicapped children be provided with an appropriate education by 1976. Despite the large number of children still needing service, state appropriations for the education of the handicapped totaled $4.7 million for 1973–74, an increase of only $1.1 million from 1971–72.

NEVADA

At present, there are in Nevada a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Nevada Department of Education indicates that out of a total of 13,640 handicapped children, only 6,300, about half, were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that the total number of handicapped children to be served would be little different from the 1971–72 level of service. In considering this situation, it must be emphasized that law is presently in force in Nevada mandating that all eligible handicapped children be provided with an appropriate education. The educational dilemma facing Nevada's handicapped children and their families

has been considered sufficiently serious to lead to the filing of a pending class action right to education lawsuit, *Brandt* v. *Nevada* (Civil No. R-2779, D. Nev., Filed Dec. 22, 1972), on behalf of all of Nevada's handicapped children.

NEW HAMPSHIRE

At present, there are in New Hampshire a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the New Hampshire State Department of Education indicates that out of a total of 19,374 handicapped children, only 6,070, about 31 percent, were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that while an additional 4,300 handicapped children would be served, there would still be about 9,000 children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in New Hampshire mandating that all eligible handicapped children be provided with an appropriate education.

NEW JERSEY

At present, there are in New Jersey a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the New Jersey Department of Education indicates that 131,866 children, out of a total of 231,055 handicapped children, more than half, were not receiving an education to meet their needs. Projections done by the Department for the 1972–73 school year indicated that although another 50,000 children for whom special programs were not planned to be available. In considering this situation, it must be emphasized that law is presently in force in New Jersey mandating that all eligible handicapped children be provided with an appropriate public education.

NEW MEXICO

At present, there are in New Mexico a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the New Mexico Department of Education indicates that out of a total of 53,126 handicapped children, only 8,655, approximately 16 percent, were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that only about an additional 1,500 children would be served, leaving over 40,000 handicapped children still waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in New Mexico mandating that all eligible handicapped children be provided with an appropriate education by 1977. Despite the large number of children still needing service, state appropriations for the education of the handicapped totaled $8 million for 1973–74, an increase of only $3.5 million from 1971–72.

NEW YORK

At present, there are in New York a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Department of Education indicates that 151,592 handicapped children, out of a total of 372,811 children, were not receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that only about an additional 15,000 handicapped children would receive service leaving about 135,000 handicapped children still waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in New York mandating that all eligible handicapped children be provided with an appropriate public education. The intent and responsibility of the state has been reinforced by New York Education Commissioner Nyquist when he ordered New York City in *Reid* v. *Board of Education of the City of New York* (No. 8742, Commissioner of Education of New York, Nov. 26, 1973), a class action right to education suit, to provide publicly supported, suitable education programs for all handicapped children. The New York City public schools estimate that it will immediately cost them $60 million to implement the decision.

NORTH CAROLINA

At present, there are in North Carolina a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the North Carolina Department of Education indicates that out of a total of 172,580 handicapped children, only 73,739, less than half, were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that while an additional 10,000 handicapped would be served, there would still be about 90,000 children still waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in North Carolina mandating that all eligible handicapped children be provided with an appropriate education. Specifically, the legislature in its last session adopted law that declared "that the policy of the state is to ensure every child a fair and full opportunity to reach his full potential . . . ." (CH 1293, 1973). The educational dilemma facing North Carolina's handicapped children and their families has been considered sufficiently serious to lead to the filing of a pending class action right to education lawsuit, *North Carolina Association for Retarded Children* v. *North Carolina*, (Civil No. 3050, E.D.N.C. filed May 18, 1973), on behalf of all North Carolina's mentally retarded children. You should also know that the amount of state appropriations available for the education of the handicapped for the 1973–74 school year was $39 million, an increase of only $9 million since the 1971–72 school year.

NORTH DAKOTA

At present, there are in North Dakota a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the North Dakota Department of Public Instruction indicates that out of a total of 47,215 handicapped children, only 8,947, less than a fifth, were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that the total number of handicapped children to be served would be little different from the 1971–72 level of service. In considering this situation, it must be emphasized that law is presently in force in North Dakota mandating that all eligible handicapped children be provided with an appropriate education by 1980. The educational dilemma facing North Dakota's handicapped children and their families has been considered sufficiently serious to lead to the filing of a pending class action right-to-education lawsuit, *North Dakota Association for Retarded Children* v. *Peterson* (Civil No. 1196, D.N.D., Filed Nov. 28, 1972), on behalf of all North Dakota's handicapped children. You should also know that in another recently concluded individual action the North Dakota Supreme Court held that the plantiff physically handicapped child "is entitled to an equal educational opportunity under the constitution of North Dakota, and that depriving her of that opportunity would be an unconstitutional denial of equal protection under the Federal and State constitutions and of the Due Process and Privileges and Immunities Clauses of the North Dakota Constitution," (*in the interest of G.H., a child* v. *G.H., B.H., F.H., Williston School District, et al.*, (Civil No. 8930, N.D.S.C., April 30, 1974). Despite the large number of children still needing service, state appropriations for the education of the handicapped totaled $3 million for 1973–75 biennium, an increase of only $1.6 million from 1971–73 biennium.

OHIO

At present, there are in Ohio a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Ohio Department of Education indicates that out of a total of 335,898 handicapped children, slightly over half, 175,300 children were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that only an additional 16,000 handicapped children would be provided with a special education, leaving approximately 144,000 children waiting for their opportunity. It is clear that even though state appropriations have increased from $65.5 million in 1971–72 to $90.4 million for 1973–74, an increase of 38 percent, 45 percent of the handicapped children still remain unserved. The educational dilemma facing Ohio's handicapped children has been considered sufficiently serious to lead to the recent filing of a pending class action right-to-education lawsuit, *The Cuyahoga County Association for Retarded Children and Adults, et. al.* v. *Martin Essex, et. al.* (Civil Action No. C74–587 N.D. Ohio, filed June 28, 1974).

OKLAHOMA

At present, there are in Oklahoma a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Oklahoma State Department of Education indicates that out of a total of 144,586 handicapped children, only 23,746, about 16 percent, were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that while an additional 10,000 handicapped children would be served, there would still be over 110,000 children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in Oklahoma mandating that all eligible handicapped children be provided with an appropriate education.

OREGON

At present, there are in Oregon a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Oregon Board of Education indicates that 26,274 handicapped children, out of a total of 48,044 children, were not receiving a public education designed to meet their needs. Projections done by the Board for the 1972–73 school year predicted that while an additional 3,500 handicapped children would be served there would still be over 18,000 children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in Oregon mandating that all eligible handicapped children be provided with an appropriate education.

PENNSYLVANIA

At present, there are in Pennsylvania a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Pennsylvania Department of Education indicates that 108,619 handicapped children out of a total of 265,449 children were not receiving a public education designed to meet their needs. Statistics produced by the Department based on Decem-

ber, 1972 enrollments were that despite service expansion to an additional 60,000 children since the 1971–72 school year, there still remain close to 50,000 handicapped children who are waiting for their opportunity to receive a public education. In considering this situation, it must be emphasized that law is presently in force in Pennsylvania mandating that appropriate educational services be provided to every eligible handicapped child. This mandate was specifically reinforced for all mentally retarded children by the landmark right-to-education order achieved in the class action *PARC* v. *Commonwealth of Pennsylvania* (334 F. Supp. 1257, E.D. Pennsylvania 1971 and 343 F. Supp. E.D. Pennsylvania 1972) lawsuit.

RHODE ISLAND

At present, there are in Rhode Island a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Rhode Island Department of Education indicates that only 13,475 handicapped children, out of a total of 39,475 children, about a third, were receiving an education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that only about 6,000 additional handicapped children would receive the educational services they need, leaving about 20,000 handicapped children still waiting for their opportunity to receive a public education. In considering this situation, it must be emphasized that law is presently in force in Rhode Island mandating that appropriate educational services be provided to every eligible handicapped child. The educational dilemma facing Rhode Island's handicapped children and their families has been considered sufficiently serious to lead to the filing of a pending class action right to education lawsuit, *Rhode Island Society for Autistic Children* v. *Reisman*, (C.A. No. 5081, D.R.I., Filed Dec., 1972) on behalf of all Rhode Island's handicapped children by the Rhode Island Society for Autistic Children.

SOUTH CAROLINA

At present, there are in South Carolina a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the South Carolina State Department of Education indicates that out of a total of 106,505 handicapped children, only 38,275, about 36 percent, were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that while an additional 15,275 handicapped children would be served there would still be over 50,000 children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in South Carolina mandating that all eligible handicapped children be provided with an appropriate education by 1977. Despite the large number of children still needing service, state appropriation for the education of the handicapped totaled $16.5 million for 1973–74, an increase of only $6.5 million from 1971–72.

SOUTH DAKOTA

At present, there are in South Dakota, a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the South Dakota Department of Public Instruction indicates that out of a total of 17,795 handicapped children, only 4,414, about one fourth, were receiving public education designed to meet their needs. While projections done by the Department for the 1972–73 school year predicted that an additional 7,500 children would be served there would still be over 5,000 children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in South Dakota mandating that all handicapped children be provided with a public education.

TENNESSEE

At present, there are in Tennessee a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Tennessee State Department of Education indicates that out of a total of 131,903 handicapped children, only 49,173 less than 40 percent, were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that the total number of handicapped children to be served would be little different from the 1971–72 level of service. In considering this situation, it must be emphasized that law is presently in force in Tennessee mandating that all eligible handicapped children be provided with an appropriate education as of September, 1974. The educational dilemma facing Tennessee's handicapped children and their families has been considered sufficiently serious to lead to the filing of a class action right to education lawsuit, *Rainey* v. *Tennessee Department of Education* (No. A–3100 Chancery Court of Davidson County, Tenn., Filed Nov. 6, 1973), on behalf of all of Tennessee's handicapped children. The suit was concluded in July, 1974 with a consent order that again requires that all eligible handicapped children be provided with an appropriate education.

TEXAS

At present, there are in Texas a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Texas Education Agency indicates that out of a total of 777,731 handicapped children, only 175,662, less than a fourth, were receiving a public education designed to meet their needs. Projections done by the Agency for the 1972–73 school year predicted that while an additional 21,000 handicapped would be served there would still be over 580,000 children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in Texas mandating that all eligible handicapped children be provided with an appropriate education.

UTAH

At present, there are in Utah a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Utah State Department of Public Instruction indicated that 17,100 handicapped children, out of a total of 44,179 children, were not receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that the total number of handicapped children to be served would be little different from the 1971–72 level of service. In considering this situation, it must be emphasized that law is presently in force in Utah mandating that all eligible handicapped children be provided with an appropriate education.

VERMONT

At present, there are in Vermont a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Vermont Department of Education indicates that only 4,612 handicapped children, out of a total of 20,631 children, less than a fourth, were receiving an education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that the total number to be served would be little different from the 1971–72 level of service. In considering this situation, it must be emphasized that law is presently in force in Vermont mandating that appropriate educational services be provided to every eligible handicapped child.

VIRGINIA

At present, there are in Virginia a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Virginia State Department of Education indicates that out of a total of 146,748 handicapped children, only 44,768, about 30 percent, were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that while an additional 3,000 handicapped would be served, there would still be about 98,000 children waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in Virginia mandating that all eligible handicapped children be provided with an appropriate education. A target date for compliance by 1976–77 has been established by the Department through regulations. Despite the large number of children still needing service, state appropriations for the education of the handicapped increased by $4 million from 1971–72 to $12.6 million for the 1973–74 school year.

WASHINGTON

At present, there are in Washington many handicapped children who are not receiving an appropriate public education. Data collected by the Department of Public Instruction indicates that 10,702 handicapped children, which includes the learning disabled category of exceptionality, are presently unserved and for whom the Department desires to serve with an appropriate education during the 1975–77 biennium. There are, in addition, another 12,000 unserved learning disabled handicapped children for whom the state plans to provide programs after the 1975–77 biennium. In order to provide children the services required and planned for the 1975–77 biennium, an additional 36 million dollars is needed, excluding any inflationary factors. While the state has continued to expand services, additional funds are not expected to surpass 16 million dollars and may, in fact, fall short of expectations. Therefore, funding will fall at least 20 million dollars short of the level required to implement the state's plan. In considering this situation it must be emphasized that law is presently in force in the state of Washington which mandates that all handicapped children be provided with an appropriate education.

WEST VIRGINIA

At present, there are in West Virginia a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the West Virginia Department of Education indicates that only 15,161 handicapped children, out of a total of 80,561 children, less than a fifth, were receiving an education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that the total number to be served would be little different from the 1971–72 level of service. In considering this situation, it must be emphasized that with the passage by the state legislature of H.B. 1271, West Virginia has mandated that appropriate public education must be provided to all eligible handicapped children. The legislature also by this Act ordered compliance with the mandate in September of this school year.

WISCONSIN

At present, there are in Wisconsin, a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Department of Public Instruction indicates that only 66,230 children out of a total of 155,813 handicapped children, considerably less than half, were receiving an education to meet their needs. Statistics for the 1972–73 school year show that the total number to be served is 55 percent, little different from the 1971–72 level of service. In considering this situation, it must be emphasized that with the passage by the legislature of Chapter 89, Wisconsin has mandated that appropriate public education must be provided to all eligible handicapped children. This mandate requiring that these services must be made available beginning with the 1974–75 school year was reinforced and cited in a District Court decision in *Panitch* v. *Wisconsin* (No. 72–C–461 D. Wis.), a class action right to education lawsuit.

WYOMING

At present, there are in Wyoming a great many handicapped children who are not receiving an appropriate public education. Data collected for the 1971–72 school year by the Wyoming State Department of Education indicates that out of a total of 18,475 handicapped children, only 5,665, less than a third, were receiving a public education designed to meet their needs. Projections done by the Department for the 1972–73 school year predicted that the total number of handicapped children to be served would be little different from the 1971–72 level of services and that over 12,000 handicapped children would still be waiting for their opportunity to receive a meaningful public education. In considering this situation, it must be emphasized that law is presently in force in Wyoming mandating that all eligible handicapped children be provided with an appropriate education.

Mr. STAFFORD. Mr. President, it is important to observe that, of the 19 States with specific statutory dates of compliance, 7 became effective in 1974, 1 becomes effective in 1975, 4 become effective in 1976, 4 become effective in 1977, and 2 become effective in 1979.

However, while these statutes and their compliance date represent a forceful statement of legislative intent, they do not guarantee actual program delivery. The same is true of court decrees, as may be witnessesd in the District of Columbia where the plaintiffs have returned to court charging substantial noncompliance with that historic decree resulting from Mills against District of Columbia Board of Education.

This is not to suggest lack of good will on the part of State and local officials; quite the contrary, it is simply to acknowledge a pressing financial crunch in the States and localities exacerbated by the ever-accelerating pace of those court orders and legislative mandates just cited. That is why I offer the amendment before the Senate today. The States must have financial help.

In that context, I would advise my colleagues that a recent survey by the Education Commission of the States found that education of the handicapped was the No. 1 education concern of State Governors and the No. 2 concern of State legislators—education finance reform was No. 1.

Permit me to share with you a recent resolution of the National Governors' Conference which succinctly summarzies the message being conveyed from the States to the National Government:

The National Governor's Conference believes it should be the responsibility of each state, as an integral part of a free public education, to provide for special education services sufficient to identify and meet the needs of all handicapped children.

Recognizing the tremendous additional financial burden which would be incurred in providing for the education of all handicapped children, the National Governors' Conference calls upon the federal government to increase its assistance to the states in fulfilling this commitment. Federal assistance, however, should allow maximum flexibility and discretion to the states in providing the essential services they deem appropriate, since these services in many states are administered by more than one agency.

But beyond the press of litigation, impending implementation dates in State mandatory laws, and the increasing "hue and cry" for Federal help emanating from the States, lies the most compelling argument for accepting my amendment today; namely, the shocking unmet need itself. Let me again briefly review the basic arithmetic of neglect.

A recent study by the Rand Corp.—1974—found that based upon data from the 1972–73 school year, 3.046 million handicapped children of school age or 6.6 percent of the total enrollment in publically supported elementary and secondary schools received needed special education services. This figure represents conservatively approximately 55 to 60 percent of the estimated and reported children requiring such services. Of the approximately 3 million handicapped children of school age not receiving special education, 1 million are totally excluded from any education.

Numerous studies have documented the importance of educating handicapped children at the earliest possible age. There are approximately 1 million handicapped children of preschool age of whom the Office of Education estimates that only 330,000 are receiving critically needed special education services.

Or, if one were to move a bit closer to home, we need only consult the report prepared by the Labor and Public Welfare Committee of the Senate which accompanied the Senate version (S. 1539) of the Education Amendments of 1974 (Public Law 93–380):

There are 7 million (1 million of preschool age) deaf, blind, retarded, speech-impaired, motor-impaired, emotionally disturbed, or other health-impaired children in the United States who require special education programs. Although these children represent approximately 10 percent of the school age population (a conservative estimate), and although the number of children receiving special help has grown from 2.1 million to nearly 3 million in the past 5 years, current data indicates that less than 40 percent are receiving an adequate education.

Let me simply conclude with this observation: We are not talking about money for more books, or for better classrooms, or to achieve more satisfactory teacher-student ratios. We are talking about money to end the denial of any education opportunity whatsoever.

If there were a reason to vote against my amendment, it would presumably be with the objective of holding down Federal spending. But should we force these children who have been denied the benefits that are available to all other children, to continue to be denied such benefits and thus bear the heaviest burden of our Nation's economic difficulties. To do so would be trantamount to piling injustice upon injustice, and I do not believe that is the will of the U.S. Senate.

Mr. President, I ask my colleagues for their full support for this amendment.

The PRESIDING OFFICER. The time of the Senator from Vermont has expired.

Mr. MAGNUSON. I yield time to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I have great sympathy with the purpose that my friend from Vermont has in mind. I doubt if there is a Member of this Senate who has more reason to sympathize. I have a brother, whom I have maintained for all of his life, who has been handicapped and could have been, with some of these attentions that we are giving now, able to lead a useful and productive and happy life.

But, Mr. President, let me say just a couple of things.

In the first place, on this matter of State grant programs, the House jumped the budget by nearly $40 million, and our committee increased the House bill by $40 million more, making a total of $125 million. Right on the same page in this supplemental are many of these other appropriations for the handicapped. The deaf-blind centers have $12 million; the early childhood projects $14 million; the specific learning disabilities program $3.250 million; the regional resource centers which participate in this, over $9 million; the innovation and development program, almost $10 million. All of this is under education for the handicapped, and all of this is in this supplemental bill.

I could go on reading the list, but when we get to the total of the appropriations that are in this bill for handicapped children, it comes to $324,609,000. That is more than we have ever appropriated before.

On this matter of entitlement, it is a good word, but entitlement means that a legislative committee has decided to appropriate money and it is entitled, so we have no control over it. We could not have gone to what he calls a complete entitlement. I believe I understood him to say that maybe a third of the children handicapped in some way are already not receiving special attention. But certainly, more children than ever before—I would say almost double—under this appropriation will be taken care of.

For that reason, sympathetic as I am, I do not see how the Senate can find its way to overturn its committee. I trust that it will not do so, because I am afraid that it will endanger the whole program and we might come out with less.

I do not want to take time away from my friend. I yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, here again, no one will deny the fact that we want to take care of every handicapped

child in the United States, wherever he is. But sometimes, we have to have regulations to find out who is handicapped. It is easy for us to find the people who are physically handicapped, but we are getting into a field now where some of these people are suggesting that the regulation should be revised to include perhaps a boy in a junior high school or a girl who did not get very good grades—some of us were in that position. That means that we are a little handicapped mentally, does it not? We did not get good grades.

We are trying to figure out how to do this. HEW typically is still dragging their heels—I shall agree with that. They are in the process of writing regulations. This means that the money probably would not get to the States until after the beginning of the year, anyway. The committee bill represents adequate 6-months' funding for this program, so we can look at it again.

The Senator from New Hampshire mentioned that the bill contains $125 million. That is an increase of $78 million over the President's budget request.

The committee bill is about three times—three times—what the States got last year. Now, that is about as fast as we can move until we can find out more clearly where we are going.

I appreciate, as all of us do, the motives of the Senator from Vermont. I know there are some other children who ought to be served, and I think we ought to serve them well when we do and not just appropriate money for some State to start out, not knowing exactly what the regulations are. It is easy for a State and for us to know about the handicapped. But when we get into this field that I am talking about, I just do not know how much money we need, or how far we should go. We shall find that out.

In the meantime, with this $78 million over the budget, and three times what the States got last year, I think we moved pretty fast and were very conscious of the situation.

Mr. BEALL. Mr. President, as the Senate considers appropriations under the special supplemental measure, H.R. 16900, I would like to express my deep concern for the provisions in this bill dealing with the education of the handicapped children.

As we know, the House Appropriations Committee made something less than a wholehearted response to this new entitlement for handicapped children. The House measure contains only $85 million in actual funding to carry out provisions of the Mathias amendment contained under ESEA, title VI–B of the Education Amendments of 1974 (Public Law 93–380) which I cosponsored and strongly supported. As my colleagues will recall, in passing this measure, entitlement at full appropriations would mean approximately $660 million for the remainder of fiscal 1975. The Senate Appropriations Committee has recommended an actual appropriations of $125 million for fiscal 1975. Though this figure does represent a respectable increase over prior appropriations, it is exceedingly modest when compared to the entitlement figure of $660 million, and certainly falls far short when compared to the actual need nationwide. Therefore, I commend my distinguished colleague, Senator STAFFORD, for his efforts to provide for realistic funding, and join with him in cosponsoring his amendment to increase the appropriations by another $25 million, for a total of $150 million.

My own State of Maryland is illustrative of the fact that there are a great many handicapped children who are not receiving an appropriate education. Data collected for the 1971–72 school year by the Maryland Department of Education indicates that 57,380 handicapped children, out of a total of 123,639 children were not receiving a public education designed to meet their needs. Projections made by the department, for the 1972–73 school year, predicted that the total number to be served would be little different than the 1971–72 school year level of service. As emphasized in a letter from the Council for Exceptional Children, which I have received, the situation of our State, as in many States throughout the Nation, is made more critical as a result of a decision in a class action right to education lawsuit, Maryland Association for Retarded Children against State of Maryland handed down last May, in which the court proclaimed that all children have the right to an education which must be provided by September 1975. This decision set aside the compliance date of 1979 originally mandated by the law.

In the face of legal requirements to meet the educational needs of service to all handicapped children, it is clear that past funding levels have fallen far short of meeting program goals.

As Senator MATHIAS pointed out during his remarks before the Senate on May 20:

> It would be unfair and untrue to contend that our State and local education programs are neglecting handicapped children. During the school year 1972–73, for instance, State and local expenditures for education of the handicapped amounted to an estimated $2.4 billion. During that same period, the Federal share—which includes funds spent under the Education of Handicapped Act, ESEA title I and III, Headstart, vocational education, the Higher Education Act, Federal schools for the deaf, research and instructional support—reached $315 million or only 12 percent of the total annual special education expenditures of $2.7 billion.

Keeping in mind that this 12-percent figure includes moneys spent for research, teacher training, and special projects, not just classroom services, the insufficiency of these funds is of even greater concern when we consider the fact that upon closer examination, the 1972–73 expenditures for Federal special education represented only 5 percent of the total Federal education budget.

Incumbent upon us in meeting the goals projected, as we passed the authorizations bill, is the clearcut responsibility we are faced with today in seeking to provide the means to insure full educational opportunities for all handicapped children. The first step in bringing about reforms and improvements in meeting the national educational needs of our 7 million handicapped children necessitates realistic funding levels at this time. By failing to appropriate adequate funds to meet these goals, previous passage of authorization legislation appears to be idealistic rhetoric.

While all Americans focus on ways to combat recession and its adverse conditions, it is my judgment that we must look ahead, in terms of investment over the years as we compare cost of these services now versus realistic provision of future services. The investment we consider today is not simply idealization of fulfilling human potential, but realistic planning in terms of bringing self-sufficiency to our Nation's handicapped. If at this time adequate funding levels are met, in the field of education, rather than face far greater annual cost as we continue to pay billions for dependency-related programs, we will realize profit in return as these children served through our efforts today become self-supporting and productive citizens of tomorrow.

I urge my colleagues to join with me in supporting Senator STAFFORD's amendment to add $25 million to the committee's recommendation at the level of $125 million, keeping in mind that this figure of a total of $150 million is still less than 25 percent of the entitlement we approved in passing the Education Amendments of 1974. This is the time to put our money where our laws are, and I urge my colleagues to give this important measure their favorable consideration at this time.

Mr. MAGNUSON. May I just do this, so that the record is clear? I do not suggest that this is all, that it is adequate. It might turn out to be that. But the committee bill will serve about 600,000 children. That is 347,000 more than were served last year under the budget. I think we moved it up pretty fast.

Mr. STAFFORD. Will the Senator yield me about 30 seconds?

Mr. MAGNUSON. Oh, surely. I just want these figures in the RECORD.

Mr. STAFFORD. I wish to comment that I think we are making remarkable progress, but we are talking about 3 million children that are either deaf, blind, retarded, speech-impaired, motor-impaired, or emotionally disturbed. We are also talking about $25 million more to reach those 3 million children that are not getting any services today.

I am prepared to vote.

The PRESIDING OFFICER (Mr. NUNN). All time has expired. The question is on agreeing to the amendment of the Senator from Vermont (Mr. STAFFORD). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Louisiana (Mr. JOHNSTON), the Senator from

Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), the Senator from Indiana (Mr. HARTKE), and the Senator from Colorado (Mr. HASKELL) are necessarily absent.

I further announce that the Senator from Minnesota (Mr. HUMPHREY) is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Idaho (Mr. MCCLURE) are necessarily absent.

I also announce that the Senator from New York (Mr. BUCKLEY) and the Senator from Maryland (Mr. MATHIAS) are absent on official business.

I further announce that the Senator from Oregon (Mr. HATFIELD) is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 32, nays 51, as follows:

[No. 492 Leg.]

YEAS—32

Abourezk	Gravel	Packwood
Aiken	Griffin	Pearson
Bayh	Hart	Ribicoff
Beall	Hathaway	Schweiker
Bentsen	Huddleston	Stafford
Biden	Hughes	Stevens
Brooke	Javits	Stevenson
Byrd, Robert C.	McIntyre	Taft
Case	Metzenbaum	Weicker
Clark	Mondale	Williams
Cranston	Nelson	

NAYS—51

Bartlett	Fannin	Muskie
Bellmon	Fong	Nunn
Bennett	Goldwater	Pastore
Bible	Gurney	Pell
Brock	Hansen	Percy
Burdick	Helms	Proxmire
Byrd, Harry F., Jr.	Hollings	Roth
Cannon	Hruska	Scott, Hugh
Chiles	Inouye	Scott, William L.
Cook	Jackson	Stennis
Cotton	Long	Symington
Curtis	Magnuson	Talmadge
Dole	Mansfield	Thurmond
Domenici	McClellan	Tower
Dominick	McGee	Tunney
Eastland	Metcalf	Young
Ervin	Montoya	
	Moss	

NOT VOTING—17

Allen	Hartke	Mathias
Baker	Haskell	McClure
Buckley	Hatfield	McGovern
Church	Humphrey	Randolph
Eagleton	Johnston	Sparkman
Fulbright	Kennedy	

So Mr. STAFFORD's amendment was rejected.

Mr. BELLMON. Mr. President, I have an amendment at the desk and I ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

On page 28, line 3, and continuing to line 4 after the words "determining the" strike the word "ownership" and insert in lieu thereof the word "disposition".

Mr. BELLMON. Mr. President, the Senate, some weeks ago, passed and sent to the House S. 4016, a bill relating to the disposition of and governing access to the Presidential materials of former President Nixon. This was a comprehensive piece of legislation expressing the overwhelming will of the Senate regarding these materials. S. 4016 itself, as well as its legislative history, makes it abundantly clear that the one area not covered was ownership. It was not "legislation determining ownership" of these documents, tapes, and materials.

However, section 203 as presently written provides it will remain effective until June 30, 1975, unless Congress enacts legislation determining the "ownership" of these materials.

It would effectively prevent compliance with S. 4016 if enacted. This is a result I am sure no one wants.

My amendment is a simple one. By merely changing one word "ownership" to "disposition", section 203 would cease to be effective upon passage of S. 4016 thereby permitting compliance with its provisions. It would have no other effect.

It is my understanding that the Member of the House that sponsored this provision on the floor of the House has no objection to this change of words.

I hope that the chairman of the Subcommittee on Treasury-Post Office having cognizance over this matter and the chairman of the committee will accept this amendment.

Mr. President, the purpose of this amendment is to make the language in this bill correspond to the language in the Senate bill S. 4106, which the Senate passed recently.

It has been discussed with the distinguished chairman of the Appropriations Committee, with the chairman of the subcommittee and, I believe, they have agreed to accept the amendment.

Mr. MCCLELLAN. Mr. President, I have no objection to the amendment, and I am perfectly willing to accept it if the distinguished Senator from Washington will.

Mr. MAGNUSON. Yes.

The PRESIDING OFFICER. Is all time yielded back?

Mr. BELLMON. I yield back the remainder of my time.

The PRESIDING OFFICER. Is all time yielded back? The Senator from Washington.

Mr. MAGNUSON. Yes.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mr. MAGNUSON. Mr. President, at the risk of some raised eyebrows here, I send to the desk an amendment to add $480,000 to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 5, line 18, after the words "Salaries and Expenses" insert the following: "$6,080,000, including".

Mr. MAGNUSON. My amendment is designed to solve a serious problem which is frustrating the rights of widows and injured Federal workers in receiving the benefits to which they are entitled under Federal law. We did not take action to correct this unconscionable situation during hearings on the appropriation, because it was just during the recess that the problem was brought to my attention. The office of workers compensation programs of the Employment Standards Administration in the Department of Labor currently has a national backlog of 48,000 unresolved claims for compensation from injured Federal workers. This is the highest it has been since the inception of the program in 1916. While in my own State, I learned that the Seattle district office alone has a backlog of over 2,000 unresolved claims. Seattle and the other 11 regional offices are falling further and further behind. At present, it is not uncommon for a compensation claim to take literally years to be resolved, leaving crippled Federal workers and their families without any income whatsoever in the interim. My amendment will increase the budget of the office by $480,000. This money will add 74 positions nationally on a temporary basis, provide for overtime for existing employees and additional technical assistance to the district offices. I have been assured that if this amendment is adopted, the backlog can be reduced in the next 6 months to 18,000 cases, the level of the backlog in 1971 and the lowest in the past 10 years. At the close of the fiscal year, the administration expects other longer range improvements in management will begin to take effect to keep the backlog low and eventually eliminate it.

I urge favorable consideration of this amendment on behalf of the tens of thousands of injured Federal workers and their families who are now struggling with this intolerable situation.

Mr. MCCLELLAN. Is that $480,000 or 480,000 new employees we are talking about?

Mr. MAGNUSON. No, we are talking about 74 temporary employees.

If the Senator from New Hampshire will accept my amendment, it is an emergency matter, and the administration expects some longrange improvements to take care of this backlog, but the claims are legal, they are there.

With the apparent approval of the Senate, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HARRY F. BYRD, JR. There are several reasons I would like to vote for the supplemental appropriations bill, H.R. 16900.

The most important reason I would like to vote for it is that it contains funds

for Federal aid to impacted areas. I have supported this program for 9 years—and I support it now.

It is a just program because the Federal Government, I feel, has an obligation to those localities in which the cost of local government has been increased, or the revenues from local property taxes decreased, as a result of Federal Government action or facilities.

So I support the impacted aid program.

But it represents only 7 percent of the total amount in this legislation.

I support other items in the supplemental. But I cannot support the total figure.

The total supplemental appropriation bill, including many different programs and agencies, is $8.7 billion.

As much as I favor many of the items in the bill, particularly the funding of Federal aid to impacted areas, I feel that in this time of high inflation and runaway Federal spending, I cannot vote for the huge total which this bill represents. The funding level is too high.

Mr. McCLELLAN. Third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

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

Mr. McCLELLAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and the nays were ordered.

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the bill pass. The yeas and the 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 Alabama (Mr. ALLEN), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Colorado (Mr. HASKELL), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Minnesota (Mr. HUMPHREY) are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. HASKELL), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Idaho (Mr. McCLURE), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I also announce that the Senator from New York (Mr. BUCKLEY) and the Senator from Maryland (Mr. MATHIAS) are absent on official business.

I further announce that the Senator from Oregon (Mr. HATFIELD) is absent due to illness in the family.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 65, nays 18, as follows:

[No. 493 Leg.]

YEAS—65

Abourezk	Fong	Moss
Aiken	Gravel	Muskie
Bayh	Griffin	Nelson
Beall	Hart	Packwood
Bellmon	Hartke	Pastore
Bennett	Hathaway	Pearson
Bentsen	Hollings	Pell
Bible	Hruska	Proxmire
Biden	Huddleston	Ribicoff
Brock	Hughes	Schweiker
Brooke	Inouye	Scott, Hugh
Burdick	Jackson	Stafford
Byrd, Robert C.	Javits	Stevens
Cannon	Long	Stevenson
Case	Magnuson	Symington
Clark	McClellan	Taft
Cotton	McGee	Talmadge
Cranston	McIntyre	Tunney
Dole	Metcalf	Weicker
Domenici	Metzenbaum	Williams
Dominick	Mondale	Young
Ervin	Montoya	

NAYS—18

Bartlett	Fannin	Roth
Byrd, Harry F., Jr.	Goldwater	Scott, William L.
Chiles	Gurney	Stennis
Cook	Hansen	Thurmond
Curtis	Helms	Tower
Eastland	Mansfield	
	Nunn	

NOT VOTING—17

Allen	Haskell	McClure
Baker	Hatfield	McGovern
Buckley	Humphrey	Percy
Church	Johnston	Randolph
Eagleton	Kennedy	Sparkman
Fulbright	Mathias	

So the bill (H.R. 16900) was passed.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which H.R. 16900 passed.

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. 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 appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McCLELLAN, Mr. MAGNUSON, Mr. STENNIS, Mr. PASTORE, Mr. BIBLE, Mr. ROBERT C. BYRD, Mr. PROXMIRE, Mr. MONTOYA, Mr. HOLLINGS, Mr. YOUNG, Mr. HRUSKA, Mr. COTTON, Mr. CASE, Mr. BROOKE, Mr. STEVENS, Mr. MATHIAS, and Mr. BELLMON conferees on the part of the Senate.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make clerical and technical changes in the engrossment of the Senate amendments.

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

TRANSPORTATION SAFETY ACT OF 1974

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15223.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 15223) to amend the Federal Railroad Safety Act of 1970 and the Hazardous Materials Transportation Control Act of 1970 to authorize additional appropriations, and for other purposes and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MAGNUSON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. HARTKE, Mr. CANNON, Mr. BAKER, and Mr. BEALL conferees on the part of the Senate.

ORDER TO HOLD ERDA NOMINATIONS AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the ERDA nominations are received, they be held at the desk.

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

AUTHORIZATION FOR LABOR AND PUBLIC WELFARE COMMITTEE TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be authorized to file reports until midnight tonight.

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

ORDER FOR SUNDRY ADMINISTRATION COMMUNICATIONS SUBMITTED PURSUANT TO THE BUDGET AND ACCOUNTING ACT TO BE HELD AT THE DESK TEMPORARILY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that sundry administrative communications submitted to the Senate pursuant to the Budget and Accounting Act be held at the desk temporarily.

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

ORDER FOR CONSIDERATION OF S. 3418 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the votes on the override of the two vetoes tomorrow, the Senate proceed to the consideration of S. 3418, a bill to establish a Federal Privacy Board, and for other purposes.

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

ORDER FOR ADJOURNMENT

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 12 noon tomorrow.

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

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order tomorrow, there be a period for the transaction of routine morning business, not to extend beyond the hour of 12:30 p.m., with statements limited therein to 5 minutes each.

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

EXPORT-IMPORT BANK CONFERENCE REPORT

Mr. HARRY F. BYRD, JR. Mr. President, on November 15, a letter was sent to the Members of the Senate dealing with the Export-Import Bank conference report. This letter was signed by the Senator from Virginia, by the Senator from Alabama (Mr. ALLEN), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Nevada (Mr. CANNON).

The letter urged that the conference report be rejected, and it gave various reasons.

Mr. President, I rise today to correct one figure which was in error in the seventh paragraph resulting from a wrong addition, where it says that the Export-Import Bank loaned $956,400,000.

That figure should be $884,400,000.

Another point in that same paragraph that needs to be clarified is that the letter says that the Export-Import Bank loaned the figure just mentioned.

The more exact wording should be "assisted in financing." The Export-Import Bank loans for these items mentioned in this paragraph totaled $308,550,000, based on the press releases by the Export-Import Bank. I point out that most of these loans were at a 7-percent interest rate.

I thought these two points should be clarified for the record.

The signers of this letter regret that the figure was slightly incorrect. It makes no substantial difference, but we do want the exact figure.

I want to say also that nothing in this letter, so far as the Senator from Virginia is concerned, should be construed in any way as a reflection on the able president of the Export-Import Bank, Mr. Casey.

I think he is an excellent man, and I am pleased to work with him. We have a difference of view on some of these matters pertaining to Export-Import Bank; but so far as the Senator from Virginia is concerned, the item I am particularly interested in is putting a ceiling on the amount of loans that may be made to Russia. Mr. Casey, the president of the bank, if I judge him accurately, does not want a blank check, but it is the State Department that has insisted upon a blank check.

Mr. President, I ask unanimous consent to have printed in the RECORD the revised letter written by he five Senators I mentioned.

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

U.S. SENATE,
Washington, D.C., Nov. 15, 1974.

DEAR COLLEAGUE: We intend to move to reject the Export-Import Bank conference report when it comes before the Senate shortly after Congress reconvenes.

The conference report nullifies every major Senate action to strengthen Congressional overight of the Bank's activities and paves the way for an immediate multi-billion dollar U.S. investment in Soviet energy development.

The Senate put an overall ceiling of $300 million on Ex-Im Bank loans to the Soviet Union—the conference committee eliminated this ceiling, saying the President could set any limit he chooses.

The Senate adopted an amendment prohibiting Ex-Im Bank support of Soviet fossil fuel project without prior Congressional approval—the conference committee deleted it.

The Senate required prenotification to Congress of any Ex-Im Bank credit transaction of $60 million or more—the conference committee excluded loan guarantees from this provision, effectively nullifying it.

The Senate put Ex-Im Bank back in the federal budget to show its inflationary impact and to permit better Congressional review of the Bank's lending—the conference committee deleted this provision.

Despite growing public criticism of its operations, the Bank has continued to make loans which cause serious economic hardship to American industry and American workers. For example, from August 26 through November 11 of this year the Ex-Im Bank assisted in the purchase of $884,400,000 of U.S. aircraft. Of this total, Ex-Im Bank loans totaled $308,550,000, primarily at 7% interest. Pan Am pays market rates for the same planes and is asking for $10 million a month in federal subsidies to stay in business.

If the conference report is adopted, there will be nothing to stop the Ex-Im Bank from making more aircraft loans, or from financing the Soviet Yakutsk and North Star energy projects while U.S. energy development lags, or from expanding its low-interest lending activities almost without limit while the American taxpayer is unable to get financing for his home or his business.

At the appropriate time, we shall move to reject the conference report and send it back to committee for revision.

Rejecion of the conference report will not close down the Bank. It will only restrict major new transactions until Congress takes further action to insure that the Bank operates in the national interest.

We urge your support in voting down the Export-Import Bank Conference Report.

Sincerely,

HARRY F. BYRD, JR.,
JAMES B. ALLEN,
RICHARD S. SCHWEIKER,
WILLIAM PROXMIRE,
HOWARD W. CANNON.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at the hour of 12 o'clock noon tomorrow. After the two leaders or their designees have been recognized under the standing order, there will be the period for the transaction of routine morning business of not to extend beyond the hour of 12:30 p.m. Statements made during that period for the transaction of routine morning business will be limited to 5 minutes each.

At no later than the hour of 12:30 p.m., the debate on the override of the Presidential veto of H.R. 14223, the Vocational Rehabilitation Act, will begin.

At the hour of 1 o'clock p.m., tomorrow, the debate will begin on the override of the Presidential veto of H.R. 12471, the Freedom of Information Act.

At the hour of 2 o'clock p.m. tomorrow, a rollcall vote will occur on the override of the veto of H.R. 12471. That vote will be immediately followed by the vote on the override of the Presidential veto of H.R. 14223. Under the Constitution, both votes will be by rollcall.

Following the disposition of the votes to override the Presidential vetoes, the Senate will take up S. 3418, a bill to establish a Federal Privacy Board to oversee the gathering and disclosure of information concerning individuals, and for other purposes. Rollcall votes are anticipated on amendments thereto.

ADJOURNMENT

Mr. HARRY F. BYRD, JR. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until 12 o'clock meridian tomorrow.

The motion was agreed to; and at 6 p.m. the Senate adjourned until tomorrow, Thursday, November 21, 1974, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

INTERNATIONAL FEDERATION OF LIBRARY ASSOCIATIONS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 19, 1974

Mr. BRADEMAS. Mr. Speaker, the International Federation of Library Associations is meeting in Washington, D.C. this week, and over 900 delegates from some 70 countries of the world are attending.

The International Federation of Library Associations is an international nongovernmental organization, having consultative status with UNESCO, working in 88 countries through its 120 member-associations and 450 member-libraries.

Mr. Speaker, as chairman of the House Select Subcommittee on Education, which has jurisdiction over our Nation's Federal library programs, I wish to extend a special welcome to the delegates from other nations attending this 40th General Council Meeting of the International Federation of Library Associations.

It is fitting at this time to note that there is pending on the House calendar