By Mr. DANIELSON (for himself, Mr. HILLIS, Mr. EDGAR, Mr. MCHUGH, Mr. HANNAFORD, Mr. BEARD of Rhode Island, Mr. ALLEN, Mr. HANSEN, and Mr. O'BRIEN):

H.R. 12115. A bill to amend title 38 of the United States Code in order to require the Administrator of Veterans' Affairs to pay a $150 allowance to any State in reimbursement for expenses incurred in the burial of each veteran in any cemetery owned by such government, if the cemetery or section thereof is used solely or primarily for the interment of veterans; to the Committee on Veterans' Affairs.

By Mr. ANDERSON of California:

H.J. Res. 827. Joint resolution proposing an amendment to the Constitution of the United States to prevent a Member of Congress from serving more than 12 consecutive years in either the House or the Senate; to the Committee on the Judiciary.

By Mr. MINISH:

H.J. Res. 828. Joint resolution to designate the apple as the official Bicentennial fruit; to the Committee on Post Office and Civil Service.

H.J. Res. 829. Joint resolution authorizing the President to proclaim September 8 of each year as National Cancer Day; to the Committee on Post Office and Civil Service.

By Mr. FLYNT:

H. Res. 1054. Resolution to provide the Committee on Standards of Official Conduct with subpena power to carry out House Resolution 1042; to the Committee on Rules.

By Mr. JONES of Alabama (for himself and Mr. HARSHA):

H. Res. 1055. Resolution to provide funds for the expenses of investigations and studies authorized by the Committee on Public Works and Transportation; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

304. By the SPEAKER: Memorial of the Senate of the Commonwealth of Massachusetts, relative to continued operation of Fort Devens; to the Committee on Armed Services.

305. Also, memorial of the Legislature of the State of California, relative to the acquisition of land by Federal agencies; to the Committee on Government Operations.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. FISHER:

H.R. 12116. A bill for the relief of Mrs. Arlene S. Miller; to the Committee on the Judiciary.

By Mr. HICKS:

H.R. 12117. A bill for the relief of Gertrude Faria Young; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII.

404. The SPEAKER presented a petition of Herbert Mundell, mayor of Benton, Ill., relative to general revenue sharing; to the Committee on Government Operations.

SENATE—*Wednesday, February 25, 1976*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

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

Let us pray:

Thanks be to Thee, O Lord, for this new day with its new opportunities and fresh perspectives. Imbue us with Thy Spirit that we fail not in our service to the people and in honor to Thy name. When we cannot see clearly the road ahead, light up our pathway that we may wisely take one step at a time. When human strength falters indwell us with divine strength and grace sufficient for all our needs. Go with us as we work and in the end may we hear Thee say, "Well done, good and faithful servant." Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, February 24, 1976, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE SESSION

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

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

The PRESIDENT pro tempore. The nominations will be stated.

U.S. NAVY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

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

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

U.S. MARINE CORPS

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

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

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Air Force, in the Army, and in the Marine Corps, placed on the Secretary's desk.

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

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

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

LEGISLATIVE SESSION

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

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

CONSIDERATION OF CERTAIN ITEMS ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to consideration of items on the calendar beginning with Calendar No. 614, up to and including 619.

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

PRINTING OF REPORT ON SOME ADMINISTRATIVE PROCEDURES OF THE INTERNAL REVENUE SERVICE

The concurrent resolution (S. Con. Res. 85) authorizing the printing as a Senate document of a report by a special consultant to the Administrative Conference of the United States on some administrative procedures of the Internal Revenue Service, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That a report by a special consultant to the Administrative Conference of the United States on some administrative procedures of the Internal Revenue Service be printed as a Senate document, and that there be printed five hundred additional copies of such document for the use of the Senate Committee on Appropriations.

OUR NATION'S SCHOOLS—A REPORT CARD: "A" IN SCHOOL VIOLENCE AND VANDALISM

The resolution (S. Res. 348) authorizing the printing of additional copies of the committee print entitled "Our Nation's Schools—A Report Card: 'A' in School Violence and Vandalism," was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on the Judiciary five thousand additional copies of its committee print entitled "Our Nation's Schools—A Report Card: 'A' in School Violence and

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Vandalism", a preliminary report of the Subcommittee To Investigate Juvenile Delinquency.

ADDITIONAL EXPENDITURES FOR THE COMMITTEE ON APPROPRIATIONS

The resolution (S. Res. 383) authorizing additional expenditures for the Committee on Appropriations for routine purposes, was considered and agreed to, as follows:

Resolved, That the Committee on Appropriations is authorized to expend from the contingent fund of the Senate, during the Ninety-fourth Congress, $200,000 in addition to the amounts, and for the same purposes specified in section 134(a) of the Legislative Reorganization Act of 1946, and in S. Res. 138, Ninety-fourth Congress, agreed to May 14, 1975.

SPECIAL BRIDGE REPLACEMENT PROGRAM, FIFTH ANNUAL REPORT TO CONGRESS

The resolution (S. Res. 384) authorizing the printing of the report entitled "Special Bridge Replacement Program, Fifth Annual Report to Congress," as a Senate document was considered and agreed to, as follows:

Resolved, That the annual report of the Secretary of Transportation to the Congress of the United States (in compliance with section 144, title 23, United States Code) entitled "Special Bridge Replacement Program, Fifth Annual Report", be printed, with illustrations, as a Senate document.

SEC. 2. There shall be printed five hundred additional copies of such document for the use of the Committee on Public Works.

JACQUELINE C. BUCK

The resolution (S. Res. 395) to pay a gratuity to Jacqueline C. Buck, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Jacqueline C. Buck, widow of John R. Buck, an employee of the Architect of the Capitol assigned to duty in the Senate Office Building at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

DENNIS C. LORDAN AND MARY ALICE HURLBERT

The resolution (S. Res. 396) to pay a gratuity to Dennis C. Lordan and Mary Alice Hurlbert, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Dennis C. Lordan, son and to Mary Alice Hurlbert, daughter of Frederick J. Lordan, an employee of the Senate at the time of his death, a sum to each equal to five and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

LEAVE OF ABSENCE

Mr. MANSFIELD. Mr. President, I ask the consent of the Senate that I may be excused officially from the hour of approximately 12:30 p.m. today for the rest of the week because of my official duties in my capacity as chairman of the Senate section of the Mexican-United States parliamentary meeting.

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Does the Senator from Michigan wish to be recognized.

Mr. GRIFFIN. No, Mr. President.

The PRESIDENT pro tempore. Under the previous order, the Senator from South Carolina (Mr. THURMOND) is recognized for not to exceed 15 minutes.

ACTION OF CONGRESS RELATIVE TO FISCAL YEAR 1977 DEFENSE BUDGET

Mr. THURMOND. Mr. President, evidence is mounting that the 94th Congress is beginning to realize that the accelerating Soviet military power buildup and the deep cuts in the Defense budget are seriously jeopardizing our national security.

As one who has repeatedly warned about rising Soviet military might and heavy-handed cuts in the Defense budget, this more realistic appraisal by Congress is timely and fully justified.

The 1st session of the 94th Congress slashed the Defense budget by about $7 billion, one of only two budget categories which were reduced at all. Besides these defense cuts, Congress heaped on additional levels of spending in domestic areas. This action increased the original deficit to about $72 billion, well above the original proposal. These defense reductions and higher domestic spending weakened us both militarily and fiscally.

My view that defense requests will not be reduced significantly this year is tied to four observations.

First, the public is becoming more aware of our weakening defense posture vis-a-vis the Soviets. Second, this is an election year and Congresses are usually more attentive to public opinion in election years. Third, the serious decline in U.S. naval strength is now seen as a problem of great magnitude and one which will not be quickly overcome.

Fourth, the Soviet policies ignoring the Helsinki agreements and the open involvement in Angola, demonstrate that their expansionist goals remain unchanged. This policy was confirmed by Secretary Brezhnev's speech February 24.

On the first point, a number of Members of the Senate have advised me that during the Christmas and Lincoln Birthday recesses, they were impressed with the public's grasp and concern of the declining U.S. military posture vis-a-vis the Soviets.

Just last week, former Under Secretary of State Eugene Rostow told the House Armed Services Committee the proposed fiscal year 1977 budget should be increased at least $15 billion, rather than cut. He was quoted as stating that the 2-percent defense growth in the new budget was "inadequate to meet the gravity of the situation."

On Monday, former Deputy Secretary of Defense Paul Nitze warned that the United States must keep military pace with the Soviets or "we are playing with grave danger to ourselves and the world." In a seminar at Harvard, Nitze expressed grave concern over U.S. capability and will to meet the growing Soviet threat.

A brief look at the Soviet versus United States military balance drives home the concern of former Secretaries Rostow, Nitze, and others. Consider these points:

First. The Soviets are deploying a new family of land-based intercontinental ballistic missiles, while the United States is ending procurement of Minuteman III. A new U.S. missile, the MX, is in early development.

Second. Secretary Rumsfeld told the Congress last month the Soviets now have 1,560 ICBM's to our 1,094, a near 50 percent superiority.

Third. Soviet military manpower has been in a sharp buildup for the past few years, moving from a level of equality with the United States in 1969 to a number twice as great as the United States in 1976. U.S.S.R. military personnel, 4.4 million, United States, 2.1 million.

Fourth. The Soviets have matched the United States in submarine-launched missiles, and their Delta boats possess a missile range capability which can be equaled only by our yet-to-be-deployed Trident submarines.

Fifth. The Soviets are deploying the new Backfire bomber and continue to outproduce the United States by a wide margin in the number of fighter and interceptor aircraft.

Sixth. In major surface combatant ships and submarines, the Soviets outnumber the United States approximately 546 to 291.

Seventh. In conventional ground force weapons, the Soviets enjoy a 4-to-1 numerical advantage in tanks, 3 to 1 in artillery, and nearly 2 to 1 in armored vehicles.

CONGRESS WAKING UP

Now for my second point, this Congress in an election year, when Members are more sensitive to public opinion, will not make the deep defense cuts forced on the military in fiscal year 1976.

This change in public opinion, perceived by many Members in the Congress, is substantiated by a recent survey conducted by The New York Times. This survey showed 66 percent of those contacted did not favor reductions in defense spending.

We are witnessing a generally conservative President come to Congress with a defense budget of $112 billion, representing significant real growth, only to be criticized for not doing enough. Such criticism comes from President's Ford's primary opponent, Gov. Ronald Reagan, and from at least one of his Democratic opponents, Senator HENRY JACKSON.

These developments preceded a Library of Congress study requested by Senator JOHN CULVER of Iowa, which makes these statements in its summary:

As it stands, the quantitative balance continues to shift to the Soviet Union. U.S.

qualitative superiority never compensated completely, and in certain respects, is slowly slipping away.

Thus, even this Congress, elected in the Watergate environment, is beginning to listen as the President, his Secretary of State, former and present Defense Secretaries and defense experts like Senator JACKSON, warn about declining U.S. power.

While Congress has been hacking away at defense spending, the Soviets have increased their own forces, and this sacrifice on their part is beginning to pay political dividends for them around the world. This lesson, most apparent in the past year, is at least catching the attention of the 94th Congress.

SOVIET NAVAL POWER

As to the third point, many authorities recognize the sharp growth in Soviet naval power and its occurrence at a time when our own Navy is at a low point in ship strength and still troubled by low levels of repair and maintenance.

This Soviet buildup has altered the character of the naval balance in the world and threatens not only our military superiority, but the sea lanes over which our commerce moves daily.

In fiscal year 1968 the Navy had 976 surface ships, but today only 482 sail in the oceans of the world. This decline represents the retirement of many World War II ships without adequate replacement. The Soviets have been outspending us by 50 percent in shipbuilding for a number of years, and only now are we beginning to redress this deficiency.

Naval commitments to the Far East and the Mediterranean have shrunk while Congress has trimmed even the modest requests for new ships. This year only 16 are requested, whereas Admiral Holloway has admitted a building program of up to 30 ships annually will be required to bring us to the 600-ship Navy by the mid-1980's.

SHIPYARD CAPACITY LOW

Shipyard capacity has been allowed to decline even in a period of unemployment. Congress should add money to the Navy account of this budget to meet this defense shortfall, both in new ships and repairs. By doing so we could address our legitimate defense needs while at the same time giving work to many seeking jobs.

Our seapower problems are bleak as evidenced by the following points:

First. Since 1962, the Soviets have outbuilt us in every major seapower category, except for aircraft carriers.

Second. The editor of Jane's Fighting Ships has warned,

> The ever growing Soviet Navy has outrun legitimate requirements of national defense and has no logical merchant defense role in time of war.

Third. The Soviets outnumber the United States in submarines by 330 to 116, and by mid-1977 we will be outnumbered in modern nuclear ballistic submarines 62 to 41.

Fourth. The Soviet Union now has the world's largest Navy. Since the early 1960's its fighting vessels have been equipped with ship-to-ship missiles, a weapon just beginning production in the United States.

Fifth. Since 1955, the Soviet merchant fleet has grown from 471 to over 2,000 ships. At the same time the U.S. merchant fleet has fallen from 3,464 to about 1,000.

Mr. President, besides the defense aspects of our Navy, we must remember that 70 percent of U.S. trade is with nations across the seas and that 99 percent of our raw materials and overseas foreign trade moves by sea.

SOVIET INFLUENCE GROWING

Mr. President, as my fourth point, it is now clear, more than ever, that the Soviets intend to use this military strength to extend their influence around the world.

First, the fall of Indochina has been followed by increased Soviet influence in not only Vietnam and Laos, but Thailand and other Western Pacific nations.

Second. In Angola the Soviets are financing and equipping the deployment of up to 12,000 Cuban troops, plus using their own military personnel as advisers.

Third. Along the Indian Ocean, they are establishing naval supply and operating bases, while our Congress refuses to even set up a refueling station at Diego Garcia.

Fourth. In the Soviet Union proper, we witness continued repression of Jewish citizens and Russian dissidents of the Brezhnev regime, despite the pledges made at Helsinki.

Fifth. In Portugal the people have just stepped back from the brink of a Communist controlled government, but Soviet efforts to communize Europe remain in effect with Portugal, Spain and Italy the key targets.

Sixth. The threat of a Soviet-Sino realinement remains a possibility, as Red China undergoes a leadership struggle common to Communist dictatorships. Such a realinement would be devastating to U.S. influence around the world.

Mr. President, the damaging defense cuts of last year, such as the dismantlement of the Safeguard ABM system—despite rapid Soviet development in this area—must not be repeated this year.

While a review of the fiscal year 1977 defense budget is still underway, my preliminary view is that this defense budget should be increased, not reduced. The Congress, under its constitutional authority to raise and support armies, clearly has an obligation in this area independent of the executive branch.

Furthermore, in the event any procurement cuts are made, funds should be applied to needed ship and plane repair and maintenance work. This would assure maximum use of such equipment that is already in our inventory. In addition, any such funds could be applied to buy out weapons systems nearing the end of procurement. It is well known that high rates of procurement lead to earlier program termination and consequent savings.

In conclusion, Mr. President, while I am encouraged that the fiscal year 1977 defense budget will not be reduced significantly, it is my hope the Congress will take the necessary time to study the Soviet-United States defense comparison. Once that is done, the need for the acceleration of our military programs will be perceived and we can begin the costly and lengthy reconstitution of our military forces.

Mr. President, a number of newspaper articles published in the last day or two support many points in my remarks this morning. These articles include:

First. "Brezhnev: Soviets Back Détente and Angola Effort," Washington Post, February 25, 1976.

Second. "United States Will Not Produce ICBM's for First Time in 20 Years," Defense Space Business Daily, February 19, 1976.

Third. "U.S. Navy Is Second Best in Far East, Congress Told," Baltimore News American, February 23, 1976.

Fourth. "We are Running a Poor Second," Philadelphia Inquirer, article by John D. Lofton, Jr., February 24, 1976.

Fifth. "In Mediterranean," St. Louis Post Dispatch, February 13, 1976.

Sixth. "Soviets May Be Devoting 15 percent of GNP to Defense," Defense Space Daily, February 23, 1976.

Seventh. "Soviets No. 1 in Nukes," Baltimore News American, article, by Henry J. Taylor, February 23, 1976.

Eighth. "Détente Is a Letdown, NATO Chief Says," Philadelphia Bulletin, February 8, 1976.

Ninth. "SEATO Pacts Folds Up After Its Final Exercise," New York Times, February 21, 1976.

Tenth. "Navy Personnel Shortages Told," San Diego Union, February 12, 1976.

Eleventh. "Brown Says Defense Budget Is Not 'Horn of Plenty,'" Defense Space Business Daily, February 19, 1976.

Twelfth. "Russians Seen Resuming Satellite Interceptor Tests," Aerospace Daily, February 19, 1976.

Mr. President, articles of this type are appearing daily in the Nation's press. I ask unanimous consent that they be printed in the RECORD at this point.

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

[From the Washington Post, Feb. 25, 1976]

SOVIETS BACK DÉTENTE AND ANGOLA EFFORT

(By Peter Osnos)

Moscow, February 24.—Communist Party leader Leonid Brezhnev, hailing the successes of Kremlin foreign policy, said today that the Soviet Union would pursue detente with "redouble energy" while also continuing to support nationalist movements, as it has in Angola.

In his speech to the opening session of the 25th Soviet Communist Party Congress, Brezhnev also acknowledged that the Soviet Union has failed in the five years since the last party congress to achieve the gains that had been promised Soviet consumers.

Recalling that at the 1971 congress the consumer area had been singled out for special consideration, with more and better goods to be made available for shoppers, Brezhnev said, "It is necessary to admit that we have not managed to cope with that task in many respects."

Brezhnev's 5-hour, 15-minute speech, which represents the authoritative Moscow view of the international and domestic scene, was given before 5,000 Soviet delegates and representatives of 103 foreign parties. China and Albania were the only ruling Communist parties not represented and Cuban Prime Minister Fidel Castro—who drew long applause when he was introduced—was present for the first time.

Despite year-long rumors about his failing health, the 69-year-old party leader seemed vigorous and did not visibly tire as the hours wore on.

Brezhnev said the Kremlin will continue in the years ahead to "search patiently and

consistently" for ways on "expanding peaceful, mutually advantageous cooperation" with the West.

He said better relations with the United States had been "decisive" in reducing chances of another world war, and he listed completion of the SALT II agreement as first among the "vital tasks" in a broad range of disarmament proposals intended to "deepen international detente."

But Brezhnev also stressed repeatedly Moscow's commitment to the "revolutionary-democratic, anti-imperialist" movement. He singled out victories of Soviet-backed forces in Vietnam and Angola as proof "that nothing can crush the peoples aspiration to freedom."

The speech did not signal any major departure from the Kremlin's foreign policy stance of recent years, but as the basic statement of Moscow's position on the most important issues of the day, it will doubtless be closely studied in every world capital. Among the highlights.

He said that agreements reached with the United States in recent years showed the "firm intention" differences and disputes not by force, not by threats or saber rattling, but by peaceful political means." But he also recalled "attempts to interfere in our internal affairs" by linking trade benefits and emigration. "That is not the kind of language one can use with the Soviet Union," said Brezhnev. "By now I think this is clear to all."

He blasted China, linking Peking with the "position of the world's most extreme reactionaries" and said Chinese efforts "to provoke a world war . . . present a danger for all peace-loving peoples." But perhaps with the uncertainties about the future of Peking's top leadership in mind, he added that if China "reverts to a policy truly based on Marxism-Leninism . . . there will be an appropriate response from our side."

While not referring directly to Soviet or Cuban military backing for the Popular movement in Angola, Brezhnev presented the war there as a model for Kremlin policy in similar circumstances. "Our party supports peoples fighting for their freedom," he said. "This attitude to the complicated processes within the development countries is clear and definite."

Without naming them, he delivered a tough rebuke to Western Communist parties such as those of France and Italy that have asserted their independence from the Moscow line on ideological issues. "There can be no question of compromise on matters of principle or reconciliation with views and actions contrary to the Communist ideology," he said.

He reiterated past Soviet statements on the Middle East, but noted pointedly that Moscow has "no prejudices against" any county in the area, presumably a gesture towards Israel. Taking note of the strain of the past year in Soviet-Egyptian relations, which has turned Cairo increasingly toward the United States, he said Moscow remains "faithful to its treaties of friendship and cooperation with Egypt.

As he did at the 1971 party congress, Brezhnev placed great emphasis on his "program of peace" on disarmament issues and claimed considerable credit for arms accords already achieved. He said Moscow was prepared to go further than the United States in limiting "the development of new, still more destructive weapons systems."

He said that the Kremlin had "suggested" a ban on U.S. nuclear-armed Trident submarines, the new B-1 bomber "and similar systems in the Soviet Union, but deplorably, these proposals were not accepted by the U.S. side." American officials here said they did not know whether this assertion was true.

Brezhnev used unusually direct language in disputing what he termed "the so-called Soviet threat" used by enemies of detente to spur the arms race.

"There is no Soviet threat, either in the West or in the East. It is all a monstrous lie from beginning to end. The Soviet Union has not the slightest intention of attacking anyone, the Soviet Union does not need war. The Soviet Union does not increase its military budget."

He also delivered, however, a tart lecture to "bourgeois leaders" who "affect surprise and raise a howl" about Soviet solidarity with the "struggle of other peoples for freedom and progress. This is either outright naivete or more likely a deliberate befuddling of minds."

Detente, according to Brezhnev, does not "in the slightest abolish the laws of the class struggle." The Soviets have steadfastly contended that their interests in places like Portugal and Angola do not represent interference in those countries' affairs.

In an unusually candid appraisal of problems in the national economy, Breshnev told the delegates, that "while speedily developing the growth rate of heavy industry, we have not learned to accelerate also the development" of the consumer sector.

Not only did the 1971 plan fall short of its targets on consumer items, but also much that was produced was of low quality, he said. "Many are responsible for that," said Brezhnev, listing central planning organizations, ministries of light industry, and factory managers.

"We have a right to hold accountable those who were trusted to head these branches," he said.

But Brezhnev also blamed "the extremely difficult struggle" waged "against the elements" in the last five years for the slow development of agriculture—a principal part of the consumer area. "In no other period of the country's history," he said, have farmers been confronted by such "adverse conditions, including unprecedented droughts" in 1972 and 1975.

While the goals set for agricultural growth in the next Five Year Plan are again sharply higher, light industry, which produces most consumer goods, has again fallen behind heavy industry. In part, Brezhnev said, this reflects "the difficulties of the preceding years."

But the main reason is a decision to emphasize quality over mere output, he explained. Soviet store shelves are often jammed with goods people simply will not buy, and the leadership is trying to correct that.

Blunt talk on failures in the economy due to poor management is not uncommon in Soviet newspapers, where individual enterprises are attacked, or at low-level problems can be laid to local shortcomings. But for Brezhnev to dwell on the issue in his major report to the congress indicates serious concern about the consequences of not making headway in the years to come.

Brezhnev's stress on the matter, combined with an emphasis on raising the "scientific-technical" level of industry, appears to assure that the Kremlin will go on seeking expanded trade with the West, which has already risen more than 170 per cent in the last five years.

He mentioned, apparently for the first time, agreements with Western firms for handling raw materials and partially processed raw materials. He also suggested that Moscow acquire Western partners in processing such materials.

"Economic and trade ties with capitalist states," Brezhnev declared, "strengthen and expand" the policy of "peaceful coexistence."

[From the Defense Space Business Daily, Feb. 19, 1976]

UNITED STATES WILL NOT PRODUCE ICBM'S FOR FIRST TIME IN 22 YEARS

Fiscal year 1977 will be the first year in 22 years that the Defense Department has not requested funds for the procurement of intercontinental ballistic missiles.

Lt. Gen. Alton D. Slay, deputy chief of staff for R&D for the Air Force told the House Armed Services Committee yesterday that the last of the 50 Minuteman III ICBMs ordered in the FY 1976 budget will be delivered in September 1977, when the production line will be closed down unless the U.S. decides to retain that option.

Slay said many of the vendors and subcontractors have delivered their parts for the last 50 Minuteman III missiles and have closed out their Minuteman lines. Not since FY 1955 has the DOD not requested funds for the purchase of an ICBM. Currently, the only way that the Minuteman III production line will remain open will be in the event that a SALT II agreement is not reached.

The Air Force is requesting $1.599 billion for missile procurement in FY '77, which includes $366.5 million for Minuteman force modernization. It also includes $10.4 million for Minuteman III guidance improvements by modifying the present guidance system software.

SRAMs for the B-1 bomber has resulted in a $20.8 million request for production line restart of this Boeing Company missile.

Funding for procurement of other missile programs in the new request include: Sparrow AIM-7F, $78.5 million for 880 missiles; Sidewinder AIM-9L, $56.1 million for 1,000 missiles; Shrike AGM-45, $50.4 million for 1,337 missiles; Maverick AGM-65, $53 million for 100 Laser missiles and ground support equipment.

DEFENSE SPACE

Two Block 5D RCA Defense Meteorological Satellites with visual and infrared sensors, launch and support services will be procured with the $43.2 million requested in FY '77, Gen. Slay said. The funding will also be used for solid rocket motors for the surplus SLV-2A McDonnell Douglas Thor launch vehicles.

The Defense Support Program missile early warning satellite program, using TRW/Aerojet satellites, will be funded at $19.2 million for procurement of continued program support.

The Defense Satellite Communications System has a request for $200.1 million for the procurement of six TRW DSCS II satellites, four Martin Marietta Titan IIIC launch vehicles and launch support of the satellites.

There is a request of $3.6 million for additional transponder procurements to increase the space segment reliability and survivability of the AFSATCOM program, Slay told the committee.

The Satellite Data System (SDS) program, he said, will move from the initial development and procurement phase to follow-on development and procurement, with a request of $59.4 million for a Titan IIIB/Agena launch vehicle, refurbishment of the qualification model satellite and support.

[From the Baltimore News American, Feb. 23, 1976]

U.S. NAVY IS SECOND BEST IN FAR EAST, CONGRESS TOLD

TOKYO.—America's top admiral has made headlines in the Far East by telling the House Military Affairs Committee that the U.S. Navy has lost control of the Sea of Japan.

According to Adm. James L. Holloway, chief of naval operations, the new top dog in the waters that separate Japan from Korea and Siberia now is the Soviet navy.

"I'd say that any operations we would want to conduct in the Sea of Japan would be at the sufferance of the Soviet Union," Holloway testified.

The United States won undisputed control of the Western Pacific and Sea of Japan by smashing the Japanese navy in World War II.

In the past 10 years, however, American naval supremacy in the Pacific and elsewhere has been challenged by a growing Soviet navy buildup.

Such authorities as "Jane's Fighting Ships"

and Britain's Institute of Strategic Studies have pointed to the possibility of America dropping back to become the world's No. 2 naval power.

In October, a Tokyo newspaper reported Japan's Self-Defense Agency was concerned over the growing Soviet naval might.

The Tokyo Shimbun quoted Japanese defense sources as guessing Soviet naval strength in the Pacific at 755 vessels of about 1.2 million tons combined weight.

American strength was estimated at 60 ships of all kinds weighing in at around 740,000 tons.

The U.S. Seventh (Far East) Fleet, which Holloway formerly commanded, deployed three aircraft carriers to none for the Soviets.

However, the Russians were said to have 30 nuclear powered submarines in the Pacific compared to five for the United States.

Both Japan and South Korea are America's military allies. Some 38,000 American troops are stationed in South Korea. Another 55,000 are based in Japan, including Okinawa.

The shock effect of Holloway's words was greatest in South Korea. In effect, he warned that if the unsettled 1950-53 Korean war broke out again, the sea approaches to South Korea might be dominated by the Soviet Union, an ally of North Korea.

Seoul papers played the story at the top of page one. Dong-A Ilbo, perhaps South Korea's most influential newspaper, said the news had serious implications for Japan and Korea.

"The present strong Russian challenge to U.S. military power in terms of quality and quantity is an unfavorable result of detente pursued by Secretary of State Henry Kissinger," the newspaper said.

Another major Seoul newspaper Joongang Ilbo, said "The Russians are engaged in a strategy that enables them to beat their opponents without fighting."

In Tokyo, the Asahi newspaper quoted Japanese defense agency sources as saying the Sea of Japan "is regularly used by the Soviets as a practice sea."

"Soviet warships pass through the Tsushima and Tsugara Straits (the Japan Sea's main entrance) all the time," the newspaper said. "In contrast, the U.S. Seventh Fleet held maneuvers in the Sea of Japan only once in 1975."

The Japanese also looked for more requests from Washington to build up their own modest naval strength. Rep. Robert Wilson, R-Calif., No. 2 man on the Military Affairs Committee asked aloud if the time had come for America to "put pressure on Japan to build up her navy and take over the job of guaranteeing her own sea lanes."

[From the Philadelphia Inquirer, Feb. 24, 1976]

WE ARE RUNNING A POOR SECOND

(By John D. Lofton, Jr.)

WASHINGTON.—"As it stands, the quantitative military balance continues to shift toward the Soviet Union. U.S. qualitative superiority never compensated completely and, in certain respects, is slowly slipping away. America's global responsibilities, coupled with U.S. reliance on reserve components, permit the Soviet Union to concentrate power while we remain dispersed, depending heavily on allies and arms control accords to safeguard our national interests."

This is the conclusion of a study just completed by John M. Collins, a senior national defense specialist in the Library of Congress' Congressional Research Service.

Prepared at the request of Sen. John Culver (D., Iowa), and reviewed by more than 100 knowledgeable persons in the executive and legislative branches of our government. The report is characterized by Mr. Carter as "balanced, detailed and thought-provoking."

The report shows that in the past decade, as regards the U.S.-U.S.S.R. quantitative military balance, the following has happened:

Americas numerical superiority in strategic nuclear weapons "has dissolved."

As late as 1965, the United States had three times as many intercontinental ballistic missiles as Russia; the Soviets had more ballistic missile submarines, but we had four times as many sub-launched missiles; and neither side had yet deployed multiple independently targetable reentry vehicles (MIRV's).

Today, the United States lags in every category, except for MIRV'ed launchers and aggregate warheads.

As regards ground forces, Soviet personnel strength presently is two-and-a-half times that of the United States, and our divisions are outnumbered 9 to 1.

U.S. strategic airlift and sealift forces were more than twice those of the U.S.S.R. a decade ago; now, the situation is reversed.

In Europe, the theater in which the report says balance "is currently more important than in any other," Soviet-Warsaw Pact air-ground forces "outnumber NATO in nearly every category." The Soviets "could quickly achieve the classic ratio of 3 to 1 superiority in ground combat forces that many military men cite as the prerequisite for successful operations."

On the qualitative military side, the report declares that the day of American technological supremacy—traditionally a strong U.S. suit—has pased. Our scientific ascendancy can no longer be taken for granted.

The impressive thing about the Library of Congress study is that while it was done by an institution unquestionably nonpartisan and free of bias, the conclusions of the report are the same as those reached over the last few years by both conservatives and military authorities: The Russians are getting stronger militarily while the United States is getting weaker.

This need not be received, however, as the counsel of defeatism. As the late economist Joseph Schumpeter once observed: "The report that a given ship is sinking is not defeatist. Only the spirit in which this report is received can be defeatist. The crew can sit down and drink. But it can also man the pumps."

[From the Defense Space Business Daily, February 23, 1976]

SOVIETS MAY BE DEVOTING 15 PERCENT OF GNP TO DEFENSE

New estimates by the Central Intelligence Agency, expected to surface in the next several weeks, will show that the Soviet Union is devoting as much as 15 percent of its Gross National Product to its defense establishment. This is almost double the 6–10 percent figure being used by the CIA last year in appearances before Congress. Other U.S. Intelligence officials, such as the former director of the Defense Intelligence Agency, Gen. Daniel O. Graham, were saying months ago that the 1975 CIA figures were too low.

The U.S. defense outlays for FY 1977, as requested, will be 5.4 percent of GNP, down from the 5.7 percent in outlays in FY 1976. The Pentagon has estimated that the Soviet defense spending could reach the $150 billion annual level during this new fiscal period (Defense/Space Daily, Jan. 23). The U.S. defense spending, based on current projections, will not reach the $150 billion level until about FY '82.

[From the Baltimore News-American, February 23, 1976 (24)]

SOVIETS NO. 1 IN NUKES

By Henry J. Taylor

Secretary of State Henry Kissinger, smarting over charges that the Soviet is cheating on missiles, must face the fact that the charges are true.

The Soviet has maneuvered the United States over a strategic barrel in the SALT–I (Strategic Arms Limitation Talks) agreements. Now it appears determined in current SALT–II to keep rolling the barrel as hard as it can.

Communist Party leader Leonid Brezhnev, speaking in East Berlin last Oct. 6, said, "SALT–I is not functioning badly." Mama mia!

SALT–I allowed the Soviet numerical superiority in three vital categories: land-based missiles, Intercontinental Ballistic Missiles (ICBMs) and missile-launching submarines.

In negotiating this, Mr. Kissinger regarded as our offset advanced U.S. technology, importantly represented by the MIRV—a multiple-warhead rocket that allows one missile to attack several targets at the same time.

But, behind the scenes, the Soviet has developed its own equivalent of the MIRV. In fact, it now has four new ICBMs: the SS–16, 17, 18 and 19. All can use multiple MIRV-type warheads. All are designed to replace with MIRVs its single-shot SS–11 missiles and super-giant SS–9s, the world's largest and most powerful missiles.

This switch does not violate the SALT-1 missile silo stipulations. But it eliminates our quantitative superiority on which Mr. Kissinger relied. It gives the Soviet immense superiority in warhead power and number. It forces the United States into an inferior position. In Mr. Kissinger's Moscow talks with Brezhnev this month, the Soviet leader called this development the "cold launch." But what Brezhnev did not say is that this new Soviet generation of missiles could launch four times as many warheads as the U.S. missiles.

Brezhnev also neglected to mention to Mr. Kissinger that the Soviet has secretly developed the SS–JX–16 rocket. The Soviet general staff calls it the Savage and it has a range of approximately 5,000 miles.

The USSR is mounting the Savage on trucks, railroad cars, etc. The Savage is mobile and each has search radar. The Savage can be hidden, as well, in forests or buildings.

The United States depends on our satellites for inspection. These have demonstrated that the Savage is impossible to observe.

This violates the spirit, if not the letter, of the SALT-I agreements.

Meanwhile, Mr. Kissinger knows that the USSR has leapt demonstrably far ahead of us in nuclear defense weapons. It has developed still another new and most advanced surface-to-air missile. It is the SA–5, the GAMMON. The Soviet defense system against our ICBMs is called GOLASH. And it continues to build air defense missile sites for the GAMMON.

The USSR has now scattered at least 1,700 GAMMON launchers in 107 separate areas. In addition, it is constructing at least 10 more.

Secretary of Defense Donald Rumsfeld has told Mr. Kissinger that the Soviet can quickly convert these sites into antiballistic missile systems merely by adding radar equipment.

This is another direct violation of the SALT-I agreements.

The United States is now the No. 2 nuclear power. The Soviet is No. 1. The entire free world relies not on our ability to win a nuclear war but on our ability to deter it. We have lost the nuclear superiority we had.

In 1962, we had a 10-fold nuclear advantage over the Soviet Union. It kept the nuclear truce for two decades. But in the years since 1962, and with it taking advantage of the SALT-I agreemnts, the Soviet has virtually quadrupled its strategic missile capability while our country has reduced its megatonnage 40 per cent.

Mr. Kissinger knows as well as any living man that pronouncing moral judgments on the USSR is easy. Trying to live with the Soviet—as President Ford and Mr. Kissinger are trying to do—is something else.

It's like staring at one of those malicious gargoyles on the facade of a cathedral, a weighty demon all talons and teeth and leer.

To borrow a phrase from Lewis Carrol, Mr. Kissinger is finding that living with the Soviets is an Agony in Twenty-three Fits.

[From the Philadelphia Bulletin, Feb. 8, 1976]

DÉTENTE IS A LETDOWN, NATO CHIEF SAYS

(By John J. Farmer)

The Secretary-General of NATO says that detente has been a "disappointment," marred by a continuing Soviet arms buildup and by Soviet intervention in Angola.

"The situation," said Joseph Luns of The Netherlands, "is not much better than it was five years ago" when the Nixon administration initiated detente, the easing of relations with Moscow.

Detente must be pursued, Luns said, but "in a limited way," with no "illusions" about Moscow's intention to press the ideological struggle and to seek out military and political advantages.

At the same time, however, Western Europe is concerned, Luns said, about the growing influence of Congress on United States foreign policy. Luns described this as "government by assembly" and said it causes the kind of paralysis that gripped pre-De Gaulle France.

VISITS CITY

Luns' comments were made in an exclusive interview with The Bulletin during his visit here Friday to receive the annual Gold Medal of The Netherlands Society of Philadelphia. For 18 years Luns was foreign minister of The Netherlands. As Secretary-General of the North Atlantic Treaty organization, he presides over the Atlantic Council, principal policy-making agency of the alliance. He was to confer yesterday with President Ford.

The disillusionment with detente in some U.S. circles is matched by public relations in Western Europe, Luns said.

"Many thought that detente would permit a new era of friendship, a lower level of armament," he said. "But the Soviet Union has seen it differently. The policy of the Soviet Union is to increase its military defense whether we have détente or not."

The results of SALT II, the arms limitation talks now underway, "will be the real test of whether detente can be pursued," Luns said.

Where does that leave NATO, the Western military shield?

EVALUATES MILITARY

Luns acknowledged that the SALT I agreements—which fixed ceilings on nuclear delivery systems—have granted the Soviets "parity" with the U.S. in strategic weapons. The alternative, he said, was to continue an arms race that would have cost the U.S. "countless billions." The Russians, he said, can afford to spend more in this kind of race because their society permits fewer domestic pressures.

On the ground in Europe, Moscow and its Warsaw Pact allies enjoy a 10–7 advantage in manpower ratio and are "far superior" in equipment, especially tanks, he said. This is partly offset by the NATO nations' superior warplanes.

Luns, an authority on naval armament, said the U.S. is stronger at sea but the huge Soviet submarine fleet is "a formidable instrument" because of the West's economic reliance on the sea lanes.

"NATO," he said, "is just adequate" to meet any Soviet attack.

"We do not think the Soviet Union has any intention of attacking the West," Luns added. "We are pretty certain the Russians are afraid of an all-out nuclear war." The fact that the West might use tactical nuclear weapons in such a struggle is a serious uncertainty for Moscow, he said, "and the uncertainty is a very great deterrent."

Luns expressed concern about the Soviet aid pouring into Angola—he called it an "air bridge" to Africa—and about the uncertain U.S. response.

"The government of the United States seems far more hampered than at any time in the past by Congressional action," Luns said.

Luns expressed the hope that the present stalemate between the Ford administration and the Democratic congress would be "temporary."

Despite his reservations, Luns, a 6-foot, 5-inch De Gaulle look-alike with acquiline features and a trim mustache, said he sees "no signs yet that this administration or Congress or the military want to retreat from Europe."

He emphasized that western defense is a shared burden. Europe, he said, provides 90 percent of NATO's ground forces, 80 percent of its warplanes and 70 percent of its navy. U.S. participation, Luns added, "is not philanthropy, but hard-headed self-interest."

Luns warned against any sharp U.S. military cutback.

[From the New York Times, Feb. 21, 1976]

SEATO PACT FOLDS UP AFTER ITS FINAL EXERCISE

MANILA, February 20.—With a military band playing "Auld Lang Syne," the Southeast Asia Treaty Organization today ended its last international exercise.

For the last month, 188 men from the United States, Britain, Thailand, New Zealand and the Philippines were engaged in a civic rather than military action—building roads and other facilities for Philippine communities.

The closing ceremonies for what was expected to be the last regional project involving Western and Asian troops were attended by several diplomats and Philippine officials at Santolan Barracks, a camp overlooking the Marikina River east of Manila.

The proceedings were muted and simple, in stark contrast with the ceremonies at the Manilla Conference of 1954 at which the alliance was born. It had eight members at the start, but France, Pakistan and Australia later withdrew.

SEATO was intended, it was proclaimed at Manila, to "stem the tide of Communism in Asia," but it gradually weakened in this resolve although some of its members contributed troops in support of the United States in South Vietnam.

The decision to abolish SEATO was finally made 1st September by its five remaining members. It was decided to phase out all its projects and schedule a 2-month-long exercise in Philippines as the last.

José Crisol, Philippine Under Secretary for Defense, who spoke at the closing ceremonies, paid tribute to the alliance saying: "it crystalized the awareness of peoples of the value of regional cooperation and served its purpose with mobility."

Addressing the military engineers, medics and others who took part in the exercise, he said "by coming to aid our people not with arms but with peaceful skills, you have manifested the change that has come over the region, the belief that social amelioration is the way to stability."

FIFTY-THREE EXERCISES IN 22 YEARS

Later at a farewell party for officers of the five national contingents, Col. R. B. Beesley of Australia, who headed military planning for the alliance said it had created much good will through 53 exercises in 22 years.

"The nonmilitary projects are likewise far-reaching," he said, citing health campaigns, technical schools and scholarships for Asian students. Some projects will be continued by special agencies, he added.

Ens. Charles Heinrichs of the United States Navy, leader of the 25-man American contingent, had not seen many SEATO projects but found satisfaction in the one just completed.

His unit built a school, made improvements on three miles of roads, and set up a radio-telephone system north of Manila.

Further north, the New Zealand and British contingents built roads, schools, and a bridge while the Philippine group also constructed a schoolhouse and a dam.

West of Manila, Thailand's unit built a dam, some roads and a radio-telephone system.

[From the St. Louis Post-Dispatch, Feb. 19, 1976]

IN MEDITERRANEAN

(By Richard C. Longworth)

BRUSSELS, BELGIUM.—For the United States, the wine and lemons of the Mediterranean have turned bitter.

The U.S. Sixth Fleet still prowls the strategic sea, but fewer Mediterranean ports give it hospitality. The Cyprus crisis has turned two crucial allies, Greece and Turkey, against both Washington and the North Atlantic Treaty Organization. Another ally, Portugal, is just pulling back from a flirtation with Communism, and the political futures of Italy and Spain remain uncertain at best.

Only five years ago the Mediterranean was ringed with reliable allies who looked to the United States and NATO for their security.

Still the change does not mean America's role in the Mediterranean has ended. Nor has Russia been able to translate its new naval power in the Mediterranean into real political weight.

In addition, the Mediterranean has been an "American sea" for so long—since World War II—that military strategists have overlooked the potential role there of Western Europe which is geographically and historically linked to the area. As American influence wanes, Europe's presence grows slowly.

U.S. prestige began to fall when it kept hands off the Cyprus crisis of 1974, then tried to play peacemaker. In the process, it alienated both Greece and Turkey.

Turkey has taken over the 25 American air bases in Turkey, Greece has announced it will quit NATO's military arm and the Alliance's southeastern flank has veered toward neutrality.

The United States supported the regime of the Greek Colonels, and many Greeks blame Washington for keeping the colonels in power. There is evidence that Washington knew the colonels planned to overthrow Cypriot President Makarios in the summer of 1974. But the Nixon Administration let the coup proceed, infuriating the Turks, who saw it as a step toward the union of Greece and Cyprus.

The Administration did nothing to stop Turkey's invasion of Cyprus. This incensed the Greeks, even though it led to the colonels' overthrow.

One of the first acts of the new Greek president, Constantine Caramanlis, was to announce Greece's withdrawal from the military side of NATO. In addition, Greece closed several U.S. installations, including home-port facilities for the Sixth Fleet at Eleusis.

If the Administration upset Greece by appearing to "tilt" toward Turkey, Congress finished the job by ending military aid to the Turks to punish them for invading Cyprus. The Turkish government felt humiliated, hardened its stand on Cyprus and took command of 25 American air bases on its soil. Congress partly relented, but the Turks remain angry and relations between the United States and Moslem, pro-Arab Turkey may never be the same.

All this has closed the West's eyes and ears in the Mediterranean. The U.S. bases were used mostly to watch Soviet activity next

door. Greece has stopped sharing some information from its NATO radar stations.

The fact is that both Greece and Turkey care more about their own dispute than about the Soviet threat. The United States and NATO are seen as irrelevant to the real issue—Cyprus.

Secretary of State Henry A. Kissinger has warned European allies against allowing Communists into their governments. This issue—whether Communists can join the government of a NATO nation without making a mockery of the alliance—is most acute in Italy. The Italian Communist Party could become the country's biggest vote-getter in the next election.

Italy's allies have worried for years over the nation's imminent collapse beneath revolving-door governments, bankrupt cities, rampant tax-dodging, corruption, cramped housing, endless strikes, urban terrorism and overwhelmed mail and school systems. Somehow, Italy has always pulled back from the brink.

In 1974, inflation of 20 per cent and a huge trade deficit threatened economic anarchy. A year later, its Central Bank economists had restored a reasonable balance.

Through all this, the Communist Party, despite Vatican disapproval, grew steadily. In 1975 regional elections, the Communists won 33 per cent of the vote, second only to the Christian Democrats with 35 per cent.

Can the much-discussed coalition between the Communists and the Christian Democrats be long postponed? The United States is fighting this. Many northern European Socialists predict disaster. But many Italians and other southern Europeans think the Communists deserve a share in government and can be trusted not to misuse it.

Enrico Berlinguer, the party's skillful leader, has promised to respect democratic principles and to stay in both NATO and the Common Market. The party has been outspoken independent of Moscow. In many ways, the party already is part of the Italian establishment.

But can Communists be trusted? Can NATO abide a Communist ally? Would Communist rule bring stability, as Berlinguer promises, or chaos, as the right warns?

The Iberian Peninsula, long Europe's last bastion of Fascism, has become a question mark. In the last year, Spanish dictator Francisco Franco died and revolutionary Portugal's march toward Communism appeared to reverse itself.

Franco banned all parties but his own Falange, retarded industrialization, discouraged modernization and squelched liberalism. The result was tremendous pressure for change from business, universities, workers, even the Catholic Church.

The man in charge of keeping this pressure from becoming a civil war is Franco's handpicked successor, King Juan Carlos I, the untested grandson of Spain's last Borbon king.

Within weeks of Franco's death, demonstrations had occurred to back demands for more money and liberty. A government liberalization program did nothing to still this dissent. The Spanish Communist Party—although officially banned, with its leaders, in exile or in jail—remained one of the nation's best organized political forces. Like the Italian party, it is a liberal party owing no allegiance to Moscow.

Kissinger went to Madrid to sign a treaty renewing the four U.S. air and submarine bases in Spain in return for $1,220,000,000 in aid. The European Common Market offered to resume trade talks with Spain, but said the nation must achieve genuine democracy before it could join the Common Market. Any NATO membership for Spain appeared years away.

Portugal, already in NATO and linked to the Common Market in a free trade area, had appeared on the brink of becoming another Cuba under its Armed Forces Movement and the pro-Communist premier, Vasco dos Santos Goncalves. The Communist Party's rigidly pro-Moscow leader, Alvaro Cunhal, was in the government, much of Portuguese business was nationalized, the press was largely under Communist influence and NATO, acting under American pressure, had persuaded Portugal to drop out of the Alliance's nuclear planning council.

But Portugal's moderates, led by the Socialist Party, fought back. When they resigned from the government, anti-Communist demonstrations broke out. To restore order, Goncalves was forced to quit, first as Premier and then as chief of staff of the armed forces. An attempted coup by Marxist officers was defeated, discrediting the left still further.

At year's end, Portugal still wrestled with instability and poverty, but the immediate threat of Communist rule had receded.

The changing Mediterranean situation transformed the American position. American bases in Turkey and Greece are gone and may never be recovered. Both nations are uncertain allies, at least in peacetime.

Other American bases—in Italy, on Portugal's Azores Islands, at Rota in Spain—remain, but by no means are they guaranteed to stay indefinitely.

In this unprecedented uncertainty, the United States might ask whether American military power in the Mediterranean might be supplemented by more West European economic and political power.

Italy already is in the Common Market. Greece wants in. Portugal and Turkey have close trade ties with Brussels and, with Franco's death, Spain is no longer the pariah of Europe. The Common Market has historic, economic and geographic relations with the Mediterranean that interest the nations there more than the military matters that preoccupy Washington.

The Common Market has no defense policy and cannot replace the Sixth Fleet in the Mediterranean. But if the troubled Mediterranean nations are to remain in the American-led alliance, Washington may find itself using the other Europeans as go-between.

[From the San Diego Union, Feb. 12, 1976]

NAVY PERSONNEL SHORTAGES TOLD

(By Kip Cooper)

About 53 per cent of Navy ships and 50 per cent of aircraft squadrons are considered marginally ready or unready, in terms of personnel deficiencies, to carry out their assigned operational missions, according to the chief of naval personnel.

Vice Adm. James D. Watkins, the personnel chief, has been visiting San Diego since Tuesday, discussing personnel problems with ship and base officials. He returns to Washington today.

Watkins said he did not have time to meet with newsmen on his current visit, but the Navy's personnel problems have been outlined by him to Congress in recent days.

PROBLEMS LISTED

According to Watkins:

84 per cent of Navy people go home after their first enlistment.

There is a critical shortage of middle management petty officers, particularly in engineering and combat or weapons ratings.

13,000 positions in ship and aircraft squadrons are unfilled because of a lack of financing.

Competition in civilian industry for men trained in complex technical fields makes it difficult to retain them in the Navy even in difficult economic times.

About 23,000 high-skill positions in the Navy are being manned by nonrated servicemen.

MANPOWER DIP

Watkins said the problems were exacerbated by personnel turbulence and low retention rates in past years, plus the Navy's inability to fully man the fleet in certain skill areas while maintaining a sea-to-shore rotation sufficient to retain people in the Navy.

He said the Navy has suffered a drastic drop in personnel by 228,000 men since 1969. This, plus the shift to the all-volunteer force in 1972, a long history of fluctuating strength, and varying skill needs, generated a number "of humps and valleys" in enlisted experience levels.

This valley or trough caused a serious experience shortage in middle-grade petty officers whose service averaged 9 to 14 years.

SOME IMPROVEMENT

Watkins said the petty officer situation is improving but there is still a critical shortage in boiler technicians, machinist's mates, hull technicians, electrician's mates and interior communications technicians.

He said the Navy plans to improve the combat systems ratings but it will take time to build up a base of first-term servicemen who remain in the Navy beyond their first enlistments.

He attributed the shortage in combat ratings to the unpopularity of ordnance- and weapons-related work arising from the Vietnam war.

TREND REVERSING

Although the trend is reversing, the Navy is still short of gunner's mates, manned at only 70 per cent, fire control technicians at 80 per cent and electronics warfare technicians at 64 per cent.

"These are primary combat systems ratings and are key to weapons readiness in the fleet," Watkins said.

Watkins said the Navy is taking these steps, among others, to improve personnel readiness in the fleet:

Shortened tours ashore for Navy personnel. In the short term, at the expense of the shore bases, men will begin moving to sea this month.

AT SEA LONGER

Sailors at sea will stay there longer.

Requests from sailors who prefer ship duty to shore duty will be approved.

More sailors entering the Navy will be sent to sea.

Watkins said this short-range plan will have the fleet manned in numbers by June this year.

Watkins said to improve the quality of enlisted men in ships, officers will be required to spend more time in engineering, weapons and operations training so they can supervise them.

[From Defense Space Business Daily, Feb. 19, 1976]

BROWN SAYS DEFENSE BUDGET IS NOT "HORN OF PLENTY"

Chairman of the Joint Chiefs of Staff Gen. George Brown said yesterday that the "illusion" that the Defense budget is a "Horn of Plenty" from which money can be made available for other programs "without severe damage," must be dispelled.

He said that if the Congress persists in making cuts of the magnitude that have been made in past years it will continue the trends that will move the United States to "a point of insufficiency and risk U.S. security. . . ."

[From Aerospace Daily, Feb. 19, 1976]

RUSSIANS SEEN RESUMING SATELLITE INTERCEPTOR TESTS

The Soviet Union, for reasons that were unclear yesterday, has resumed what appear to be satellite interceptor tests, experts told The Daily. The last known Russian demonstration of satellite-versus-satellite capabilities was about five years ago. The U.S. apparently has never tested such methods in space.

"It certainly looks as if, after a lapse of all

these years, they are back to some kind of intercept mission," one source said. There was no ready explanation for the move, but it may be related to the strategic arms limitation talks.

Two satellites were involved in the test, observers said yesterday—Cosmos 803, the target, and Cosmos 804, the attacker. Cosmos 803, launched Feb. 12, maneuvered only slightly, while 804, launched four days later, changed orbit somewhat more to close on the target. The attack vehicle apparently was launched by a derivative of the SS-9 ICBM, while the target was boosted into orbit by a version of the smaller Skean military rocket.

Observers said U.S. sensors probably will soon pick up debris from an explosion resulting from the intercept, and that the debris probably would be from the attack vehicle. The Soviet technique apparently is to explode the attacker near the target, knocking it out as well. But, for test purposes, the explosion in this case probably will occur some distance from the target, leaving it intact.

The first Russian intercept demonstration took place in 1967, and the program was suspended in 1971.

Mr. HANSEN. Mr. President, I compliment the distinguished ranking minority member of the Committee on Armed Services for the very excellent presentation he has just made.

Thoughtful, serious-minded Americans—and I would hope that includes most of us—are greatly indebted to the senior Senator from South Carolina for having given the attention and the study that is reflected in this very incisive analysis of the state of affairs that characterizes the strength and potential of America's Armed Forces today.

There is no point at all in my trying to underscore any of the significant points made by the distinguished Senator from South Carolina. But I want to make two observations: First, as we seek—and I am certain future historians will be engaging more in this effort—to analyze what has contributed to the effectiveness of Secretary Kissinger—and, obviously, I would be among the first to pay tribute to his ability, to his tenacity, to his vitality, and to his wide comprehension of the feelings that people have throughout all of the world—I must say that underscoring all of those unusual talents that we find brought together in one man is the fact that he represents the strongest, greatest Nation on Earth.

If he were representing any other nation except the United States of America, it goes without saying that he would not start to have the effect and the ability to bring about desired results that have characterized his wide-ranging trips throughout all of the world.

Let me make the second point that I think all too few Americans understand or appreciate.

The second point, Mr. President, that is altogether too little understood by Americans, is that when the OPEC countries imposed the oil embargo upon the rest of the world about 2 years ago, the United States had to ship fuel oil from the eastern coast of our country to fuel the 6th Fleet in the Mediterranean.

That underscores the dependence that we have in trying to fulfill our worldwide commitment. It adds greater emphasis to the importance and the significance of a strong navy.

If we do not let that arm of our military services continue to be the vital effective force that it is internationally, then we would, indeed, be in deep trouble.

I thank my colleague from South Carolina for the great service he has performed for America.

Mr. THURMOND. Mr. President, I wish to express my deep appreciation to the able and distinguished Senator from Wyoming for his very generous remarks.

I do not think I have known, in the 21 years I have been here, a finer man than the distinguished Senator from Wyoming. He is not only a fine man, he is a scholar. He studies the various proposals before the Congress, the issues before this Nation. In my judgment he has one of the most splendid voting records of any Member of the Congress. I appreciate the remarks coming from such a wonderful man.

ORDER OF BUSINESS

Mr. ABOUREZK. Mr. President, I ask unanimous consent that I be allotted 5 minutes time.

Mr. MANSFIELD. Mr. President, I reserve the right to object because of the formula which has been developed by means of which Senators will get recognition at stated intervals.

I would like to ask the distinguished acting Republican leader, if it would be possible for the distinguished Republican leader (Mr. GRIFFIN) to allocate 5 minutes of his time to the distinguished Senator from South Dakota?

Mr. ABOUREZK. I modify the request.

Mr. HANSEN. Speaking for the distinguished Republican whip, the answer is "yes."

The PRESIDING OFFICER. The Senator from South Dakota now has 5 minutes under the previous order awarded to the Senator from Michigan (Mr. GRIFFIN).

RECLAMATION AUTHORIZATION ACT

Mr. ABOUREZK. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 151.

The PRESIDING OFFICER (Mr. FORD) laid before the Senate the amendments of the House of Representatives to the bill (S. 151) to authorize the Secretary of the Interior to construct, operate, and maintain the Polecat Bench area of the Shoshone extensions unit, Pick-Sloan Missouri Basin program, Wyoming and for other purposes.

(The amendments of the House are printed in the RECORD of Jan. 20, 1976, beginning at p. 265.)

Mr. MANSFIELD. Mr. President, the leadership would like to know what this is all about because, to the best of my knowledge, it has not been consulted.

Mr. ABOUREZK. I will explain it.

Mr. President, the House amendment to S. 151 consisted of the consolidation of several reclamation measures into an "omnibus" authorization bill.

The bill before us consists of four titles:

Title I authorizes the Secretary of the Interior to construct, operate, and maintain the Polecat Bench irrigation project in Wyoming. This title contains the original text of S. 151, sponsored by Senator HANSEN and Senator MCGEE, which passed the Senate on August 1, 1975.

Title II provides authority for the Secretary to undertake modification for safety purposes of the existing Dickenson Dam in North Dakota. The language in this title is identical to the text of S. 2089, sponsored by Senator BURDICK and Senator YOUNG, which passed the Senate on December 16, last year.

Title III reauthorizes the existing McKay Dam in Oregon so that the dam may be modified for safety purposes and to include flood control as a project purpose. This title is identical to S. 2361, sponsored by the senior Senator from Oregon, Mr. HATFIELD, which passed the Senate on December 16.

Title IV authorizes the Secretary of the Interior to construct, operate, and maintain the Pollock-Herreid irrigation project in South Dakota. Title IV consists of language which is identical to a measure which has been unanimously reported to the floor of the Senate by the Interior and Insular Affairs Committee.

The people of the Pollock-Herreid Irrigation District in South Dakota have seen 20,000 of their best acres flooded by waters from the Oahe Dam. They live in an area where annual rainfall averages 15 inches but often drops to a mere 3½ inches. Dryland farming under these conditions is obviously a high-risk venture.

Fifteen of the 26,000 acres in the district are irrigable. If they were irrigated, the result would be to stabilize and diversify the agricultural situation in the area. Instead of recurring crop failure, the farmers of the Pollock-Herreid area would be able to count on steady yields and would be able to diversify their production to avoid growing crops already in surplus.

The Pollock-Herreid unit also provides for conservation and development of the fish and wildlife resources in the area, including five wildlife areas. Recreation would be enhanced by the stabilization of the water level of Lake Pocasse. Construction of the unit would provide significant area redevelopment benefits to the entire area, including Indian reservations. Unemployment and underemployment, chronic in the area, would be drastically reduced. The Pollock-Herreid unit represents a desirable water resource development that would strengthen the economy of the area, the State, and the Nation.

Each title has been the subject of public hearings in both the House and the Senate and each title has been subjected to consideration by the respective Senate and House Interior Committees in full committee business sessions.

Mr. President, each of the actions authorized by S. 151 is of vital interest to the residents of the affected areas and each is a reflection of Federal responsibility and the interests of the Nation at large. Obviously, the Federal role in insuring the safety of those who live downstream from Federal dams is paramount. This is a responsibility that the Congress and the Nation cannot deny. In turn, I

cannot stress strong enough the importance of the farmer and our agricultural system to the economic health of our Nation both at home and abroad.

Senate agreement to the House amendment to S. 151 will clear the measure for signature into law. Therefore, Mr. President, I move that the Senate concur in the amendments of the House to S. 151.

Mr. HANSEN. Mr. President, I compliment my distinguished colleague, the Senator from South Dakota, for his very effective leadership in bringing these various bills that have been duly considered by the Interior Committee and, as he indicated, acted upon by the Senate together in order that we may take affirmative action at this time.

He has done a great job, and I join with him in the statement he has made.

Mr. President, I am very pleased to see passage by the Senate of S. 151, a bill which would authorize several reclamation projects. Each title of the bill has been the subject of public hearings in both the House and the Senate.

I am particularly pleased that the Polecat Bench authorization is a part of this bill. This authorization will certainly mean a great deal to the residents of Wyoming.

Field hearings were held in Powell, Wyo., on September 23, 1972. In attendance at that hearing were many local supporters of this project. It was demonstrated by these residents that Polecat Bench has full support of the local residents.

Although this project was authorized in the Shoshone extension unit in the Flood Control Acts of 1944 and 1946, since its initiation was delayed, the act of August 14, 1964, requires reauthorization. For several sessions Congressman RONCALIO has sponsored legislation in the House to authorize this project. Senator MCGEE and I have sponsored similar legislation in the Senate since 1967.

Due to this delay, construction costs have increased. However, to offset these costs, the value of cash crops which will be produced from this project has also increased—in most cases the value has doubled or tripled.

Although the Department of the Interior has stated the benefit-cost ratio to be below unity, reestimates with new crop values and the possible inclusion of municipal and industrial water supplies indicate the benefit-cost ratio will approach unity.

However, it is important to note, the Office of Management and Budget does not include indirect benefits in its calculation of this benefit cost-ratio. Many of the benefits which will result from this project are indirect benefits. To list but some of the indirect benefits resulting from the project's effect on the 19,200 acres of mostly class I lands in question, one should list not only the increased business in the community resulting from higher farm income, but also the expanded tax base, which will produce new and improved community facilities such as schools, roads, meeting facilities, public utilities and recreational facilities.

The socioeconomic benefits of improving land and rounding out farming units so that many farm people, including many of Wyoming's young people, will remain on the farm are immeasurable. The completion of 80 new family size farm units will be most beneficial to the State and to the residents of Park County.

Mr. President, as a representative of Wyoming, I am most pleased to see the inclusion of title I in this bill and feel sure it will mean increased benefits, for not only the people of Wyoming but, for the people of the Nation as a whole through increased agricultural production.

Mr. MCGEE. Mr. President, the Polecat Bench project has been on the drawing boards for more than 14 years. The Interior Committee held its first hearings in 1962. Since that time it has been a long, rocky road to this point in time when the people in my State will finally realize the benefits of this legislation.

First, I want to express my appreciation and thanks to the members of the Senate Interior Committee for their work and responsiveness to this proposal. Special credit should also go to my colleague, Senator HANSEN, who serves on that committee and who has worked so diligently on this proposal over the years. Wyoming is also fortunate, indeed, to have its lone Congressman TENO RONCALIO serving on the House Committee on Interior and Insular Affairs, where he has worked with complete dedication in steering this bill through the other body.

The record will show that there is not only strong local support in Powell, Wyo., for this project, but also broad statewide support. Furthermore, there is a genuine need for this expansion of the project. Over 19,000 acres of semiarid rangeland will be converted into 80 high quality, irrigated farm units. The economic and social importance of this effort cannot be overemphasized. It will not only make possible the establishment of new farms and new jobs, but it will also provide the opportunity for farmers operating in the adjacent Heart Mountain Irrigation District with undersized farm units to expand their businesses into more profitable family-size enterprises.

Aside from the irrigation benefits of the project, we can anticipate the enhancement of public recreation, fish and wildlife resources, and other environmental improvements. Planned recreational facilities at Holden Reservoir will include picnic areas, boating, waterskiing, swimming, fishing, and sightseeing. This public access will accommodate an estimated 10,000 annual visitor days of general recreation use and 5,000 days annually of fishing use. The irrigated lands will provide important habitat for pheasants and waterfowl will be attracted to the reservoir, thereby providing an excellent hunting area for our sportsmen.

Mr. President, since we first introduced this legislation, a new beneficial use for the project has surfaced. The city of Powell is in need of an expanded water supply for municipal purposes. Holden Reservoir will be a desirable source of domestic water supply for the city of Powell for municipal and industrial uses. This additional use has greatly improved the economic analysis of the project, and gives it a much improved cost-benefit ratio.

Again, I express my appreciation to my colleagues for their support of this project in Wyoming.

Mr. HATFIELD. Mr. President, I am pleased to support S. 151, which includes several worthy reclamation proposals this body should approve.

I would like to draw particular attention to title III of this legislation, which is similar to S. 2361, which I introduced in the Senate last September. S. 2361 was approved by the Senate last September 16, and is now before us again as a part of the House-passed omnibus authorization bill.

This proposal authorizes the President to improve the spillway at McKay Dam, a part of the Umatilla project in Oregon. When this dam was constructed in the 1920's, the Bureau of Reclamation installed a spillway capacity of 10,000 cubic feet per second. Now, utilizing more recent peak flow figures, as well as new and better techniques for estimating flood potential, the Bureau has determined that the dam and the spillway could be overloaded. When construction of the dam began, the largest peak flow observed of McKay Creek was 3,250 cubic feet per second. This peak has been exceeded on four different occasions since 1923; the largest, 7,400 cubic feet per second, occurred on January 30, 1965.

In a study dated last April, the Bureau recommended that the spillway capacity at McKay Dam be increased from the present 10,000 cubic feet per second to 27,000 cubic feet per second. Without this added spillway, water levels in the reservoir could breach the top of the dam in the event of an unusually high snow pack combined with heavy winter rains. Under present conditions, this overtopping could result in the failure of the dam embankment, with an estimated economic loss of $12 million.

More importantly, Mr. President, such a washout would seriously endanger human life in the area. As Assistant Commissioner of Reclamation Edwin Armstrong told the Senate Subcommittee on Energy Research and Water Resources:

> . . . If the dam failed, the water would surge out in great amount. There would be a great wall of water that would go down through there. In the area, there are some 300 to 400 homes. Well over 1,000 people. And, if the dam should fail, I think it is quite certain that there would be considerable loss of life because there would not be too much warning.

In the Bureau's April, 1975 report, they stated that—

> Inasmuch as McKay Dam was designed and constructed and is presently operated and maintained by the Bureau of Reclamation, the Federal Government has the responsibility for surveillance of the dam and for initiating action necessary for its safety.

The Bureau also recommended the approach authorized by this legislation as the best method of resolving the danger which is presently posed by McKay Dam.

In addition to authorizing the modifications of the spillway, title III of S. 151 would include flood control, recreation, and fish and wildlife as purposes of the McKay Dam and Reservoir. At present, the single purpose of irrigation is the

only authorized purpose. Commissioner Sullivan's testimony indicated that the average annual flood control benefit of the modified dam would be at least $160,000, while recreation benefits would be $36,000 and fish and wildlife benefits $159,000.

Mr. President, I urge my colleagues to approve this legislation, and I also urge the President to sign it into law. The work authorized by this bill represents a response to the critical water needs of the Western States, and recognizes the need for the Federal Government to continue to exercise its responsibility in this area.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota.

The motion was agreed to.

Mr. ABOUREZK. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. HANSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma (Mr. BARTLETT) is recognized for not to exceed 15 minutes.

THE CHILD AND FAMILY SERVICES ACT OF 1975—S. 626

Mr. BARTLETT. Mr. President, the Child and Family Services Act—S. 626—introduced by the distinguished senior Senator from Minnesota (Mr. MONDALE), has been maligned by scandal sheets from undisclosed sources which have totally misrepresented the contents of Senator MONDALE's legislation, and some of these are falsely attributed to me and/or to my office.

Those responsible for preparing and circulating these flyers have performed a great disservice to everyone interested in this legislation. The dissemination of anonymous, alarmist flyers in a nationwide rumor campaign is not the way to voice opposition to a measure before Congress. It is certainly not the way for conscientious citizens to educate themselves on the legislation and the legitimate issues involved.

Because the charges in these flyers are irrational, inaccurate, and misleading, I have attempted to put the proposed legislation in the proper light for consideration by our constituents.

However, I am opposed to S. 626. There are five primary reasons for my opposition to this legislation: First, that there is little demand from the people for this legislation, second, that it further escalates the involvement of the Federal Government in the lives of citizens, third, that it adds $400 million per year to an already topheavy budget and bureaucracy, fourth, that it is designed in such a manner that it would take the administration of child care programs out of the hands of State agencies that are familiar with local problems and needs, fifth, that it creates unnecessary financial burdens for the States.

The majority of the people have not requested that the Federal Government initiate such a program. To intervene in an area where the public has not sought legislative assistance is the boldest presumption on the part of Congress of "higher knowledge" and is an all-too-often replayed sequence with which the people have become weary and overburdened.

In my own State of Oklahoma there has been almost no support for the legislation even prior to the controversy created by the distribution of the previously described "scandal sheets." The support has been almost too small to measure and has come primarily from sources that would benefit monetarily by the implementation of such a program.

There are numerous cases, both in the child welfare field and in other areas of our lives, where Federal standards have been designed for national application and have ended up not fitting anyone. These programs have been like going to the shoe store, and instead of having your own foot measured, you take the total of all sizes available, divide by the total number of pairs, and buy the result.

This legislation is very broad. The Department of Health, Education, and Welfare is directed to write the rules and regulations, to effect the purpose of the legislation—presumably to fit the needs of the average State, which, of course, does not exist.

We are all familiar with this concept and its practice as a time-saving device for Congress; however, we have all become increasingly aware of the misfit results of this type of authority.

This legislation requires that the Department would develop regulations in consultation with other Federal agencies as a special Committee on Federal Standards for Child Care without direction from Congress.

The State of Oklahoma has already had bitter experiences with this approach. An example of this is title 20 of the Social Security Act under which regulations were promulgated by HEW concerning day care centers. The legislation was to benefit children attending day care centers and was intended to insure that all children would have an adequate and inexpensive facility to attend. The proposed regulations jeopardized day care by raising costs to the parent so high that they will be prohibited from placing their children in a center, encouraging some of these mothers to be welfare recipients.

The Child and Family Services Act will again establish another set of child care standards. It is confusing to have another layer of regulations in an area that has already become overcomplicated and counterproductive. This legislation further reduces the latitude within which the traditional providers of these services can operate, because they must come up with a "plan" of their own which meets the regulations established at the national level. Again, the State and local level must comply with directives that come from Washington rather than develop their own programs consistent with State priorities. The choices are limited and the individual becomes more dependent upon the Federal Government for the operation of his or her daily life. Each State should write its own rules and regulations. It alone knows its needs, its resources, and its priorities. The initiative of each State contributes to the knowledge of all. Nothing is gained by denying such contributions.

The bill provides no assurances that the single State agencies, currently providing services, will be involved in the administration of this program. Experience with such programs at the State level has shown that the lack of unified administration causes numerous inefficiencies, wasting large amounts of money.

The bill also fails to recognize directly that most States have specific statutory authorities concerning these matters.

The final concern at the State level is the cost to the State. Many States simply no longer have the funds to match the Federal moneys proposed under this act.

States are slashing their budgets to reduce spending. The practice of the Federal Government mandating spending by State or local units of government on Federal programs inhibits the States from having the fiscal flexibility necessary to establish meaningful priorities to meet their needs.

The authorization sought for this act is $1,850,000,000 to be phased in over a 3-year period. Initially, $150 million is to be authorized for the first year and up to $1 billion for the third year. The sponsor's estimate of the actual cost of operating the programs proposed by this legislation is approximately $400 million a year. I believe this latter figure is unrealistically low based on the intention of this program. The amount, whatever it would be, would be added to a budget which we have already expressed our intent to reduce. This type of program is inconsistent with our intent to restrict an already inflated budget.

It is difficult enough to reduce the cost of existing programs that have an established track record and credibility, much less to do so when Congress adds to an already extremely expensive program.

Mr. President, I yield the remainder of my time to the majority leader and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Vermont, under the previous order, is recognized for 15 minutes.

S. 3027—INCREASE IN ENERGY COSTS

Mr. LEAHY. Mr. President, perhaps the greatest single factor causing the inflation plaguing the Nation has been the staggering increase in energy costs during the past 2 years.

These spiraling costs, which have wreaked havoc with our economy, have placed an often intolerable burden on the

budgets of millions of American families forced to pay ever-increasing costs for basic necessities of life—gasoline, home heating fuel, and electricity.

To alleviate this burden, or at least to restrain its escalation, Congress passed the Emergency Petroleum Allocation Act of 1973 and the Federal Energy Administration Act. Among other things, they charged the Federal Energy Administration with developing and administering the regulation of prices of crude oil and petroleum products and with encouraging competition in the energy marketplace. How well this is accomplished affects the pocketbooks of all Americans.

Essential to the implementation of this mandate are the FEA compliance and enforcement programs to insure that the petroleum industry complies with FEA pricing regulations. Unfortunately, this program has fallen far short of its responsibilities. As a Senator from a region whose people are paying the highest prices in the Nation for their energy. I am especially concerned over this failure.

Last December the General Accounting Office issued a report on FEA's compliance and enforcement effort, concluding that—

> FEA will have to substantially strengthen its compliance and enforcement program at all levels if it is to have adequate assurance that firms are in substantial compliance with pricing regulations.

Six months later, in testifying before the Subcommittee on Administrative Practice and Procedure, Phillip S. Hughes, the Assistant Comptroller General, stated:

> . . . FEA has responded by attempting some redirection of its compliance and enforcement activities. But our general judgment is that these problems, by and large, remain.

In its severely critical report, the subcommittee characterized the FEA enforcement program as "woefully inadequate, confused, and ineffective."

A recent Cambridge report indicates that by 8 to 1 Americans believe that the gasoline price hike last July was the result of a price fixing conspiracy rather than a justified price increase.

I mention this because it indicates that the public perceives that the large oil companies are living a relatively unregulated existence and that the Government has been lax, ineffective, and unaggressive in gaining some semblance of public accountability from them.

Mr. President, the total appropriation for the FEA in 1976 was increased by $8.5 million—an increase of 6.6 percent. At the same time the appropriation for FEA's regulatory programs was reduced by $4 million—a decrease of 12.1 percent. This neglect of FEA's regulatory programs is a clear signal to the petroleum industry that they may continue their dubious practices regarding the pricing of heating and industrial fuel and gasoline.

The consequences of this attitude are not difficult to discern. First, the FEA last year had a 38 percent turnover rate, one of the highest in the Federal bureaucracy.

Second, morale is low among many of the compliance officers within the agency. The former compliance chief for FEA region I, the New England region, told a Senate subcommittee:

> It appears to us in New England that the whole policy of the Agency has been to deregulate. There has never been any clear expression of intent to have a strong compliance program. I think that none of the auditors in the field believes that the Agency wants to enforce its own regulations.

The third consequence has been a serious lag in closing cases. For example, a letter to me by the Vermont State Energy Office in early October described 10 pending cases before the FEA's region I office. I recently learned that none of them has been settled. Some date back a full year. They are not large cases. They involve suppliers and retailers, the "little people" in the petroleum chain. But the fact that no movement has been made to close these cases indicates an indifference on the part of the people who direct FEA's compliance program.

In its report, the Subcommittee on Administrative Practice and Procedure listed lengthy delays and lost cases as 1 of the 11 major areas in which the FEA has failed to develop an effective and equitable system of price regulation in the petroleum industry. The subcommittee found that—

> Due to the lack of uniform procedures, poor allocation of manpower, inadequate staffing, unclear regulations and lines of authority, and lack of effective case control . . . a pattern of numerous unwarranted delays has hampered the enforcement process at FEA.

The FEA compliance and enforcement activities have been assessed and found wanting not only by that subcommittee, but also by the Permanent Investigations Subcommittee of the Government Operations Committee. In addition, the General Accounting Office's audit site at the FEA has issued a number of reports on the Agency's compliance and enforcement program citing numerous deficiencies. When a member of my staff asked why the frequency of these reports had slowed down, the GAO auditor replied that there was little to be gained from beating a dead horse.

Mr. President, a dead horse is not exactly what the Congress had in mind for protecting the American public from unfair pricing practices in the petroleum industry. Realizing that this is only a figure of speech, it is unconscionable and outrageous that the FEA compliance and enforcement activities have been permitted, or perhaps even worse encouraged, to deteriorate to the point where they can be so described.

I do not mean to imply that the FEA is the stooge of the major oil companies. I have been impressed by its strenuous efforts to minimize conflict-of-interest hirings. While a number of former oil company executives hold key FEA jobs, they do not now appear to be the dominant individuals within the agency's decisionmaking structure.

In fairness to the FEA, I must point out that the agency was created in the midst of an extraordinary national emergency and that many of the regulations promulgated at the time of the 1973 oil embargo are still in effect although the nature of our fuel crisis has changed. I should also stress that the interrelationships in the petroleum industry are easily the world's most complicated, and that its collective activities at times seem beyond total comprehension.

The impression which I have derived from the various reports and hearings which have been held is that of an agency with well-intentioned and competent people thrust into a difficult emergency situation with little knowledge of the technical complexities of the industry which they were mandated to regulate.

Although genuine improvements have been made since the last open hearings were held. I have concluded that the agency and its compliance division could both do a better job if their functions were divided and their institutional identities were separated.

The FEA has a major responsibility in the overall design for energy self-sufficiency. In this capacity it has had to serve as a spokesman for the petroleum industry which wants Government underwriting of its explorations and no Government regulation of its prices and fuel allocations.

On the other hand, the FEA has also been mandated by the Congress to regulate the activities of the petroleum industry to prevent excessive prices and poorly allocated supply.

With this dual mandate, it is no wonder that Gorman Smith, the Assistant Administrator for the FEA's compliance and enforcement program, described the FEA as "schizophrenic about its regulatory programs."

"Physician, heal thyself," might be a suitable admonition to the FEA, but it is unlikely to help it out of its present dilemma.

I believe that the most feasible way to solve that dilemma is to separate FEA's compliance and enforcement programs from the Agency itself. I am, therefore, today introducing legislation which would remove these functions from the Federal Energy Administration and relocate them within the Treasury Department.

This proposed reorganization is similar, but not identical, to the reorganization of the Atomic Energy Commission in recent years. As the distinguished Senator from Kentucky may recall, after more than 20 years of "schizophrenia" within the AEC, Congress decided that AEC could not promote both the development of nuclear energy on the one hand and regulate it effectively on the other. As a result, the Energy Reorganization Act of 1974 was enacted and the Energy Research and Development Administration and the Nuclear Regulatory Commission sprang to life to replace the Atomic Energy Commission.

This concept is not a new one to the Federal Energy Administration. Last May, Assistant Administrator Gorman Smith suggested in a memo made public that the Atomic Energy Commission reorganization be used to justify a change in the FEA's hiring practices. Mr. Smith made explicit use of that precedent when he wrote:

> . . . FEA has the same kind of requirement for technically qualified personnel, especially in Conservation and Environment, Energy Resource Development, and Regulatory Programs, that ERDA has with regard to its de-

velopmental missions and NRC has with respect to its regulatory mission.

It is clear that the FEA seems to understand the aptness of the AEC example in regard to its own organizational problems.

My proposed bill relocates the FEA compliance and enforcement responsibilities in the Treasury Department because, more than any other Federal agency, it has the experience and the trained personnel necessary for these functions. Treasury employs more and better-trained auditors and investigators than any other Federal agency. Many of the original FEA auditors were on loan from the Internal Revenue Service, and one of the factors causing present problems is the fact that most have gone back to their jobs in that agency.

It is reasonable to assume that the regulation of pricing and allocation in the petroleum industry will be a long-term proposition whether administered by the FEA or some other agency. The Treasury Department is permanent. Consequently, job security for the auditors and investigators will be improved. There would be, I feel certain, a marked increase in the level of morale and a sharp decrease in the rate of personnel turnover.

Separating these activities will also liberate the development components of FEA from problems which they may have experienced with producers and refiners who may have been reluctant to deal with them directly for fear of having a swarm of auditors descend upon them from the regulatory corner of FEA. FEA's mission will now be clear in the developmental sphere.

This separation should eliminate the organizational "schizophrenia" now afflicting the Federal Energy Administration at no additional cost and with no inflated bureaucracy. It would help restore the confidence of the public in its ability to effectively do the job it was charged to do almost 3 years ago—administer the regulation of crude oil and petroleum product pricing and encourage competition in the energy marketplace.

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

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

S. 3027

A bill to transfer all compliance and enforcement functions of the Federal Energy Administration to the Secretary of the Treasury

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby transferred to the Secretary of the Treasury all compliance and enforcement functions, including powers and duties relating thereto, which were vested in the Administrator of the Federal Energy Administration immediately before the effective date of this section.

(b) In the exercise of any such function so transferred, the Secretary of the Treasury shall have the same authority as that vested in the Federal Energy Administrator immediately prior to its transfer and the actions of the Secretary of the Treasury, in exercising such function, shall have the same force and effect as when exercised by the Administrator of the Federal Energy Administration immediately prior to its transfer by this section.

(c) All personnel, assets, liabilities, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred by this section are hereby transferred to the Secretary of the Treasury in such manner and to such extent as the Director shall prescribe. Such personnel shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions.

(d) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of the Federal Energy Administration, by any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this section, and

(2) which are in effect at the time this section takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Administrator, other authorized officials, a court of competent jurisdiction, or by operation of law.

(e) This Act shall not affect any proceeding pending, at the time this section takes effect, before any department or agency (or component thereof) regarding functions which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions, and to the same extent, that such proceeding could have been discontinued if this Act had not been enacted.

(f) No suit, action, or other proceeding commenced by or against the Federal Energy Administration or any other office or agency or any officer of the United States acting in any such official capacity shall abate by reason of the transfer made by this section, and in all such suits, actions, or proceedings, appeals shall be taken and judgments rendered in the same manner and effect as if this Act had not been enacted.

Sec. 2. The first section of this Act shall take effect upon the expiration of the sixty day period following the date of its enactment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed 20 minutes with statements therein limited to 5 minutes each.

CHILD AND FAMILY HEALTH SERVICES

CONGRESS NOT TAKING OVER CHILDREN

Mr. MANSFIELD. Mr. President, in the Christian Science Monitor of February 24, 1976, there is an article by Mr. Robert P. Hey entitled "Congress Not Taking Over Children," with the "Not" emphasized.

It has to do with a proposal which has been introduced by the Senator from Minnesota (Mr. MONDALE) and a Representative from Indiana (Mr. BRADEMAS). It covers the legislation which allegedly is supposed to take over the control of one's children from parents, and it has been the subject of a good deal of correspondence to all Members of the Senate and I assume all Members of the House of Representatives, as well.

In order to keep the record as straight as possible and to show the other side of the coin, I ask unanimous consent that this article by Mr. Hey, appearing in the Christian Science Monitor, be printed in the RECORD.

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

CONGRESS NOT TAKING OVER CHILDREN

(By Robert P. Hey)

WASHINGTON.—Suppose you received an anonymous letter claiming that Congress might take away your authority to rear your children as you see fit—and give it to the government. Would you unquestioningly believe it?

Tens of thousands of Americans apparently have. From all parts of the United States they've been deluging members of Congress for several months with angry letters demanding that Congress reject this proposal. It is one of the heaviest, longest-lasting mail campaigns in many years.

It is also one of the most disturbing. For the anonymous letters on which it is based consist almost entirely of distortions and outright falsehoods. A careful examination of the congressional bill they attack shows no section of it would give control of children to the government, despite the anonymous flier's assertions that such a change "is becoming part of" the proposal. Further, a check of congressional sources shows no such change ever was contemplated.

On the contrary, the bill aims to aid many American families, especially the poor, by providing day-care facilities for children and health assistance. No family would be forced to participate in such a program—it would be entirely voluntary.

To several congressional sources the most disturbing element—with ominous overtones for the future—is the depth of Americans' cynicism about government and public officials, as indicated by their automatic acceptance of the charges as fact. Several congressional sources familiar with the case believe only today's deep wellspring of public discontent makes many Americans ready to believe the charges right away.

Sen. Walter F. Mondale (D) of Minnesota, the Senate's chief sponsor of the proposal under attack tells this newspaper: "The polls would suggest a total distrust of politicians and government . . . [which] may have helped create an environment in which people are willing to believe almost anything—and [which] makes us all the less credible when we as members of Congress try to explain what the facts really are."

The irony is that the Mondale proposal—by the Senator's own admission—had no real chance of passage this year because it would cost more than Congress felt the government could spend in these difficult economic times. Under the proposal, sponsored in the House by Rep. John Brademas (D) of Indiana, $150 million would have been authorized for the first year of the program, with costs rising to $1 billion four years later.

But the mail campaign flooding Congress has entirely killed the modest hope of sponsors that they could gain congressional approval of some kind of compromise bill—one which would have begun providing more money for health, nursery, and day-care aid than now exists. Although these protesting letters generally are based on misinformation, congressional sources say they have had an impact on Capitol Hill sufficient to scuttle the prospects for compromise.

Supporters of the proposal have not been able to find out precisely which groups are behind the unsigned letter campaign.

In part it is so persuasive because the fliers look official and well researched.

But most of the facts are not accurate. The fliers say, in the words of one, that a "charter of childrens' rights of the National Council of Civil Liberties is becoming part of" the proposal. But in fact this "charter" never has been connected with the proposal. It is not connected with any U.S. group but was drafted by a British organization, according to Sen. Carl Curtis who introduced the subject of the charter into the Congressional Record in 1971.

None of the "rights" the flier identifies as part of the charter—the right to sue your parents for punishment, or refuse to take out the garbage—has ever been considered as part of the bill despite the allegations of the anonymous fliers.

Similarly, one flier charges that "the Congressional Record states" that what is at issue is whether parents or the government shall exert control over children and the family. This statement leaves the impression that the Congresional Record is an official voice of government. Actually, the Congressional Record is an all-inclusive record of everything said on the floor of the U.S. Senate and House of Representatives—and includes much material provided by members of Congress which was not said, but is printed in the publication anyway.

Sponsors of the bill say they cannot find any record of such a statement having been made in the Congressional Record. And if it was, it was either made by a member of Congress, or was written material which he had placed in the record—and thus is not official or unofficial government policy.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PROPOSED FINANCIAL ASSISTANCE FOR HEALTH CARE ACT—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Finance and the Committee on Labor and Public Welfare, jointly, by unanimous consent:

To the Congress of the United States:

The health of our people is one of our Nation's most vital resources.

Significant progress has been made in improving the health of the Nation's people during the last 25 years, as can be seen in the reductions in the infant mortality rate, increases in life expectancy, and the conquering of some communicable diseases. This progress has come under a largely private health care system with the support of public funds.

In the past 10 year period (1965–1975) Federal spending for health has increased from $5 billion to $37 billion. With greater Federal funding has come a multitude of Federal programs, regulations and restrictions—all motivated by the best of intentions but each adding to the confusion and overlap and inequity that now characterizes our efforts at the national level.

Today I am proposing to the Congress legislation that addresses these problems. I am asking Congress to enact the Financial Assistance for Health Care Act which will consolidate Medicaid and 15 categorical Federal health programs into a $10 billion block grant to the States. I am proposing that future Federal funding for this new program be increased annually in increments of $500 million plus the amounts needed after 1980 to ensure that no State will in the future receive less under this proposal than it received in fiscal year 1976.

The Financial Assistance for Health Care proposal is being submitted after extensive consultation with organizations representing the publicly elected officials who will be responsible for administering the program. I believe this proposal represents a major step toward overcoming some of the most serious defects in our present system of Federal financing of health care.

My proposal is designed to achieve a more equitable distribution of Federal health dollars among States and to increase State control over health spending. My proposal also recognizes the appropriate Federal role in providing financial assistance to State and local governments to improve the quality and distribution of health services.

The enactment of this legislation will achieve a more equitable distribution of Federal health dollars by providing funds according to a formula giving primary weight to a State's low-income population. The formula also takes into account the relative "tax effort" made by a State and the per capita income of that State.

Let me emphasize that every State will receive more Federal funds in fiscal years 1977, 1978 and 1979 under the block grant than it received in fiscal year 1976. My proposal also allows for a gradual phase-in of the distribution formula in future years to insure a systematic, orderly transition that will permit States to adjust to the new program.

To assure accountability and responsiveness to the public, my proposal requires each State to develop an annual health care plan as a condition to receiving Federal funds. This plan will be developed through a Statewide public review and comment process which will assure participation by all concerned parties. Thus, increased State responsibility will be coupled with expanded public participation, and accountability in the development of State health policies.

This proposed consolidation of health programs is essential to continue our national progress in the field of health. It is designed to permit States greater flexibility in providing for delivery of health care services to those with low income. It eliminates the requirements for State matching. And it recognizes the need for a cooperative relationship among governments at all levels. My proposal would reduce Federal red tape, increase local control over health spending, and expand public participation in health planning.

While I am proposing to increase State control over health spending, we will continue to concentrate our efforts in areas of appropriate Federal responsibility. For example, my budget proposals for 1977 include the following:

—In food and drug safety, I have asked for $226 million in 1977, an increase of $17 million, to enable further progress in priority areas;

—In the area of drug abuse prevention, I propose almost $500 million for prevention and treatment to expand national drug abuse treatment capacity to meet the current need;

—My budget requests more than $3 billion for health research, including continued support of major national efforts in cancer and heart disease research and support for new scientific opportunities in the fields of environmental health, aging, and immunology;

—In our effort to imrove the training and utilization of doctors and other health professionals, I have requested new legislation and funding of $319 million, designed to concentrate on the problems of geographic and specialty maldistribution of health professionals;

—To assist local communities to attract physicians, dentists and other health professionals to underserved areas, I am proposing to expand the National Health Service Corps demonstration program 38 percent from $18 million to $25 million;

—To assist the development of a strong health maintenance alternative, I have directed HEW to move rapidly in administering the dual option provisions of the HMO Act. And, to complete the 5-year effort to demonstrate and test the health maintenance organization concept, I have requested an additional year's authorization for new commitments. As of last June, there were 10 health maintenance organizations certified through the dual option provisions;

—To provide improved health services to American Indians and Alaska Natives, I am asking for $355 million. Spending by the Indian Health Service alone in 1977 will result in over $685 per beneficiary, or over $2,740 per Indian family of four;

—In the area of veterans' health care, I have requested $4.5 billion to assure continued quality care by providing for increases in medical staff and research related to VA health care delivery.

A realistic assessment of the present health care programs and the responsibilities of Federal, State, and local governments fully demonstrates that the reforms I am proposing in Federal health care are needed now. The Medicare Improvements of 1976 that I recommended to the Congress on February 11 also represents a balanced response to needed program reforms. This proposal is designed to improve catastrophic health cost protection for our aged and disabled, restrain cost increases in the Medicare program and provide training for the hospital insurance trust fund.

I request that the Congress give both these measures the earliest possible consideration.

GERALD R. FORD.

THE WHITE HOUSE, *February 25, 1976.*

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that a message from the President dealing with the subject of health care be referred jointly to the Committee on Finance and the Committee on Labor and Public Welfare.

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

MESSAGES FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the joint resolution (H.J. Res. 811) making supplemental appropriations for the legislative branch for the fiscal year ending June 30, 1976, and for other purposes.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 811) making supplemental appropriations for the legislative branch for the fiscal year ending June 30, 1976, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS

The PRESIDENT pro tempore laid befor the Senate the following petitions, which were referred as indicated:

House Concurrent Resolution No. 36 adopted by the Legislature of the State of Delaware; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION No. 36

"Applying to the Congress for a convention to propose an amendment to the Constitution of the United States

"Be it resolved by the House of Representatives of the 128th General Assembly, the Senate concurring therein, that the General Assembly of the State of Delaware hereby, and pursuant to Article V of the Constitution of the United States, makes application to the Congress of the United States to call a convention for the proposing of the following amendment to the Constitution of the United States:

" 'ARTICLE —

" 'The costs of operating the Federal Government shall not exceed its income during any fiscal year, except in the event of declared war.'

"Be it further resolved that this application by the General Assembly of the State of Delaware constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V.

"Be it yet further resolved that since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and, since the power to use such right in full also carries the power to use such right in part, the General Assembly of the State of Delaware interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions.

"Be it yet further resolved that a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, to each member of the Congress from this State and to each House of each State Legislature in the United States."

A concurrent resolution adopted by the Legislature of the State of South Carolina; to the Committee on the Judiciary:

"A CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO PROPOSE AN AMENDMENT TO THE FEDERAL CONSTITUTION TO REQUIRE THAT THE TOTAL OF ALL FEDERAL APPROPRIATIONS MAY NOT EXCEED THE TOTAL OF ALL ESTIMATED FEDERAL REVENUES IN ANY FISCAL YEAR, WITH CERTAIN EXCEPTIONS

"Whereas, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds hundreds of billions of dollars; and

"Whereas, attempts to limit spending, including impoundment of funds by the President of the United States, have resulted in strenuous objections that the responsibility for appropriations is the constitutional duty of the Congress; and

"Whereas, the annual Federal budget repeatedly demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues; and

"Whereas, the unified budget of three hundred four and four-tenths billion dollars for the current fiscal year does not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

"Whereas, as reported by US News and World Report on February 25, 1974, of these nonbudgetary outlays in the amount of fifteen and six-tenths billion dollars, the sum of twelve and nine-tenths billion dollars represents funding of essentially private agencies which provide special service to the Federal government; and

"Whereas, knowledgeable planning and fiscal prudence require that the budget reflect all Federal spending and that the budget be in balance; and

"Whereas, believing that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal disciplines needed to reverse this trend:

"Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

"That the Congress be memorialized to add a new Article XXVII to the Constitution of the United States and requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues, excluding any revenues derived from borrowing, for that fiscal year.

"Be it further resolved that Congress is requested to call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution.

"Be it further resolved that the proposed new article read substantially as follows:

" 'PROPOSED ARTICLE XXVII

" 'The total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues for that fiscal year, excluding any revenues derived from borrowing and this prohibition extends to all Federal appropriations and and all estimated Federal revenues, excluding any revenues derived from borrowing. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this Article. If the President proclaims a national emergency, suspending the requirement that the total of all Federal appropriations not exceed the total estimated Federal revenues for a fiscal year, excluding any revenues derived from borrowing, and two-thirds of all members elected to each House of the Congress so determine by Joint Resolution, the total of all Federal appropriations may exceed the total estimated Federal revenues for that fiscal year.'

"Be it further resolved that copies of this resolution be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of Congress from South Carolina.

COMMUNICATIONS TRANSMITTED AND RECEIVED BY THE SECRETARY OF THE SENATE

The Secretary of the Senate reported the transmittal and receipt of the following communications:

FEBRUARY 19, 1976.

Hon. HENRY A. KISSINGER,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I am forwarding herewith Senate Resolution 390, adopted by the United States Senate on February 17, 1976. It will be appreciated if you will forward this to the President of Guatemala.

With kindest regards,

Sincerely,

FRANCIS R. VALEO,
Secretary of the Senate.

S. RES. 390

Whereas the people of our sister Republic, Guatemala, suffered a devastating blow as the result of the recent earthquakes and tremors in February 1976; and

Whereas these quakes and tremors caused the loss of thousands of lives and the destruction or devastation of many towns and villages, rendering homeless many thousands of people; and

Whereas the people and Government of the United States, in accord with the traditions of the United States, are anxious to assist the people of Guatemala in their tragic hour of bereavement and suffering; and

Whereas the task of relief, rehabilitation, and reconstruction which faces Guatemala is huge, requiring outside support and assistance beyond the present emergency requirements: Now, therefore, be it

Resolved, That the Senate extend its deepest sympathy to the President and to the people of Guatemala in this dark hour of their suffering and distress.

SEC. 2. It is the sense of the Senate that the executive branch of the United States Government be urged to develop, in cooperation with other potential donors in and outside of the Western Hemisphere, both governmental and private, programs to assist the people of Guatemala in their efforts to relieve the suffering caused by the disaster and to rehabilitate their nation from the damage inflicted.

SEC. 3. Copies of the present resolution shall be distributed through appropriate channels to the President of Guatemala.

DEPARTMENT OF STATE,
Washington, D.C., February 23, 1976.

Mr. FRANCIS R. VALEO,
Secretary, U.S. Senate,
Washington, D.C.

DEAR MR. VALEO: We have received Senate Resolution 390 dated February 17 which you forwarded by your letter of February 19.

The Resolution has been sent to the American Embassy in Guatemala City for appropriate transmittal to the President of the Republic of Guatemala.

Sincerely,

ROBERT J. MCCLOSKEY,
Assistant Secretary for Congressional Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MORGAN, from the Committee on Public Works:

S. 3028. An original bill to amend sections 5315 and 5316 of title 5, United States Code (Rept. No. 94–649).

By Mr. MUSKIE, from the Committee on the Budget, without amendment:

S. Res. 392. A resolution waiving section 303(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.J. Res. 801 (Rept. No. 94–650).

S. Res. 393. A resolution waiving section 303(a) of the Congressional Budget Act of 1974 with respect to consideration of the conference report to accompany H.R. 11045, the Rehabilitation Act Extension of 1976 (Rept. No. 94–651).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. PEARSON, from the Committee on Commerce:

Joseph E. Kasputys, of New York, to be an Assistant Secretary of Commerce.

Richard G. Darman, of Massachusetts, to be an Assistant Secretary of Commerce.

David W. Oberlin, of Virginia, to be Administrator of the St. Lawrence Seaway Development Corporation.

John Thomas Smith II, of the District of Columbia, to be General Counsel of the Department of Commerce.

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

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

Charles J. Pooler, of Maine, to be U.S. marshal for the district of Maine.

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

By Mr. MCGEE, from the Committee on Post Office and Civil Service:

Georgiana H. Sheldon, of Virginia, to be a Civil Service Commissioner.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. LEAHY:

S. 3027. A bill to transfer all compliance and enforcement functions of the Federal Energy Administration to the Secretary of the Treasury. Referred to the Committee on Interior and Insular Affairs.

By Mr. MORGAN, from the Committee on Public Works:

S. 3028. A bill to amend sections 5315 and 5316 of title 5, United States Code. Placed on the Calendar.

By Mr. STENNIS (for himself and Mr. EASTLAND):

S. 3029. A bill for the relief of Dr. Carlos Arturo Camacho Amador. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 3030. A bill for the relief of Hildegard Mercedes Schlubach Ercklentz, Enno W. Erklentz, Jr., Hildegarde Ercklentz Merrill, and Alexander T. Ercklentz, all citizens of the United States. Referred to the Committee on the Judiciary.

By Mr. MONTOYA:

S. 3031. A bill to authorize the erection of a statue of Bernardo de Galvez on public grounds in the District of Columbia. Referred to the Committee on Interior and Insular Affairs.

By Mr. BARTLETT:

S. 3032. A bill to provide for the gradual reduction of the United States contribution to the United Nations. Referred to the Committee on Foreign Relations.

By Mr. GOLDWATER:

S. 3033. A bill to amend section 302 of the Communications Act of 1934 to authorize the Federal Communications Commission to prescribe regulations with respect to certain electronic equipment that is susceptible to radio frequency energy interference. Referred to the Committee on Commerce.

By Mr. STAFFORD (by request):

S. 3034. A bill to amend the Rehabilitation Act of 1973. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS (for himself and Mr. BEALL):

S. 3035. A bill for the relief of Alice W. Olson, Lisa Olson Hayward, Eric Olson, and Nils Olson. Referred to the Committee on the Judiciary.

By Mr. STONE:

S. 3036. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors. Referred to the Committee on Finance.

By Mr. MUSKIE (for himself, Mr. RANDOLPH, Mr. BAKER, Mr. BUCKLEY, Mr. BURDICK, Mr. GRAVEL, Mr. GARY HART, and Mr. MONTOYA):

S. 3037. A bill to extend certain authorizations under the Federal Water Pollution Control Act, as amended. Referred to the Committee on Public Works.

By Mr. BAKER (for himself and Mr. RANDOLPH):

S. 3038. A bill to amend the Federal Water Pollution Control Act. Referred to the Committee on Public Works.

By Mr. BENTSEN:

S. 3039. A bill for the relief of Yolanda Inez Gonzalez Lyles; and

S. 3040. A bill for the relief of Dr. Lesley B. Tiogko Serrano and her son, Kenneth Neil Serrano. Referred to the Committee on the Judiciary.

By Mr. INOUYE (for himself and Mr. PEARSON) (by request):

S. 3041. A bill to amend the International Travel Act of 1961, as amended, to authorize the use of travel grants for foreign participants in familiarization tours to the United States. Referred to the Committee on Commerce.

By Mr. INOUYE:

S. 3042. A bill to amend title 5, United States Code, to include as creditable service under the civil service retirement system periods of service as contract technicians by persons hired by private authority to perform work under Federal supervision pursuant to a contract between such private authority and the Federal Government, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. KENNEDY (for himself, Mr. RIBICOFF, Mr. PHILIP A. HART, Mr. GARY HART, Mr. HASKELL, Mr. DURKIN, Mr. SPARKMAN, Mr. STAFFORD, Mr. MANSFIELD, Mr. PELL, Mr. INOUYE, Mr. MONTOYA, Mr. BEALL, Mr. MCGOVERN, and Mr. PERCY):

S. 3043. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (by request):

S. 3044. A bill to provide for relief and rehabilitation assistance to the victims of the earthquakes in Guatemala, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. MCGOVERN:

S. 3045. A bill to establish a National Commission on Food Production, Processing, Marketing, and Pricing to study the food industry from the producer to the consumer. Referred to the Committee on Agriculture and Forestry and the Committee on Commerce, by unanimous consent.

By Mr. WEICKER:

S.J. Res. 172. A joint resolution to designate the fourth week in June as National Tennis Week. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 3027. A bill to transfer all compliance and enforcement functions of the Federal Energy Administration to the Secretary of the Treasury. Referred to the Committee on Interior and Insular Affairs.

(The remarks of Mr. LEAHY on the introduction of the above bill are printed earlier in today's proceedings.)

By Mr. MONTOYA:

S. 3031. A bill to authorize the erection of a statue of Bernardo de Galvez on public grounds in the District of Columbia. Referred to the Committee on Interior and Insular Affairs.

Mr. MONTOYA. Mr. President, today I am introducing a bill to authorize the erection of a statue of Bernardo de Galvez on public grounds in the District of Columbia. This bill is identical to legislation which has been introduced in the House of Representatives by Congresswoman LINDY BOGGS.

The Government of Spain has offered the United States the statue of Bernardo de Galvez as a commemoration of the Bicentennial of the American Revolution. The first legislation concerning this gift was introduced in the 91st Congress by Congressman Hale Boggs. Unfortunately, action was not taken at that time.

The gift has been offered to the American Revolution Bicentennial Administration, and through ARBA to the National Park Service. Both ARBA and the Park Service have been actively involved in discussions concerning the memorial.

Congressional authority is needed before this memorial can be placed on parkland in the Capital, as the donor wishes to do. It is hoped that this legislation can be passed quickly in order to allow the Secretary of the Interior to accept this gift in our name and to dedicate the erected statue in June of this Bicentennial Year.

Bernardo de Galvez was born in Malaga in 1746. He became a Spanish infantry officer, and was sent to Louisiana in 1776 as the military governor. He not only assisted Americans in fighting the Revolutionary War, but assumed an active role himself in fighting the British. He attacked and captured the British forts at Baton Rouge and Natchez in 1779, at Mobile in 1780, and at Pensacola in 1781. He founded the city of Galveston in 1777.

His operations kept the Mississippi River open for the delivery of American supplies to the Colonies, and his military action along the gulf coast and in western Florida were very important elements in defeating Cornwallis and saving the Carolinas and Georgia.

After the revolutionary period Don Bernardo served in Cuba and later became the 49th Viceroy of Mexico. He died in Mexico in 1794.

As an ally of the United States during the Revolutionary War, and as one of the military leaders who became a vital part of the history of territories which later became parts of the United States, Bernardo de Galvez is truly an historic figure in the development of this continent and this Nation. I believe that my colleagues will agree with me that the statue to commemorate his life is a fitting and gracious gift from the Spanish people.

I urge my colleagues to join me in support of this legislation and I urge the speedy consideration and passage of this bill, so that this token of the friendship between the people of Spain and the people of the United States can be accepted during our Bicentennial Year.

By Mr. GOLDWATER:

S. 3033. A bill to amend section 302 of the Communications Act of 1934 to authorize the Federal Communications Commission to prescribe regulations with respect to certain electronic equipment that is susceptible to radio frequency energy interference. Referred to the Committee on Commerce.

Mr. GOLDWATER. Mr. President, I am pleased to introduce today a companion bill to legislation proposed by Congressman CHARLES VANIK of Ohio to drastically reduce the amateur and CB radio bugaboos of television interference, hi-fi interference, and other radio frequency interference to home electronics equipment.

Most consumers do not understand that when they may encounter interference with their home television or radio set after an amateur or citizen band radio operator moves next door, the source is not a defect in the equipment of their neighbor but with their own radio or television receiver. It is perfectly legal and appropriate for the ham or CB radio operator to be using his or her unit in accordance with FCC regulations and the fault actually lies with the radio, phonograph, or television equipment which is not, but could easily be, adequately shielded from unwanted signals. This interference can be corrected in almost all cases by the installation of simple filtering or shielding parts and could be accomplished most efficiently and economically if it were done by the manufacturer.

Mr. President, the bill I am introducing would help to clear up radio frequency interference not only in radio and television receivers, but in all home audio and visual electronic equipment. It would authorize the Federal Communications Commission to prescribe regulations with respect to home electronic equipment that is susceptible to this interference so that the equipment would operate free from such interference.

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

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

S. 3033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 302 of the Communications Act of 1934 (82 Stat. 290; 47 U.S.C. 302a.) is amended as follows:

(1) Subsection (a) of such section is amended—

(A) by inserting "(1)" immediately after "governing" in the first sentence;

(B) by striking out the period at the end of the first sentence and inserting in lieu thereof ", and (2) the use of protective components in audio and visual electronic equipment which are capable of reducing interference to such equipment from radio frequency energy."; and

(C) by striking out "shipment, or use of such devices" in the second sentence and inserting in lieu thereof "or shipment of such devices and electronic equipment or the use of such devices.".

(2) Subsection (b) of such section is amended by striking out "ship, or use devices" and inserting in lieu thereof "or ship devices and electronic equipment or use devices".

(3) Subsection (c) of such section is amended—

(A) by inserting "or electronic equipment" immediately after "devices" wherever such term appears in the first sentence;

(B) by inserting "and electronic equipment" immediately after "Devices" in the second sentence; and

(C) by striking out "the common objective of reducing interference to radio reception," in the second sentence and inserting in lieu thereof "the objectives of reducing interference to radio reception and to electronic equipment,".

(b) The heading for section 302 of such Act is amended to read as follows:

"INTERFERENCE WITH RADIO COMMUNICATIONS AND ELECTRONIC EQUIPMENT".

By Mr. STAFFORD (by request):

S. 3034. A bill to amend the Rehabilitation Act of 1973. Referred to the Committee on Labor and Public Welfare.

Mr. STAFFORD. Mr. President, today I am introducing S. 3034 at the request of the administration, to provide for the demonstration of alternate organization plans for the delivery of rehabilitation services.

This matter is of utmost importance in many States, Mr. President, due to new statutes that have been adopted, or are under consideration, by the State legislatures for the reorganization of those departments within the State under a single human services department. This movement is alleged to provide cost saving measures to the State and to streamline the delivery of rehabilitation and certain other services to the citizens of those States.

It is not the judgment of this Senator, Mr. President, that the prohibition to do such streamlining or consolidation contained in section 101(a) of the Rehabilitation Act of 1973, Public Law 92-112, should be disregarded. It is my judgment that States should be able to experiment in some limited way where they feel it would be more economical, and more importantly, more effective for their rehabilitation clients.

This is not an issue without passion, Mr. President. Many groups of professionals in the field of rehabilitation feel very strongly that such streamlining will be detrimental to them and to their clients. There are client groups who feel the same way. Yet there are members of both groups who feel just the opposite will be true.

However, I feel that we really do not know at the Federal level what is the best course for these States, and I be-

lieve it should be fully and thoughtfully discussed. For that reason, Mr. President, I want this bill to be before the Subcommittee on the Handicapped of the Committee on Labor and Public Welfare, of which I am ranking minority member, during the oversight hearings that are in progress this month and next.

It is an issue that is of great concern to many, and deserves our attention.

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

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

S. 3034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Clause (2) of Section 101(a) of the Rehabilitation Act of 1973 is amended by striking out the semicolon at the end of subclause (B) and inserting in lieu thereof the following: ": *Provided,* That, in order to demonstrate and evaluate the effectiveness and efficiency of alternative organizational structures designed to improve the delivery of rehabilitative services within a State, the Secretary may waive any of the requirements of this clause in accordance with regulations designed (i) to limit the number of such demonstrations, (ii) to ensure opportunity for public comment on any such waiver, and (iii) to ensure that any such waiver will not result in a reduction in the level or quality of program services;"

By Mr. MATHIAS (for himself and Mr. BEALL):

S. 3035. A bill for the relief of Alice W. Olson, Lisa Olson Hayward, Eric Olson, and Nils Olson. Referred to the Committee on the Judiciary.

Mr. MATHIAS. Mr. President, of all the revelations emanating from the recent investigations of the Central Intelligence Agency, none was more appalling and distressing than the disclosure of the facts and circumstances surrounding the death on November 23, 1953, of Dr. Frank Olson. Not only was Dr. Olson unknowingly administered a dosage of the hallucinogenic drug known as LSD, which was determined by the Federal Government to be the proximate cause of his death, but in addition, the CIA purposefully concealed the true details of his demise and allowed his wife and children for 22 years to labor under the misconception that Dr. Olson had committed suicide. But for the recent investigations of the activities of the CIA, it is entirely conceivable that the Olson family would never have learned the truth.

I am introducing a bill today to authorize compensation to the surviving members of the Olson family; namely, his widow and three children, in a total amount of $1,250,000. In addition to attempting to compensate the family for their suffering, I believe that this bill is an acknowledgement on the part of our Government of the deception and evasiveness perpetrated upon the Olsons and the absolute necessity of insuring that similarly inexcusable acts are never repeated.

This bill would discharge any and all responsibility of the United States with respect to the circumstances surrounding Dr. Olson's death. It would also negate the necessity of the Olson family resorting to prolonged and costly legal proceedings and is designed to streamline consideration by the Congress and, hopefully, to permit prompt passage.

As you are probably aware, Dr. Olson died as the result of injuries sustained after he had jumped from a hotel room in New York City on November 28, 1953. At the time of his death, he was a civilian biochemist with supervisory responsibilities and employed by a special unit of the Army Chemical Corps at Fort Detrick, Md. This unit maintained liaison with the Central Intelligence Agency, CIA, and participated in meetings with CIA personnel regarding its work.

At one such meeting on November 18–19, 1953, which was attended by seven representatives from Fort Detrick and three from the CIA, a number of those present, including Dr. Olson, were administered lysergic acid dipthylamide—LSD—which had been introduced into a bottle of Cointreau liqueur without their knowledge by the CIA participants at the meeting. Dr. Olson and the others were told of the "experiment" 20 minutes later. Immediately after the experiment, Dr. Olson exhibited unusual sleeplessness, restiveness, and feelings of depression. Pursuant to arrangements made by the CIA, Dr. Olson, accompanied by a CIA employee, went to New York City, where he received psychiatric treatment from someone contacted by the CIA. During the period of treatment, Dr. Olson apparently threw himself from his 10th floor hotel room window and plunged to his death.

Not aware of the true facts and having been led to believe that her husband's death was an unexplained suicide, Mrs. Olson, at the urging of certain Army personnel, applied to the Bureau of Employee's Compensation, BEC, of the Department of Labor for benefits due her and her children under chapter 81—compensation for work injuries of title 5, United States Code—the Federal Employees Compensation Act, FECA—in lieu of civil service retirement benefits. BEC officials personally reviewed the records supplied by the CIA which described the circumstances leading up to and attendant upon the death of Dr. Olson. The BEC officials determined that the material furnished by the CIA was "sufficient to show that the condition responsible for self-destruction was proximately due to the conditions of his employment," and "from a medical standpoint there was a very definite connection between the illness and the act of self-destruction."

In part, BEC's determination was based on a statement by the General Counsel of the CIA that the death had resulted from "circumstances arising out of an experiment undertaken in the course of his official duties for the U.S. Government." A review of relevant CIA documents reveals that the CIA was eager to arrange payments to the Olson family under chapter 81 and thus end all questions relating to the death of Dr. Olson.

Between that time and November 30, 1975, the family has received $147,573.22 in benefits under chapter 81—compensation for work injuries, 5 U.S.C. 8101 et seq., the Federal Employees' Compensation Act, hereinafter cited as the FECA. The Olson family is currently receiving monthly benefits of nearly $800. Under the FECA, a widow is entitled to compensation until she dies or remarries before reaching age 60; and children are paid until each becomes 18 or if over 18 and incapable of self-support when each becomes capable of self-support, 5 U.S.C. 8133(b).

Neither Mrs. Olson nor her children were told or knew of the involvement of the CIA or of all of the circumstances surrounding the death of Dr. Olson until the Rockefeller Commission Report on the CIA was published in June 1975. Although the report did not specifically identify Dr. Olson, it described the events leading up to his death.

On July 17, 1975, the surviving members of the Olson family, with the aid of their attorneys, David Kairys and David Rudovsky, of Philadelphia, filed a wrongful death claim with the CIA pursuant to the Federal Tort Claims Act, 28 U.S.C. 2671 et seq. In their letter the family requested, first, full disclosure to the family of the facts surrounding the death of Dr. Olson, second, an assurance that appropriate steps would be taken to forbid the kind of activities involved in the death of Dr. Olson; and third, monetary damages.

On July 21, 1975, the President met with the family of Dr. Olson. He expressed the sympathy of the American people and apologized on behalf of the U.S. Government for the circumstances of his death. The President also informed the Olsons that the Attorney General had been asked to meet with the Olsons' legal representatives to discuss any claims they wished to assert against the Government by reason of Dr. Olson's death. Subsequent to the President's meeting with the Olson family, negotiations began between the Department of Justice and the Olsons' attorneys.

In a July 24, 1975, letter, William Colby, Director of Central Intelligence, expressed his deepest personal sympathy to the family and apologized for their suffering and for the failure to inform them of the circumstances surrounding Dr. Olson's death. He further advised them that he was making available to their attorneys the information concerning the death which was available to the CIA. Since that time all of the documents which the CIA were able to find concerning Dr. Olson's death have been delivered to the Olsons along with a signed affidavit testifying as to their completeness.

As a result of the negotiations between the Department of Justice and the Olson family attorneys regarding the Federal Tort Claims Act suit instituted by the Olsons, it became clear that there existed certain potential technical obstacles, which might preclude recovery under the act. Accordingly, everyone concerned, including the President, the Attorney General and the Director of the CIA, agreed

that it would be appropriate to proceed by way of a private bill for an amount which would adequately compensate the Olson family for damages suffered.

The private legislation now before us is premised on the assumption of responsibility by the United States with respect to the circumstances surrounding the death of Dr. Olson, and most significantly for the fact that the Olson family was deliberately not informed of these circumstances. I have been assured that the President, the CIA, and the Department of Justice all totally support the amount stated in the bill. Indeed, it must be stressed that this amount is a fairly arrived at negotiated figure, which the Department of Justice is satisfied represents fair compensation for the damages suffered.

This bill recognizes that, in view of the responsibility assumed by the Government, it would be inequitable to subject the Olson family, which has already been forced to live for over 20 years under the inexplicable shadow of Frank Olson's death, to the financial and emotional strains associated with long and protracted legal proceedings.

It should be noted that this bill does not increase compensation to the dependents of an employee under the FECA; rather it would authorize compensation for injuries which are unrelated to the benefits available under that act.

Furthermore, the payment to the Olsons under this bill shall be in full satisfaction of any claims of the entire family against the United States relating to the unique circumstances surrounding Dr. Olson's death and shall also be in lieu of further compensation otherwise due under FECA. It is to be additionally noted that this bill is predicated on the novel circumstances which led to Dr. Olson's untimely death and thus this legislation is by no means intended to establish a precedent for future private bills involving different factual patterns and FECA awards.

As I previously stated, I have been assured that the President, the Justice Department, and the CIA fully support this legislation and I trust that my colleagues will swiftly enact this bill.

By Mr. STONE:

S. 3036. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors. Referred to the Committee on Finance.

Mr. STONE. Mr. President, today I am introducing legislation which will broaden the coverage of chiropractic services under medicare. The medicare program already recognizes chiropractic health care as a reimbursable expenditure. However, I see two important inequities in the present system.

Current regulations limit reimbursable chiropractic services to treatment of subluxation — partial dislocation. They mandate the use of X-rays for diagnosis and specifically limit treatment to manual manipulation of the spine, yet medicare will not pay for the mandatory diagnostic X-rays.

The logic behind these regulations eludes me. Partial dislocation can often be diagnosed without the use of X-rays. In fact, exposing the patient to unnecessary radiation can often have a detrimental effect on their condition. In addition, since medicare does not consider this mandatory X-ray a reimbursable cost, many medicare recipients are discouraged from receiving proper medical attention. Limiting coverage to one specific treatment results in the patient incurring the cost of all diagnostic tests as well as any other necessary treatment. This additional financial burden is often enough to discourage further medical care.

The legislation I propose will correct this situation. It will both eliminate the mandatory use of X-rays and include, under medicare coverage, additional methods of treatment and diagnosis. By removing unnecessary limitations which now apply to this field, this legislation will afford chiropractic patients the same benefits that medicare recipients now receive.

These amendments are in complete accord with those adopted in the 1975 Federal Employees Compensation Act, Public Law 93-416. Medicare recipients have a right to quality health care including chiropractic treatment. It is time we allow the doctor to treat his patients appropriately without being limited by a reimbursable cost clause.

I am pleased to introduce this amendment to title VIII of the Social Security Act and urge its timely adoption.

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

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

S. 3036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (5) of section 1861(r) of the Social Security Act is amended—

(1) by inserting "and for appropriate X-ray, and physical examination and related routine laboratory tests, which he is authorized by State law to perform," after "1861(s)(2)(A)"; and

(2) by inserting "or by other chiropractic procedures" after "demonstrated by X-ray".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to items and services furnished on or after the first day of the first month beginning after the date of the enactment of this Act.

By Mr. MUSKIE (for himself, Mr. RANDOLPH, Mr. BAKER, Mr. BUCKLEY, Mr. BURDICK, Mr. GRAVEL, Mr. GARY HART, and Mr. MONTOYA):

S. 3037. A bill to extend certain authorizations under the Federal Water Pollution Control Act, as amended. Referred to the Committee on Public Works.

Mr. MUSKIE. Mr. President, the bill I am introducing today would provide 1 additional year of funds for the wastewater treatment facility construction grant program under the Federal Water Pollution Control Act.

Authorizations for this program were provided for fiscal years 1973, 1974, and 1975 for a total of $18 billion. The administration impounded $9 billion of these funds. The legality of that impoundment was questioned, and the Supreme Court ruled in February of 1974 that the $9 billion had been illegally impounded. Those funds were then immediately released and remain available to the States until September 1977.

The Environmental Protection Agency has accelerated the rate at which applications for construction grants are being approved, and the States have accelerated their application procedures. After a surge of new grant contracts, however, the pace of applications has slowed. Delays now are at the local level—not as a result of EPA's regulations. Part of this delay is caused by the uncertainty of funding the local share, an uncertainty which would have been overcome if the public works jobs bill had not been vetoed.

Part of the delay is the result of lack of local initiatives and the apparent willingness of EPA to let municipal discharge permit conditions go unenforced.

Some States, like Maine, are continuing to release these funds at an accelerated pace. Unfortunately, even this orderly process will stop if there are no new authorizations. The Environmental Protection Agency has provided information which shows that at least 22 States will run out of construction grant funds by March 1977—a full 6 months ahead of schedule. Many of those States will run out even earlier—some will run out within the next few months.

What will happen to the construction grant programs in those States? What will happen to the capacity of communities to meet clean water deadlines? And what will happen to the jobs which are created by these needed public works investments?

Faced with this grim scenario, it would be reasonable to expect a request from the administration for a continued level of funding for the grant program through fiscal year 1977. The EPA budget request contains no money for the grant program. EPA has asked OMB for this authority and OMB refused to provide it.

It is our responsibility to make good on our Federal commitment to the States to provide funds in an orderly fashion for this construction grant program. It is for this reason that I introduce this bill which will continue funding the construction grant program at the $7 billion level authorized for fiscal year 1975. This bill simply provides an authorization for appropriation of construction grant funds. The State-by-State allocation of this $7 billion is an issue which remains to be resolved. The Public Works Committee will have to consider any change in the allocation formula for this money.

The Subcommittee on Environmental Pollution, which I chair, will be holding hearings on March 1 to consider the adequacy of the EPA budget request for fiscal year 1977. I intend to review the status of the construction grant program at that time, especially looking to the need for additional construction grant funds.

Mr. BUCKLEY. Mr. President, I am

pleased to be a cosponsor of this legislation and I commend the Senator from Maine (Mr. MUSKIE) for introducing it.

As a member of the National Commission on Water Quality, I am convinced by the testimony and the evidence that a great need exists to maintain a continuing grant program to assist municipalities in the construction of effective sewage treatment facilities. The cost of that effort over the coming decade is estimated at between $5 to $10 billion yearly.

The Committee on Public Works has scheduled a hearing next Monday on the administration's budget proposal for the Environmental Protection Agency. This hearing will be the basis for our recommendations to the Budget Committee. A key question in that review will be what level of obligation is needed to maintain continuity of the sewage treatment grant effort.

I intend to examine the realistic needs of the program in that hearing. Thus, while I may ultimately support a figure for fiscal year 1977 that may be either lower or higher than the $7 billion incorporated within this bill, I believe the bill serves as a helpful tool to this dialog. I am pleased to join my colleagues in cosponsoring this bill.

By Mr. BAKER (for himself and Mr. RANDOLPH):

S. 3038. A bill to amend the Federal Water Pollution Control Act. Referred to the Committee on Public Works.

Mr. BAKER. Mr. President, I am pleased to join in cosponsoring with Senator MUSKIE and others a bill which will provide an added $7 billion in funds for municipal waste treatment facilities throughout the country.

I, along with Senator RANDOLPH, chairman of the Senate Public Works Committee, am also introducing the administration proposed bill "to amend the Federal Water Pollution Control Act," which Russell E. Train, the Administrator of EPA transmitted on January 29.

In view of the new congressional budget procedures, it is necessary for the Public Works Committee, of which I am ranking minority member, like other legislative committees, to send estimates of proposed new authorizations to the Budget Committee by various dates, the first of which is March 15. Thus the committee will want to consider, at least in terms of total resources required, the scope and magnitude of the proposed fiscal year 1977 municipal grants program at a hearing the committee has scheduled for Monday, March 1 on the EPA budget and programs. I would hope we would be able to explore at least the basic concepts and potential fiscal consequences of these two bills, as well as S. 2710, which passed the Senate on December 1, 1975, and is pending in the House Public Works Committee, and H.R. 9560, which the House committee has under consideration.

The two bills I join in sponsoring today complement one another in that the committee bill deals with the probable outside limit of a Federal commitment to municipal waste water treatment plants in fiscal year 1977, while the administration proposal recommends a number of other changes in the program that the committee will wish to consider.

As background to the pending legislation, I should note that the National Commission on Water Quality has just released its report and recommendations for changes in the act and the programs administered under it. As time permits in the remainder of this Congress and next year, I would anticipate that both Houses of Congress, through the respective Public Works Committees, will want to give serious consideration to these and other proposals, some of which will have a major impact on EPA funding needs for water pollution control.

The bill which the administration proposes would make a number of changes, some of which appear attractive at first glance. Senator RANDOLPH and I prefer to wait for hearings and further analysis, however, before I decide whether the bill, as a whole, deserves support.

Beginning in fiscal year 1977 the bill would change the percentage of the Federal share of the cost of construction from the uniform 75 percent decided upon in 1972 to the following sliding schedule: 75 percent for treatment plants, interceptors, and correction of infiltration and inflow problems, 60 percent for the correction of storm water problems in combined sewer systems, and no funding for separate storm sewers, replacement or rehabilitation of sewers or new collection systems.

The bill also would limit the amount of reserve capacity for future growth in projects eligible for Federal assistance and limit Federal assistance to meeting no more than the specific requirements of the Federal law. The bill would permit extensions on a case-by-case basis of the July 1, 1977, deadline for compliance by public treatment works with secondary treatment and water quality requirements, up to July 1, 1983. Mr. Train's transmittal letter discusses how these changes will reduce the Federal share of projected needs. The letter and bill, however, do not recommend any proposed levels of authorization for fiscal year 1977 or following years, an omission which may be remedied in the upcoming hearings. Despite the many pressing requirements which we face in a number of areas during the balance of this Congress, I am hopeful that the Public Works Committee will act on the most pressing matters affecting EPA in this program this year and at least begin consideration of the broader issues facing the EPA.

I ask unanimous consent that the bill proposed by the administration, together with Mr. Train's letter, be printed in full in the RECORD.

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

S. 3038

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

(a) Subsection (a) of section 202 is amended by adding after the date "June 30, 1971," in the first sentence thereof the following:

"(except as provided in subsection (c) of this section)".

(b) Section 202 is amended by adding at the end thereof new paragraphs as follows:

"(c)(1) The amount of any grant for treatment works made under this Act from funds authorized for any fiscal year beginning after June 30, 1976, shall be—

"(A) As approved by the Administrator, except as provided in subparagraph (B) of this paragraph and paragraphs (c)(2) and (c)(3), 75 per centum of the cost of construction of treatment works or portions thereof allocable to users existing within the service area at the time such treatment works is estimated to become operational.

"(B) 60 per centum of the cost of construction of treatment works or portions thereof (as approved by the Administrator) to control pollutant discharges attributable to the stormwater component of wastewater in combined sewer systems.

"(2) No grant from funds authorized for any fiscal year beginning after June 30, 1976 shall be made for the cost of construction of treatment works for control of pollutant discharges from separate storm sewers systems, or for sewer replacement or rehabilitation except to eliminate excessive infiltration, or new collection systems.

"(3) For the purpose of determining, pursuant to paragraph (c)(1), the amount of any grant for treatment works made under this Act from funds authorized for any new fiscal year beginning after June 30, 1976:

"(A) eligible costs shall be limited, except as provided in subparagraph (B) of this paragraph, to the most cost efficient construction necessary to achieve (i) effluent limitations based upon secondary treatment as determined in accordance with section 304(d)(1) or alternatives to secondary treatment approved by the Administrator pursuant to section 201(g)(2)(A); or (ii), where applicable effluent limitations established by the Administrator pursuant to sections 302 or 307(a);

"(B) where effluent limitations are based on Federally approved water quality standards established under this Act or guidelines issued under section 403, eligible cost may be increased above those allowed by subparagraph (A) of this paragraph, at the discretion of the Administrator, to that amount which the grantee can demonstrate is the cost of the most cost efficient means of achieving the objectives of the beneficial use classification established for the receiving water in Federally approved water quality standards or the objectives of the guidelines issued under section 403."

(c) Subsection (a)(5) of section 204 is amended by striking the "semicolon" at the end thereof and inserting in lieu thereof a "period" and adding thereafter the following: "The cost of such reserve capacity eligible for grant under this Act shall be determined in accordance with section 202(c).

(d) Section 301 is amended by changing subsection (c) to subsection "(d)", by redesignating subsequent subsections accordingly, and by inserting a new subsection "(c)", as follows:

"(c) Where major construction is required in order for a publicly owned treatment works to achieve limitations under subsections (b)(1)(B) or (b)(1)(C) of this section, but (i) construction cannot reasonably be completed within the time required in such subsections, or (ii) financial assistance under this Act is unavailable in time to achieve such limitations by the time specified in such subsections, the owner or operator of such treatment works may request the Administrator (or if appropriate the State) to issue a permit pursuant to section 402 of this Act or to modify a permit issued pursuant to that section to extend such time for compliance. If the Administrator (or if appropriate the State) grants such re-

quest in such a permit he shall establish therein the time for compliance based on the earliest date by which such financial assistance will be available and construction can be completed but not later than July 1, 1983. The requirements of subsection (d) of section 402 of this Act may not be waived in the case of permits containing such an extension."

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., January 29, 1976.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To amend the Federal Water Pollution Control Act." We recommend that it be referred to the appropriate committee and that it be enacted.

Subsection (a) of the bill would amend section 202(a) of the Act to conform to a new paragraph in section 202 which allows the Federal share of the construction grants to be less than 75% for certain categoies of treatment works where such grants are made from funds authorized for any fiscal year beginning after June 30, 1976.

Subsection (b) would add a new paragraph to section 202 which revises, for funds authorized any fiscal year beginning after June 30, 1976, the percentages for Federal shares as follows: (A) 75% for treatment plants, interceptors and infiltration/inflow correction; (B) 60% for the control of pollutant discharges attributable to the stormwater component in combined sewer systems; and (C) 0% for separate storm sewers, sewer replacement or rehabilitation (except to eliminate excessive infiltration), and new collection systems.

Subsecton (b) of the draft bill also provides that the amount of reserve capacity for treatment works eligible for Federal assistance is to be limited to that future capacity required to serve the users of such treatment works expected to exist within the service area of the project at the time it becomes operational. Further, subsection (b) of the draft bill would provide for Federal funding only up to those levels required to comply with Federal effluent limitations based upon secondary treatment or alternatives to assure compliance with Best Practicable Waste Treatment Technology; or limitation pursuant to section 302 or 307(a) but would permit applicable Federal funding of all or that portion of those additional costs of more stringent effluent limitations necessary to comply with Federally approved water quality standards or section 403 guidelines which the grantee can demonstrate are equal to the costs of the most cost efficient means of achieving the beneficial-use objectives of such standards or guidelines.

Subsection (c) would amend section 204 (a)(5) of the Act to limit the amount of reserve capacity eligible for Federal funding in accordance with subsection (b) of the draft bill as outlined above.

Subsection (d) of the draft bill would amend section 301 of the Act to allow, on a case-by-case basis extension of the July 1, 1977 deadline, for compliance by publicly owned treatment works with secondary treatment and water quality requirements, up to July 1, 1983.

The amendments to reduce or eliminate the Federal share for certain categories of facilities are being proposed to bring the ultimate Federal cost of the construction grants program within reasonable reach of Federal budgetary resources. In addition, these amendments will assure that funds made available under Title II are utilized for facilities most critical to reducing pollutant discharges from municipal wastewater systems. These purposes will be principally achieved by eliminating the eligibilities for stormwater facilities, collection sewers and sewer rehabilitation projects. The reduction of the Federal share for combined sewer control facilities to 60 percent will tend to direct funding to projects for abating dry-weather waste discharges which generally are more critical to abating municipal waste pollution problems.

The purpose of the amendment to limit Federal funding to projects or portions thereof necessary to comply with secondary treatment (or alternatives) or section 302 or 307(a) requirements, except where the grantee demonstrates and the Administrator approves the cost efficiency of higher levels of Federal funding, is to eliminate occurrences of Federal subsidization of project costs based on unreasonably high effluent limitations or other requirements, particularly those serving local desires which have not been subject to an adequate cost-benefit assessment.

By eliminating such subsidization, the amendment will assure a more equitable use of funds among all projects and will make more funds available for high priority projects.

The intent of the amendment to eliminate eligibility of reserve capacity for future growth is to concentrate Federal funding on the correction of the "backlog" problem—that is the abatement of existing municipal wastewater pollution problems. Under the current law, reserve capacity for future growth determined to be cost effective or eligible for Federal funding results in a considerable amount of program funds being directed to this purpose. This amendment in no way is meant to dissuade municipalities from designing and constructing reserve capacity to meet future growth, where and to the extent that this is determined to be cost effective. In fact, the law would continue to require the construction of such reserve capacity in funded projects.

The effect of all three of the above amendments will be to reduce the Federal share of projected needs, remaining after utilization of currently authorized funds, from approximately $318 billion to a level of about $48 billion. These estimates are derived from the 1974 Needs Survey and are corrected for 1975 dollars. The largest part of this estimated reduction—some $252 billion—will result from eliminating eligibilities for separate stormwater control facilities, collection sewers and sewer rehabilitation projects. The overall reduction will bring the future Federal funding needs of the program within reasonable reach of future Federal budget capacities.

The amendment to section 301 of P.L. 92-500 is needed, because it is apparent that many publicly owned treatment works (POTWs) will not meet the treatment requirements by the required date. The amendment provides that in those instances where major construction of publicly owned treatment works cannot reasonably be completed within the time required or where financial assistance under the Act is unavailable in time for the POTWs to achieve the requirements of section 301, an extension may be granted but not later than July 1, 1983. We would also note that many of the important requirements of Title II can only be implemented through the financial assistance program. This amendment would help to ensure that the construction of treatment works to comply with section 301(b) would be carried out in accordance with the broader planning and other requirements of Title II.

At the present time permits for POTWs in both categories have been written to expire before July 1, 1977. These permits will begin to expire shortly, and if they are not reissued to extend beyond July 1, 1977, the Agency may lose its ability to keep such POTWs on schedules to assure expeditious construction of treatment facilities and accompanying enhancement of water quality. We have therefore proposed the extension of the 1977 deadline on a case-by-case basis with provision for compliance based on the earliest date by which construction can be completed but not later than July 1, 1983.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

RUSSELL E. TRAIN.

By Mr. INOUYE (for himself and Mr. PEARSON) (by request):

S. 3041. A bill to amend the International Travel Act of 1961, as amended, to authorize the use of travel grants for foreign participants in familiarization tours to the United States. Referred to the Committee on Commerce.

Mr. INOUYE. Mr. President, I introduce, by request, for appropriate reference, a bill to amend the International Travel Act of 1961, as amended, to authorize the use of travel grants for foreign participants in familiarization tours to the United States, and I ask unanimous consent that the letter of transmittal and statement of purpose and need be printed in the RECORD together with the text of the bill.

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

S. 3041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 3(a) of the International Travel Act of 1961, as amended (75 Stat. 129; 22 U.S.C. 2121 *et seq.*), is amended by deleting the word "and" at the end of paragraph (6); by changing the period at the end of paragraph (7) to a semicolon, followed by the word "and"; and by inserting the following new paragraph:

"(8) may make awards of travel grants to foreign travel trade representatives and journalists who participate, at the invitation of the Secretary, in familiarization tours to the United States. Such grants are to be based on the predetermined cost of each tour. The Secretary is authorized to establish such policies, standards, criteria, and procedures and to prescribe such rules and regulations as he may deem necessary or appropriate for the administration of this paragraph."

THE SECRETARY OF COMMERCE,
Washington, D.C., December 30, 1975.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To amend the International Travel Act of 1961, as amended, to authorize the use of travel grants for foreign participants in familiarization tours to the United States," together with a statement of purpose and need in support thereof.

This proposed legislation has been reviewed by the Department in the light of Executive Order No. 11821 and has been determined not to be a major proposal requiring evaluation and certification as to its inflationary impact.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

JAMES A. BAKER III,
Acting Secretay of Commerce.

STATEMENT OF PURPOSE AND NEED

As a part of its overall responsibility for encouraging travel to the United States by residents of foreign countries, the United States Travel Service (USTS) carries out a program of familiarization trips to the United States for members of the foreign travel trade and foreign journalists. The proposed legislation would amend the International Travel Act of 1961, as amended, to authorize USTS to issue travel grants to invited members of the foreign travel trade and press who visit the United States on familiarization trips.

The overall familiarization program conducted by USTS enables foreign tour wholesalers to make "on-site" tourism inspections and negotiate first-hand with hotels, transport and sightseeing companies, restaurants and other tourism facilities and attractions for a variety of services to be provided at predetermined charges for group travel arrangements which are ultimately offered by retail travel agents to residents of foreign countries. As a corollary, selected foreign retail travel agents who actually sell these tour packages to the public are brought to the United States to gain first-hand knowledge of the tour offerings which they market. Finally, USTS invites selected groups of foreign journalists, including travel editors and representatives of the radio and television media, to take package tours and trips, emphasizing specifically the tourism attractions which are featured in tour packages developed by tour wholesalers, in order to encourage these journalists to feature U.S. tours and attractions in the media.

As an example of the benefits which accrue to USTS as a direct result of this program, in fiscal year 1974, 884 journalists participated in the familiarization trips at a total cost to the government of $138,748. In return, 2,262 magazine and newspaper articles and editorials favorable to the Visit USA program were published by the participants, representing media value in excess of $13.3 million.

Air transportation for these travel trade officials and journalists is provided by the airlines at no cost to the government, pursuant to a Civil Aeronautics Board authorization whereby the airlines may "waive" air fare charges at the request of USTS and with CAB approval (41 C.F.R. 339.35). However, with respect to other travel expenses (hotels, meals, transfers, transportation to city of departure, surface transportation in the U.S., etc.), USTS' invited guests are subject to general government travel regulations governing the issuance of travel orders, advance payments, and per diem. USTS has found these regulations, which were originally intended to apply to government employees and contractors, to be outdated, cumbersome, and counterproductive when applied to participants on familiarization tours. In fact, while the purpose of the familiarization trips is to facilitate the development of tour sales and increase our foreign exchange earnings, they can have the opposite effect if participants must comply with travel regulations which are complex and difficult to understand.

This problem is compounded by the fact that other national tourist offices conduct familiarization tours on an "all expense paid" basis. Accordingly, foreign travel agents and journalists are generally not accustomed to being issued travel orders; submitting an application for advance travel funds; and submitting final travel vouchers at the end of their trips for reimbursement of their legitimate expenses as guests of USTS. All of these papers are in English, and must be processed through American Consulates and Embassies to Regional Finance Centers before reimbursement can be made.

A travel grants procedure would not affect present procedures for providing air transportation. However, with respect to other expenses, it would eliminate many complicated and unnecessary functions throughout the system. The proposed legislation would permit USTS to make travel grants to bona fide invitees, for an amount not to exceed the priced out, actual cost of a given tour, excluding air transportation to and from the United States. In keeping with present procedures, all familiarization tours would be costed out in advance, by checking with the vendors who are to provide the services, such as hotels, sightseeing operators, etc. Cost would be agreed upon at the time the bookings are made for the participants, and the travel grant would be in an amount necessary to cover the total cost of the tour. This procedure would eliminate the present difficulties and inconveniences which hinder the effective operation of the familiarization program, and would place our national government tourist office in a more competitive position with other national tourist offices.

Of course, appropriate controls would be placed on the travel grant program to prevent any abuse of this authority or misuse of government funds by government officials responsible for its implementation or by recipients of travel grants. For example, it is anticipated that regulations would be issued which set a limit on any travel grants allowances which may be awarded; which require all tour participants to file a final trip report with USTS; and which require periodic audits of the program. In addition, journalists already, as a matter of course, submit to USTS copies of printed articles or broadcast scripts resulting from tours. Similarly, travel agents submit reports to USTS' field offices on the tour programs and/or packages which result from familiarization trips. These reports would be continued since they assist USTS in its overall evaluation of its familiarization tour program and can serve as another check on the use of travel grants.

The total cost of the proposed grant program would be approximately $350,000 annually. Since this is about the same amount spent annually by USTS for familiarization tours using the present travel voucher method, no additional funding would be required.

By Mr. INOUYE:

S. 3042. A bill to amend title 5, United States Code, to include as creditable service under the civil service retirement system periods of service as contract technicians by persons hired by private authority to perform work under Federal supervision pursuant to a contract between such private authority and the Federal Government, and for other purposes. Referred to the Committee on Post Office and Civil Service.

Mr. INOUYE. Mr. President, the legislation I am introducing today is designed to rectify an inequity that is presently penalizing, through no fault of their own, a number of employees in the U.S. Civil Service who were previously employed by the Federal Government as contract technical services personnel—CTSP. This inequity stems from an overly narrow interpretation being given by the Civil Service Commission to the tests for qualifying as a Federal employee.

The CTSP arose shortly after the Second World War, when the Armed Forces found themselves to be shorthanded in technical areas. Private companies contracted their needed expertise to the Federal Government. Although these CTSP were paid by the private company, they could: First, only be employed by a contracting officer who was a Federal official and had the power to remove them; second, were supervised by a military or civil service official; and third, were performing a Federal function.

On March 4, 1965, the Comptroller General of the United States ruled that the CTSP contracts were not legal as they violated the Civil Service Act, Veterans' Preference Act, and the Classification Act. Consequently, the CTSP were converted into Federal positions with the CTSP technician being given the option of conversion. In doing so, the CTSP forfeited their private company pensions and, additionally, found that the U.S. Civil Service Commission would not recognize seniority or service credit under the U.S. Civil Service Retirement Act for their services as CTSP. These individuals, in effect, are being penalized for the illegality of their work as CTSP, though, in fact, it was actually the fault of the Federal Government for using them in this manner.

The U.S. Civil Service Commission contends that the CTSP were not Federal employees and cannot receive credit for their past services. The three requirements of Federal employment contained in the Civil Service Retirement Act are, that a person is: First, engaged in the performance of Federal functions under authority of law or an Executive order; second, appointed or employed by a Federal official in his capacity as such; and third, supervised and directed by a Federal official. (5 U.S.C. 2105A) While the USCSC concedes that requirements (1) and (3) have been fulfilled, it does not consider CTSP as ever having been appointed or employed by a Federal official.

This seems to be an overly narrow and unfair interpretation of requirement (2). The "Opinion of General Counsel of Civil Service Commission," dated February 12, 1965—part of the Comptroller's decision ruling the CTSP contracts illegal—states:

> It is apparent that there is no real distinction that can be drawn between the positions filled by contract technicians and those filled by federal employees, indeed in some functions contract technicians and federal employees are used interchangeably.
>
> From the foregoing we find that these contract technicians can only be employed in the work of the Department of the Air Force after they are approved by the contracting officer who is, of course, a federal employee, and who has the power to remove them; that the supervision of their daily work is performed by a federal employee, and that unquestionably the contract technician is performing a federal function. Positions whose incumbents have these characteristics should be federal positions and the incumbents themselves should be federal employees appointed and paid as such under applicable federal personnel statutes.

Therefore, since Federal officers in their capacities as such approved the contracts under which the CTSP were employed and the military orders under which they were assigned by name—and, further, had the power to remove them—a defacto Federal appointment did exist, satisfying requirement (2).

It is sadly ironic that the reasoning

behind the Civil Service Commission's opinion making CTSP contracts illegal hence denying private pension benefits to contract personnel, has been turned on its head to deny these same employees fair treatment within the civil service retirement systems.

Other quasi-governmental employees have been granted Federal status through legislation: "employees of the Agriculture Stabilization and Conservation County Committees—Public Law 86-568—the National Guard technicians—Public Law 90-486—and the U.S. Capitol Guides—Public Law 91-510. The former CTSP who converted to Federal employment are no less deserving. Risking their lives in combat areas, and in working and living under the disease-ridden, unsanitary conditions prevalent in numerous overseas areas, the CTSP provided our armed services personnel with needed technical assistance. Those CTSP who converted to Federal employment gave the Government a dedicated, completely experienced engineering and technical work force, while saving the Armed Forces training expenses for new technicians and from disruptions to military operations.

This legislation will also benefit non-CTSP civil service employees. Presently, without credit for their CTSP work, many former CTSP will have to work another 5 to 10 years in order to meet the minimum requirement for years of service and to build their pensions to a sufficient level which would permit a comfortable retirement. Since the former CTSP are largely concentrated in the higher grade levels of the civil service—GS-11 to GS-14—the upward mobility of capable younger civil servants would be impeded until the older employees can retire. Moreover, the fact that older employees, who might otherwise qualify for retirement, still hold jobs, means that the younger employees have an increased chance of being laid off during this time of Government streamlining. Altogether, the lack of promotional opportunities and job security for younger employees, might well discourage them from continuing in or even entering the civil service.

Currently, there are an estimated 500 to 2,000 converted CTSP who will be affected by this legislation. For some individuals, it is already too late. In the case of one contract technician, conversion from CTSP to Government employee meant forfeiture of his private company's pension plan and the minimum 40 percent civil service retirement. Additionally, since civil servants do not contribute to the social security system, his social security account was no longer current. Realizing that his retirement income could not afford him a comfortable living, he emigrated to the Philippines where the cost of living is lower. Plainly, this individual who served alongside our armed services personnel and diligently provided them with his technical expertise has not received fair treatment from the Federal Government. The injustice of this is further aggravated when one considers the passage of the ERISA legislation which now permits individuals in private industry to change employers without losing pension benefits. This inconsistency, where private industry is forced to correct its retirement system inequities by a government that still harbors injustices within its own system, must not continue.

Passage of this legislation would rectify the situation by recognizing the service and seniority credit former CTSP justly deserve. Companion legislation in the House of Representatives, H.R. 1722 sponsored by Representative PATSY MINK, is also aimed toward this end.

By Mr. KENNEDY (for himself, Mr. RIBICOFF, Mr. PHILIP A. HART, Mr. GARY HART, Mr. HASKELL, Mr. DURKIN, Mr. SPARKMAN, Mr. STAFFORD, Mr. MANSFIELD, Mr. PELL, Mr. INOUYE, Mr. MONTOYA, Mr. BEALL, Mr. MCGOVERN, and Mr. PERCY):

S. 3043. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes. Referred to the Committee on the Judiciary.

LAW ENFORCEMENT IMPROVEMENT ACT OF 1976

Mr. KENNEDY. Mr. President, today, at a time when the Nation's crime rate is soaring out of sight, I introduce bipartisan legislation designed to restructure one of the most poorly organized and mismanaged agencies of the Federal Government—the Law Enforcement Assistance Administration. Entitled the Law Enforcement Improvement Act of 1976, this bill follows 5 months of hearings before the Senate Subcommittee on Criminal Laws and Procedures, chaired by Senator MCCLELLAN. It is grounded in the testimony developed at those hearings and the 8-year history of LEAA.

The bill reauthorizes the agency for a limited period of 3 years, makes sweeping changes in the internal structure and management of LEAA, provides for detailed congressional oversight of the agency, and provides additional Federal financial and technical assistance to the neglected stepchild of our criminal justice system—the courts.

I view this legislation as a last opportunity by the Congress to wage an effective war on crime within the existing framework of the Law Enforcement Assistance Act. If this bill fails to correct the many common abuses which plague the administration of the act, I believe the LEAA bureaucracy should be dismantled.

Since 1968, the Law Enforcement Assistance Administration has distributed over $4 billion of the American taxpayer's money to various localities in order to combat crime. What results can LEAA point to? Crime has risen almost 60 percent the last 8 years, even higher in the cities. No segment or area of our Nation is immune. Recent statistics demonstrate that violent street crime is rising faster in our rural and suburban areas than our urban centers.

This soaring crime rate is reflected everyday in the attitudes and habits of the American public. Our elderly citizens are afraid to walk in their own neighborhoods for fear of being mugged or robbed and juvenille delinquency has reached the crisis stage.

Nor is there the slightest evidence that the Nation's crime rate has peaked. Last year violent crime was up an additional 17 percent and the outlook this year is almost unanimously looked upon as more of the same.

Certainly LEAA is not to be held solely responsible for our soaring crime rate. The war on crime is primarily a local battle and LEAA's role is, by necessity, limited.

But obviously the time has come for the Congress to take a long hard look at the LEAA program. Such a critical evaluation was denied the Congress in 1973, when LEAA was last reauthorized. At that time the subcommittee held but 2 days of hearings, and the bill was quickly whisked through the Senate. The result was that until this year the Senate has never had a real opportunity to examine the act and the performance of LEAA in any detail.

This year the subcommittee held extensive hearings which pointed out the many failings of the LEAA program. Through the testimony of various witnesses, the fundamental deficiencies of the act—both structural and administrative—were brought out in the open and publically debated. These deficiencies can generally be grouped into three areas: First, improper and insufficient evaluation by LEAA; second, poor planning priorities with the result that our local criminal courts, the pivotal center of our criminal justice system have generally received only 3 cents of every LEAA dollar and are plagued today with unconscionable backlogs and trial delays; and third, the concentration of LEAA's efforts at the State level while failing to meet the needs of both our cities and local counties.

The testimony and documentary evidence are devastating:

First, evaluation. The General Accounting Office reports that LEAA cannot properly monitor the funds it distributes and is incapable of evaluating the impact of the programs funded. The Office of Management and Budget has reached similar conclusions. Recent criticisms highlight the internal dissention which has characterized the LEAA Administration and has prevented the proper evaluation and monitoring of LEAA programs;

Second, priorities. The testimony before the subcommittee was overwhelming that local courts and judicial systems had almost been completely ignored by LEAA. The distinguished chief justice of Alabama, Howell Heflin, testified that State judiciaries were fortunate if they received 3 cents of every LEAA dollar. Over 40 chief justices endorsed the views expressed by Chief Judge Heflin. A 1975 Report of a Special Courts Study Team—commissioned by LEAA itself—concluded that the funding priorities of LEAA were seriously misdirected and that State and local courts had "not received the interest, technical assistance, or financial support from LEAA that are absolutely essential for sound growth and progress."

Indeed, in a startling development, at

the very same time that LEAA's own Administrator was testifying before the subcommittee, Attorney General Levi, who was seated next to him, was commenting on the desperate need to provide more financial assistance to the courts if the frightening problems of court delay and trial backlog are to be successfully attacked. Yet, despite these facts, LEAA continues to spend hundreds of thousands of dollars on police wristwatches, public relations, and artistic designs for LEAA publications.

Third, city and county needs. The present structure of the act precludes major assistance to local government units, whether they be our large cities or local counties. Representatives of the U.S. Conference of Mayors, and local planning groups, testified that they were unable to benefit from most of the LEAA program because the act was heavily concentrated to provide Federal assistance at the State level.

Mr. President, the bill I introduce today is designed to meet these and other objections voiced with increasing frequency during the last few years. It is designed to assure that the American taxpayer will receive a better return for his investment in the war on crime than on the $4 billion that has largely been wasted in the last 8 years.

The bill I introduce has been endorsed in large measure by the many organizations which testified during the course of the hearings—the American Bar Association, the National Conference of Chief Justices, the Council on Intergovernmental Relations, the U.S. Conference of Mayors, and others. In addition, the Department of Justice provided able assistance in the drafting and preparation of the bill and views most of it as a long overdue reform of the act. The bill is bipartisan in the strongest sense of the word.

The bill makes the following major changes in the structure and administration of the act:

First. It reaffirms the principle that effective law enforcement remains the primary responsibility of local government and confers on LEAA the responsibility for evaluating, auditing and monitoring State programs.

In addition, the bill makes clear that the primary purpose of the LEAA program is to reduce and prevent crime. Too often in the past LEAA has been heard to argue that the Federal act, as written, is unclear whether LEAA is a crime-fighting vehicle. This bill would end that ambiguity.

Second. It places the Federal program under the control of the Department of Justice.

Third. It allows State and local judiciaries to establish their own planning committees to plan for the judicial needs of the State. Such committees would be created by the highest court of the State and its members would be chosen by the chief justice of the State. Many witnesses testified during the Senate hearings that such independent planning committees were essential if court planning was to succeed. The committee would, however, work closely with the State planning agency in developing a judicial plan consistent with the State's overall comprehensive plan.

Fourth. It authorizes cities, urban counties, or local government units to submit a comprehensive plan to the State planning agency.

If approved, a miniblock-grant award would be made to such government units with no further action on specific project applications being required at the State level. This proposal is specifically endorsed by the Council on Intergovernmental Relations.

Fifth. It provides that Federal LEAA funds be directed to areas of the country faced with high crime incidence whether such areas be located in urban or rural sections of the Nation.

Sixth. The discretionary and block grant concepts are retained intact with one-third of the discretionary funds being earmarked to alleviate court congestion and trial delay. Without relieving our courts of such backlog and congestion, other law enforcement measures aimed at reducing crime—tougher sentencing practices, additional police, prison reform—will be of little value. I have consistently stated in recent months that financial and technical aid to State and local criminal courts is an essential prerequisite for a successful attack on crime. This bill provides the courts with such aid.

Seventh. The statutory prohibition on LEAA grants for personal compensation is repealed, thus allowing LEAA funds to be used by localities to hire more personnel, such as judges, police, and correctional officers.

Eighth. Major changes are made for the first time in the evaluation, auditing, and monitoring functions of LEAA. The bill would make the LEAA Deputy Administrator for Administration responsible for LEAA's evaluation and auditing, not only of the comprehensive plans submitted to LEAA for approval but also of the impact of programs already approved by LEAA in order to determine whether such programs were of any value in reducing and combating crime. A detailed scheme for the proper evaluation and auditing of programs is laid out in the statute.

Ninth. An advisory board, authorized by the Attorney General, established at the national level to make recommendations as to how the national discretionary funds should be spent.

Tenth. Extensive congressional oversight of LEAA is provided for the first time with LEAA being required to submit an annual report detailing, for example, its policies and priorities for reducing crime, its evaluation procedures, the number of State plans approved and disapproved, and the number of LEAA programs discontinued.

Eleventh. It authorizes LEAA to establish and implement new programs designed to aid our Nation's elderly citizens in their losing struggle against crime.

Mr. President, this bill would reauthorize LEAA for a period of 3 years at the funding level requested by the administration in its reauthorization bill. The administration would prefer a 5-year reauthorization; but I reiterate that 3 years will give the Congress more than sufficient opportunity to examine how LEAA functions under the detailed evaluation and oversight provisions I offer today. If after 3 years the Federal war on crime continues to be a losing effort and LEAA continues to flounder, I see no reason to waste $3 billion more of the taxpayers money to fund a fourth and fifth year.

Surely it is too late in the day for LEAA to say that mistakes made by the agency are merely the result of growing pains and ironing out organizational kinks. This bill is a step in the right direction. It makes fundamental changes necessary if LEAA is to wage an effective war on crime. The Congress is at the crossroads—it can simply reauthorize the LEAA program and with it 5 more years of "business as usual," or it can make a concerted effort to reconstruct and refine the Federal role in combating crime. The choice is clear. The American public cannot wait another 8 years to meet the growing threat of crime. Action is needed now if violent crime is to be controlled. The Nation's citizens are looking to the Congress to provide leadership and LEAA is the major Federal vehicle for expressing that leadership. It must be reformed.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the bill reauthorizing the Law Enforcement Assistance Administration.

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

S. 3043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Law Enforcement Improvement Act of 1976."

SEC. 2. The "Declaration and Purpose" of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended as follows:

(1) by inserting between the second and third paragraphs the following additional paragraph:

"Congress finds further that the financial and technical resources of the Federal Government should be used to provide constructive leadership and direction to State and local governments in combating the serious problem of crime and that the Federal Government should assist State and local governments in evaluating the impact and value of programs developed and adopted pursuant to this title."

(2) by deleting the third paragraph and substituting in lieu thereof the following new paragraph:

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by national assistance. It is the purpose of this title that the Federal Government (1) provide constructive leadership and direction to States and units of local government in the development and adoption of comprehensive plans designed to deal with their particular problems of law enforcement and criminal justice; (2) authorize, following evaluation and approval of comprehensive plans, grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) provide constructive leadership and direction to States and units of local govern-

ment in order to encourage research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals."

SEC. 3. Section 101(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by adding after the word "authority" the words "policy direction and control."

PART B—PLANNING GRANTS

SEC. 4. Section 201 of such Act is amended by adding after the word "part" the words "that the Administration provide constructive leadership and direction", and by striking the period at the end of said section and adding the following "and evaluation by the Administration of the policies, priorities and plans needed to reduce and prevent crime."

SEC. 5. Subsection (b) of section 203 is amended by striking the dash after the word "shall" and by adding the following, "at the direction and guidance of the Administration".

SEC. 6. Section 203 is amended by:

(1) inserting in subsection (a) immediately after the third sentence the following new sentence: "Said State planning agency shall include both a representative of the chief justice or chief judge of the court of last resort and the court administrator or other appropriate judicial officer of the state. Said members shall be selected by the chief executive of the State from a list of nominees submitted by the chief justice or chief judge of the court of last resort.

(2) inserting the following new subsection after subsection (d).

"(e) In addition to the State planning agencies established under this section, a state may establish or designate a judicial planning committee for the preparation, development and revision of a state judicial plan submitted to the State planning agency under section 303 of this title. Such committee shall be created or designated by the court of last resort of each state. The chief justice or other highest ranking judicial officer of the state court of last resort shall appoint the members of the judicial planning committee and such members shall be subject to the jurisdiction of, and serve at the pleasure of, the chief justice. The Committee shall be reasonably representative of the various local and state courts of the state, including both civil and criminal trial courts, intermediate appellate courts and other courts of general or limited or special jurisdiction. All requests for financial assistance from such courts shall be received by the judicial planning committee. Said committee shall review all such requests for appropriatness and comformity with the purposes of this title and the findings and declared policy of Congress and may thereafter—

"(1) develop, in accordance with part C, an annual application to be included in the State comprehensive plan;

"(2) develop, in accordance with Sec. 302 (b), a multi-year comprehensive plan for the improvement of State court systems;

"(3) define, develop, and coordinate programs and projects for the improvement of courts of the State;

"(4) establish priorities for the improvement of the courts of the State;

"(5) collect and compile statistical data and other information on the work of the courts and on the work of other agencies which relate to and affect the work of the courts;

"(6) examine the state of the dockets, practices, and procedures of the courts and develop programs for expediting litigation and reducing court congestion;

"(7) provide for the revision of court rules and procedural codes within the rulemaking authority of courts or other judicial entities within the state;

"(8) provide for the investigation of complaints with respect to the operation of courts and develop such corrective measures as may be appropriate;

"(9) provide for the training of judges, court administrators and support personnel, and attorneys who regularly appear in the courts;

"(10) provide for support of public education programs concerned with the administration of justice;

"(11) provide for support of national nonprofit court technical assistance and support organizations governed or controlled by the judicial branch of government of the several states;

"(12) provide for the construction and equipping of buildings or other physical facilities which would fulfill or implement the purposes of this subsection and of section 301(b)(11);

"(13) perform other duties necessary to carry out the intent of this subsection.

"The State planning agency shall request the advice and assistance of the judicial planning committee in carrying out its functions under section 203 insofar as said functions affect the State court system and the judicial planning committee shall consult with, and shall seek the advice of, the State planning agency in carrying out its functions under this title. The expenses necessarily incurred by the judicial planning committee, including the cost of adequate staff support for the activities of the committee shall be provided by the State planning agency through a yearly grant to be provided to the committee. If a state judicial branch does not create or designate a judicial planning committee, or if the committee fails to submit a multiyear comprehensive plan and annual application in accordance with the provisions of subsection (b) of section 304 of this title, then in such case the responsibility for preparing and developing such plan and application shall rest with the State planning agency."

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 7. Section 301 is amended by:

(1) inserting after the word "part" in subsection (a) the following words "that the Administration provide constructive leadership and direction."

(2) inserting after paragraph (10) of subsection (b) the following new paragraphs:

"(11) The development, demonstration, evaluation, implementation, and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to strengthen courts, reduce court congestion and backlog and improve the availability and quality of justice.

"(12) The development and operation of programs designed to reduce and prevent crime against elderly persons."

(3) repealing subsection (d) of section 301.

SEC. 8. Section 302 is hereby amended by inserting the following at the end of the section: "In addition, any State judiciary desiring to participate in the preparation, development and revision of multiyear comprehensive plan under this part may establish a judicial planning committee as described in part B of this title and shall file by the end of fiscal year 1977 and annually thereafter with the Administration and State planning agency, for information purposes only, a multiyear comprehensive plan for the improvement of the State court system. Such plan shall be based on the needs of all the courts in the State and on an estimate of funds available from all State, local as well as Federal sources. Within six months of the date of enactment of this Act and annually thereafter such committee shall submit its application for funding of programs and projects recommended by the committee to the State planning agency for review and incorporation into the comprehensive state plan submitted to the Administration in accordance with subsection (a) of this section. Such application shall conform to the purposes of this part and to the multiyear comprehensive plan for the improvement of the state court system provided for in section 203 of this title."

SEC. 9. Section 303 is amended by:

(1) deleting paragraph (4) of subsection (a) and substituting in lieu thereof the following new paragraph:

"(4) Specify procedures under which plans may be submitted annually by major cities and urban counties or combinations thereof, to use funds received under this part to carry out local comprehensive plans for law enforcement and criminal justice. Such local comprehensive plans shall be consistent with the State comprehensive plan for the improvement of law enforcement and criminal justice in the jurisdiction covered by the plan. Eligibility for grants under this paragraph shall be determined on the basis of provisions and guidelines contained in Part G, paragraph (p) of the Act, and the State planning agency may approve or disapprove of the local comprehensive plan in whole or in part, based upon its compatibility with the State comprehensive plan and subsequent annual evaluations and revisions. Approval of such local comprehensive plans or parts thereof shall result in the award of funds to the major cities or urban counties or combinations thereof to implement the approved parts of their plans."

(2) striking in paragraph (12) the words "as may be" and adding the following words after the words "procedures": "as the Administration may deem".

(3) deleting subsection (b) of section 303 and substituting in lieu thereof the following new subsection:

"(b) The Administration shall have the primary responsibility of evaluating the effectiveness and impact of those State plans that it approves. No approval shall be given to any State plan unless and until the Administration makes an affirmative finding in writing that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State, and that, on the basis of evaluations made by the Administration, such plan is likely to make a significant and effective contribution to the State's efforts to deal with crime."

(4) inserting in subsection (c) after the word "unless" the following words "the Administration finds that".

(5) inserting the following new subsection after subsection (c):

"(d) the Administration shall provide funds under this section to a State planning agency to fund the plan of the judicial planning committee if such committee has on file with both the Administration and the State planning agency a multiyear comprehensive plan provided for in section 203 of this title. Such multiyear comprehensive plan for the improvement of the State court system shall:

"(1) provide for the administration of programs and projects contained in the approved annual application of the judicial planning committee;

"(2) adequately take into account the needs and problems of all courts in the State and encourage initiative by the appellate and trial courts of general and special jurisdiction in the development of programs and projects for law reform, improvement in the administration of courts and activities within the responsibility of the coutrs, in-

cluding but not limited to bail and pretrial release services, and provide for an appropriately balanced allocation of funds between the statewide judicial system and other appellate and trial courts of general and special jurisdiction;

"(3) provide for procedures under which plans and requests for financial assistance from all courts in the State may be submitted annually to the judicial planning committee for approval or disapproval in whole or in part;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of courts and court programs, including descriptions of (a) general needs and problems; (b) existing systems; (c) available resources; (d) organizational systems and administrative machinery for implementing the plan; (e) the direction, scope, and general types of improvements to be made in the future; and (f) to the maximum extent applicable, indicate the relationship of the plan to other relevant State or local law enforcement and criminal justice plans and systems;

"(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment provided for courts and related purposes:

"(6) provide for research, development, and evaluation;

"(7) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for the courts;

"(8) provide for such fund accounting, auditing, monitoring, and program evaluation procedures as may be necessary to assure sound fiscal control, effective management, and efficient use of funds received under this title;"

SEC. 10. Section 304 is hereby amended by inserting an "(a)" before the word "State" and by inserting the following new subsection at the end of the section:

"(b) After consultation with the State planning agency pursuant to subsection (e) of section 203 the judicial planning committee shall transmit the plan approved by it and the application for financial assistance based on such plan to the State planning agency. Such application shall be presumptively valid. Unless the State planning agency thereafter determines that such application is not in accordance with the purposes stated in sections 301(b)(11) and 303(d), is not in conformance with, or consistent with, the statewide comprehensive law enforcement plan or does not conform with the fiscal accountability standards of the State planning agency, the State planning agency shall incorporate such application in whole or in part, in the comprehensive state plan to be submitted to the Administration. If the State planning agency finds that such application does not meet the requirements of this subsection it shall notify the committee in writing within ten days after making such determination, explaining in detail the reasons for rejecting said application. The committee shall thereafter have a period of 30 days from the receipt of the State planning agency's rejection to submit a modified application. If the State planning agency finds that the application does not meet the requirements of this subsection, or if the committee does not submit a modified application within the specified period, the State planning agency shall forward such application to the Administration. A final determination of whether such application meets the requirements of this subsection shall be made by the Administration pursuant to section 308 of this title. Any application not acted upon by the State planning agency within ninety days of receipt from the judicial planning committee shall be deemed approved and incorporated into the comprehensive State plan submitted to the Administration. The State planning agency shall thereafter disburse the approved funds to the committee in accordance with procedures established by the Administration."

SEC. 11. Section 306 is amended by:

(1) inserting in paragraph (2) of subsection (a), after the words "to the grant of any State," the following: "plus any additional amounts that may be authorized to provide funding to areas characterized by high crime incidence, high law enforcement and criminal justice activity, and serious court congestion and backlog," and is further amended by substituting at the end of the paragraph a comma in place of the period, and by inserting the following: "except that no less than one-third of the funds made available under this paragraph shall be distributed by the Administration in its discretion to promote and advance the purposes mentioned in sections 301(b)(11) and 303(d) of this title."

(2) Deleting, in the paragraph following paragraph (2), after the words "to the extent it deems necessary," the following sentence: "The limitations on the expenditures of portions of grants for the compensation of personnel in subsection (d) of section 301 of this title shall apply to a grant under such paragraph."

(3) Inserting, in the paragraph following paragraph (2), a comma in place of the period after "private nonprofit organization" and by adding thereafter the following: "as well as moneys appropriated to courts, court-related agencies, and judicial systems."

SEC. 12. Section 307 is hereby amended by deleting the words "and of riots and other violent civil disorders" and by substituting in lieu thereof, the following: "and with programs and projects designed to reduce court congestion and backlog and to improve the fairness and efficiency of the judicial system."

SEC. 13. Section 308 is amended by deleting the phrase "section 302(b)" and substituting in lieu thereof the words "sections 302 and 515".

SEC. 14. Subsection (c) of section 402 is amended by adding the following sentence at the end of the second paragraph of that subsection: "The Institute shall also assist the Deputy Administrator for Administration of the Law Enforcement Assistance Administration in the performance of those matters mentioned in section 515 of this title."

PART F—ADMINISTRATIVE PROVISIONS

SEC. 15. Section 501 of Part F of such act is hereby amended by inserting at the end of such section the following sentence: "The Administration shall also establish under the direction of the Deputy Administrator for Administration of the Law Enforcement Assistance Administration and in accordance with the provisions of section 515 of this title such rules and regulations as are necessary to assure the proper auditing, monitoring, and evaluation by the Administration of both the comprehensiveness and impact of programs funded under this title in order to determine whether such programs submitted for funding are likely to contribute to the reduction and prevention of crime and juvenile delinquency and whether such programs once implemented have achieved the goals stated in the original plan and application."

SEC. 16. Section 512 is amended by striking the words: "June 30, 1974," and inserting in lieu thereof: "July 1, 1976".

SEC. 17. Section 515 is amended to read as follows:

"SEC. 515. Subject to the general supervision of the Attorney General, and under the direction of the Administrator of Law Enforcement Assistance, the Deputy Administrator for Administration of the Law Enforcement Assistance Administration shall conduct, handle and supervise the following matters—

"(a) Review, analyze and evaluate comprehensive state plans submitted by the State planning agencies in order to determine whether the use of financial resources and estimates of future requirements as requested in the plan take into account needed policies, priorities and plans for reducing and preventing crime as determined by the Administration. The Deputy Administrator shall, if warranted, thereafter make recommendations to the State planning agencies concerning improvements to be made in said comprehensive plans;

"(b) Assure that the membership of the State planning agency is fairly representative of all components of the criminal justice system and review, prior to approval, the preparation, justification and execution of the comprehensive plans to determine whether the State planning agencies are coordinating and controlling the disbursement of the federal funds provided under this title in a fair and proper manner to all components of the state and local criminal justice system. To assure such fair and reasonable disbursement the Deputy Administrator may require that the State planning agencies submit, in advance and for approval a financial analysis of the federal funds to be made available under this title to each component of the state and local criminal justice system;

"(c) Develop and direct financial auditing policies, programs, procedures, and systems, including financial accounting planning and analysis to determine the impact and value of programs funded pursuant to this title and whether such funds should continue to be allocated for such programs;

"(d) Supervise and direct independent and comprehensive auditing of the comprehensive plans to assure that the programs, functions and management of the State planning agencies are being carried out efficiently and economically;

"(e) Assist in the preparation of the detailed Annual Report of the Administration to be submitted to the President and to the Congress pursuant to section 519 of this title. Such report shall describe in detail the measures taken by the Deputy Administrator to comply with the provision of this section.

"The Administrator is also authorized—

"(f) to collect, evaluate, publish and disseminate statistics and other information on the condition and progress of law enforcement within and without the United States; and

"(g) to cooperate with and render technical assistance to States, units of general local government, combination of such States or units, or other public or private agencies, organizations, institutions or international agencies in matters relating to law enforcement and criminal justice. Funds appropriated for the purposes of this section may be expended by grant or contract, as the Administration may determine to be appropriate."

SEC. 18. Section 517 is amended by adding the following new subsection:

"(c) The Attorney General is authorized to establish an Advisory Board to the Administration to review programs for grants under sections 306(a)(2), 402(b), and 455(a)(2)). Members of the Advisory Board shall be chosen from among persons who by reason of their knowledge and expertise in the area of law enforcement and criminal justice and related fields are well qualified to serve on the Advisory Board.".

SEC. 19. Section 519 is amended to read as follows:

"SEC. 519. (a) On or before December 31 of each year, the Administration shall report to the President and to the Committee on the Judiciary of the Senate and House of Representatives on activities pursuant to the provisions of this title during the preceding fiscal year. Such report shall include—

(1) A detailed explanation of the policies, priorities and plans for reducing and preventing crime recommended by the Administration during the preceding fiscal year in the course of providing leadership and direction to State and local governments pursuant to this title;

(2) A detailed explanation of the procedures followed by the Administration in reviewing, evaluating and processing the comprehensive State plans submitted by the State planning agencies;

(3) The number of comprehensive State plans approved by the Administration without substantial changes being recommended in the criminal justice policy and priorities of each State;

(4) The number of comprehensive State plans approved or disapproved by the Administration after substantial changes were recommended in the criminal justice policy and priorities of each State;

(5) The number of State comprehensive plans funded under this title during the preceding three fiscal years in which the funds allocated have not been expended in their entirety;

(6) The number of programs funded under this title which were subsequently discontinued by the Administration following a finding that the program had no appreciable impact in reducing and preventing crime;

(7) The number of programs funded under this title which were subsequently discontinued by the States following the termination of funding under this title;

(8) A detailed financial analysis of each State comprehensive plan showing the amounts expended among the various components of the criminal justice system;

(9) A detailed explanation of the measures taken by the Administration to audit and monitor criminal justice programs funded under this title in order to determine the impact and value of such programs in reducing and preventing crime;

(10) A detailed explanation of how the funds made available under section 306(a)(2) of this title were expended.

"(b) The Committees on the Judiciary of the Senate and House of Representatives may periodically conduct public hearings to review and examine the activities of the Administration performed under this title. Such hearings may focus on the policies and priorities established by the Administration to reduce and prevent crime and the auditing, monitoring and evaluation procedures carried out by the Administration pursuant to this title."

SEC. 20. Section 520 is amended by striking all of subsection (a) and (b) and inserting in lieu thereof the following:

"(a) There are authorized to be appropriated such sums as are necessary for the purposes of each part of this title, but such sums in the aggregate shall not exceed $325,000,000 for the period July 1, 1976, through September 30, 1976, $1,300,000,000 for the fiscal year ending September 30, 1977, and $1,300,000,000 for the fiscal year ending September 30, 1978. From the amount appropriated in the aggregate for the purposes of this title such sums shall be allocated as are necessary for the purposes of providing funding to areas characterized by high crime incidence, high law enforcement and criminal justice activities and serious court congestion and backlog, but such sums shall not exceed $12,500,000 for the period July 1, 1976, through September 30, 1976, and $50,000,000 for each of the fiscal years enumerated above which sums shall be in addition to funds made available for these purposes from the other provisions of this title as well as from other sources.

Funds appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30, 1972, and in each fiscal year thereafter there shall be allocated for the purpose of part E an amount equal to not less than 20 per centum of the amount allocated for the purpose of part C.

"(b) Funds appropriated under this title may be used for the purposes of the Juvenile Justice and Delinquency Prevention Act of 1974".

PART G—DEFINITIONS

SEC. 21. Section 601 of such Act is amended as follows:

(1) by deleting from subsection (a) thereof the words "courts having criminal jurisdiction" and substituting the words "courts as defined in subsection (q) of this section", and

(2) by inserting at the end thereof the following new subsections:

"(p) The term 'Major cities and urban counties' means units of general local government or combinations thereof having a total population of 100,000 inhabitants, or in less densely populated states those whose population exceeds four percent of their state population or those which bear a substantial financial and administrative responsibility for law enforcement and criminal justice.

"(q) The term 'court of last resort' shall mean that State court having the highest and final appellate authority of the State. In States having two such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two courts with highest and final appellate authority, court of last resort shall mean that highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch. The term 'court' shall mean a tribunal recognized as a part of the judicial branch of a State or of its local government units.

Mr. PELL. Mr. President, I am delighted to join with my distinguished colleague from Massachusetts (Mr. KENNEDY) in sponsoring legislation to reauthorize funding for the Federal Law Enforcement Assistance Administration. I compliment the Senator on his effective leadership in this important area.

This measure contains several new ideas on how LEAA money should be distributed over the next 3 years. Senator KENNEDY has enumerated these innovative steps most eloquently. Yet this is not just reorganization for its own sake. A new and positive balance is needed in this area, and I believe that this bill satisfies this need most adequately.

In any discussion of the crime crisis in our Nation, Mr. President, an important focus of attention is the courts. Some contend that judges are too lenient, and because of their leniency criminals are punished less severely than they deserve. Others point to overcrowded dockets that require the system to push through cases at a rate beyond the speed of deliberate justice. However, one thing is certain. Our judicial system needs more attention. Responsible officials, from the Attorney General of the United States on down, are calling for greater LEAA emphasis on the courts.

I am particularly aware of the support in my own State for the concepts in this bill. Sadly the recent death of Rhode Island Supreme Court Chief Justice Thomas H. Roberts brings this thought to mind. Judge Roberts was a strong advocate of this measure. As a distinguished judge for more than 24 years, and chief justice of the Rhode Island Supreme Court for the past 10 years, Tom Roberts was eminently qualified to comment on the proper priorities for law enforcement assistance. His contribution to the deliberations of the Senate Subcommittee on Administrative Practice and Procedure was significant.

Since the time of Judge Roberts death last month, Mr. Walter Kane, the administrator of the Rhode Island Supreme Court, has informed me of the court's continued backing for this measure.

Additionally, Rhode Island's chief law enforcement official, Attorney General Julius Michaelson, has shown interest in the new concepts of this legislation.

It is clear that this bill has support from many segments of the community, and I believe it is a most worthwhile measure. I give it my full support.

Mr. BEALL. Mr. President, I am pleased to join with the distinguished Senator from Massachusetts in the introduction of S. 3043 which would, if enacted, enable the Law Enforcement Assistance Administration to provide continued and better assistance to every branch of State and local government involved in the organized battle against crime in the United States. The bill would extend the LEAA for 3 years, retain the basic structure of present law, but at the same time make substantial changes designed to improve the program.

In 1968 the Congress recognized the critical need for the Federal Government to take positive action to reduce crime in our Nation. As a result of that concern the LEAA was created by the Omnibus Crime Control and Safe Streets Act of 1968. Recognizing that law enforcement and crime prevention is best addressed at the State and local levels of government, Congress established a Federal administration whose primary responsibility was to funnel huge sums of money—over $4.1 billion through July 1975—with only a minimum of control from Washington. Over the years LEAA has been quite successful in many respects; however, in other respects it has been noticeably deficient. The bottom line is that despite the untiring efforts of Federal, State, and local officials crime has not been reduced. Indeed, it has increased by epidemic proportions.

Some critics point to increased crime rates and suggest that the LEAA be abolished. Mr. President, I believe to abandon the program would undoubtedly be a mistake; but, to simply reauthorize it without remedying its shortcomings would also be a mistake.

Accordingly, I am joining as an original cosponsor to S. 3043 in an effect to retain the best features of the existing law while legislating necessary changes to insure that the LEAA operates more efficiently in the fight to reduce crime.

As I indicated, the bill maintains the basic structure of the present law and reasserts the principle that the primary responsibility for law enforcement rests with State and local units of government. However, it makes significant changes in the area of planning and law enforcement grants whereby the administration will be responsible for not only encouraging State and local units of government to develop plans for crime prevention and law enforcement, but which would also require "constructive leadership and direction" from LEAA. In addition, provisions are added to improve LEAA evaluation of State programs and to provide for more effective congressional oversight.

More specifically, the proposed bill would make the following changes:

First, it incorporates the provision of S. 1875, introduced by me in the 1st session of the 94th Congress which would require State and local units of government to develop programs designed to reduce and prevent crime against the elderly. I believe it is extremely important to understand the crime epidemic we are enduring in the United States is particularly disconcerting to senior citizens who are less able to resist becoming victims of crime.

Available data does not reveal exactly how many senior citizens are actually exposed to a high crime risk situation in a given period of time. As stated by the LEAA Administrator in a presentation to the U.S. Senate Special Committee on Aging's Subcommittee on Housing for the Elderly on August 2, 1972:

> A senior citizen who either locks himself in his apartment in fear of even venturing out into a once familiar and safe neighborhood or one who must take elaborate and unpleasant precautions whenever taking a short trip through an urban area does, in fact, reduce the chances of being victimized by crime.

A survey of various American cities shows a clearer picture of the crime threat confronting older persons. For example, a survey by LEAA of victimization rates in Baltimore, Md., indicated that persons 50 years old and older had twice the victimization rate for robbery with injury than persons aged 20 to 24 years old.

Moreover, elderly persons were found to be victims of personal larceny at a rate of 19 per 1,000 as compared to a rate of 6 per 1,000 for 20 year olds.

Many elderly people have the feeling that they must always remain at home in order to combat crime, or if they must go out, never to venture onto the city streets alone. The picture is a bleak one. Because they travel mostly by bus or subway, older people must wait for public transportation at designated points—and these points are well known to would-be assailants. Mail boxes in unguarded vestibules are the province of thieves who know when social security checks arrive.

In addition, let me note that no segment of our population is more directly affected by crime or the fear of crime. Senior citizens are all too often the victims of crimes while millions of others change their lifestyles in an effort to avoid being victimized by street criminals. It is time for us to attack this problem by developing, on the State and local level, comprehensive plans to effectively combat crimes against the elderly.

By authorizing law enforcement grants for "the development and operation of programs designed to reduce and prevent crime against the elderly" under section 301 of the Omnibus Crime Control and Safe Streets Act of 1968, we can require law enforcement officials on the Federal, State, and local levels to focus on a very important problem confronting our Nation's 20 million senior citizens.

Second, the bill would allow for the voluntary establishment of judicial planning committees—JPC's—to represent State judiciaries in the formulation of comprehensive State plans. Under this approach, it would be up to the State legislature to create the committees; and the chief judge of each State would be responsible for choosing the members. Judicial planning committees should include fair representation from the various judicial circuits throughout the State. In addition persons other than judges, from both the private and public sectors, who are knowledgeable in the area of criminal justice, should be adequately represented to insure that well rounded comprehensive programs are developed by JPC's.

By establishing judicial planning committees, the proposed bill would allow local circuits and districts to qualify for a fair share of the block grant funds and would also guarantee that a significant portion of the discretionary funds administered at the Federal level would be dispersed to alleviate the critically congested and backlogged case loads confronting judges, court administrators, and prosecutors.

Although some progress is being made through implementation of the Speedy Trial Act, we must do more to insure that the court system is able to increase its capability to deal with the problem. I believe that the establishment and funding of judicial planning committees will be a great asset because it will allow courts to hire additional personnel and also provide the impetus for more efficient planning.

Third, under the provisions of the proposed bill, cities, urban counties or local government units would be authorized to submit comprehensive plans to State planning agencies—SPA's. Once approved by the SPA a "mini block grant" would be awarded to the local agency without the need for further action on each individual project application. This important feature will do two things: First, it would provide local planning offices with adequate participation in the development of the comprehensive planning for a particular area. Through this process local agencies can develop plans, set priorities and evaluate programs which are tailor-made to meet the needs of the particular community. At the same time the SPA's will retain the responsibility for insuring comprehensiveness from a regional and statewide standpoint; and second, as a practical matter this new system would eliminate an incredible amount of redtape.

No longer would it be necessary to file grant applications on a one-by-one basis for projects which have been previously approved by the SPA and the LEAA in the State's comprehensive plan. The existing system is extremely cumbersome, totally unnecessary and should be amended.

Fourth, another important change is found in the new definition of "major cities and urban counties." The proposed definition not only reduces the eligibility number from 250,000 down to 100,000 but at the same time takes into account the needs and capabilities of small cities under 100,000 who are capable of developing their own plans and priorities for expenditures of block grant funds. Specifically, section 601 of the act is amended to include cities under 100,000 where they bear a substantial financial and administrative responsibility for law enforcement and criminal justice thereby making such localities also eligible for a share of the minigrant funds.

Fifth, provisions are made in the proposed bill for the continuation of LEAA funds previously directed to areas of the country suffering from particularly high crime rates. We have been advised by local criminal justice officials that although the LEAA's high impact anticrime program represented only a small percentage of impacted areas' crime budgets the benefits of the program have been highly significant. The major localities who have participated in the program, such as Baltimore, Md., have indicated that the funds have been successfully used in the fight against stranger-to-stranger crimes—homicides, rapes, robberies, and aggravated assaults—but are concerned that existing funding levels have expired. S. 3043 would insure the continuation of this successful LEAA program.

Sixth, it is also important to point out that this bill would repeal the present prohibition against the use of more than one-third of any law enforcement grant for compensation purposes, thereby allowing LEAA funds to be used for the hiring of more judges, police, correctional officers, and other needed personnel.

Seventh, the proposed amendments deal with the administrative deficiencies under the current law by requiring LEAA for the first time to establish followup procedures to monitor the effectiveness of the State programs. In essence the LEAA would be responsible for conducting both programmatic and fiscal audits of each plan to determine the impact and value of such programs in reducing and preventing crime.

These changes are necessary because adequate leadership and guidance has never been set by the LEAA.

More importantly, it is believed that the comprehensive plans, once approved by LEAA become an end unto themselves without followup reviews to determine whether or not the plans were implemented as approved or if in fact the programs have had an impact on the crime rates.

If these changes are made you and I, as taxpayers, will get more for our money and the chances of reducing crime will be greatly enhanced.

Closely related to the programatic and fiscal auditing features is the fact that the LEAA Deputy Administrator for the administration would be responsible for the evaluations and auditing. In addition, an advisory board, authorized by the Attorney General of the United States would be established to make recommendations regarding the way discretionary funds would be spent.

Eighth, because of the continued risk of further problems with the overall program, I believe that the inclusion in the bill of extensive congressional oversight authority provisions is extremely important to monitor the progress of the program. The oversight authority would be accomplished by requiring LEAA to submit an annual report detailing its policies and priorities for reducing crime, its evaluation procedures, the number of State plans approved and disapproved, and other criteria which will clearly indicate the amount and quality of work by the administration.

Mr. President, I am extremely hopeful that enactment of this proposed bill will provide the country with significant improvements to the law enforcement assistance program. And, while I am sure that the Senator from Massachusetts would agree that the bill cannot be expected to result in the complete subsidance of violence in our society, it does represent a significant step toward the goal of reducing crime in America. The problem is one that faces everyone of us, regardless of political philosophy. Therefore, we must all work together to turn the table on crime by establishing the most efficient mechanism possible for fighting the battle.

Therefore, I look forward to working with my colleagues in the Congress and to the hearing process which will enable experts to present their suggestions for improving our efforts even further.

By Mr. SPARKMAN (by request):

S. 3044. A bill to provide for relief and rehabilitation assistance to the victims of the earthquakes in Guatemala, and for other purposes. Referred to the Committee on Foreign Relations.

GUATEMALA DISASTER RELIEF ACT OF 1976

Mr. SPARKMAN. Mr. President, by request I introduce for appropriate reference a bill to provide relief and rehabilitation assistance to the victims of the earthquakes in Guatemala, and for other purposes.

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

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

I ask unanimous consent that the bill and a section-by-section analysis be printed in the RECORD.

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

S. 3044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Guatemala Disaster Relief Act of 1976".

SEC. 2. The President is authorized to provide assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of the people who have been victimized by the recent earthquakes in the Republic of Guatemala. Such assistance may be provided in accordance with the policy and general authorities applicable to or available for the furnishing of assistance under section 491, relating to international disaster assistance, of the Foreign Assistance Act of 1961, as amended.

SEC. 3. There is authorized to be appropriated to the President to carry out the purposes of this Act $25,000,000 for the fiscal year 1976, which amount is authorized to remain available until expended. Obligations heretofore incurred against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Guatemala may be charged to the appropriations authorized pursuant to this Act.

SEC. 4. Not later than ninety days after enactment of appropriations to carry out this Act, and on a quarterly basis thereafter, the President shall transmit reports to the Committee on Appropriations of the Senate and to the Speaker of the House of Representatives on the programming and obligations of funds under this Act.

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED GUATEMALA DISASTER RELIEF ACT OF 1976

I. INTRODUCTION

The major purpose of the proposed Guatemala Disaster Relief Act of 1976 is to provide authorization for appropriations for disaster relief activities necessitated by the recent severe earthquakes in the Republic of Guatemala. The bill would create a separate and discrete authorization specifically intended to deal with this major disaster.

II. PROVISIONS OF THE BILL

Section. 1. This section provides a short title for the bill, "Guatemala Disaster Relief Act of 1976".

Section 2. This section authorizes the President to provide relief and rehabilitation assistance for the people of Guatemala who have been victimized by recent earthquakes on such terms and conditions as he may determine. The section incorporates by reference the policy and general authorities applicable to the furnishing of disaster assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, including the clause "Notwithstanding any other provision of this or any other Act" of that section which is designed to facilitate the rapid implementation of international disaster assistance programs.

Section 3. This section authorizes the appropriation of $25 million for FY 1976 on a "no year basis" to carry out the purposes of the Act and provides that obligations previously incurred for the purposes of providing relief and rehabilitation assistance to the people of Guatemala as a result of the recent disaster are authorized to be charged to the appropriations authorized by this Act.

Section 4. This section provides for reports to the Committee on Foreign Relations and Committee on Appropriations of the Senate and to the Speaker of the House of Representatives no later than 90 days after enactment of appropriations to carry out this Act and on a quarterly basis thereafter setting forth the programming and obligation of funds under the Act.

By Mr. McGOVERN:

S. 3045. A bill to establish a National Commission on Food Production, Processing, Marketing and Pricing to study the food industry from the producer to the consumer. Referred to the Committee on Agriculture and Forestry and the Committee on Commerce, by unanimous consent.

NATIONAL FOOD COMMISSION

Mr. McGOVERN. Mr. President, today I am introducing a bill which will establish a National Commission on Food Production, Processing, Marketing and Pricing.

During the past 2 to 3 years, a major component of the rising cost-of-living index has been the rapid rise in food prices. The annual market basket for a family of four cost $1,310.82 in 1972. By 1974, however, this cost was $1,749.56—an increase of 33 percent.

This dramatic increase in market basket costs has been accompanied by an even larger increase in the "spread", or difference between the prices farmers receive and the prices consumers pay at the retail level. In 1973, for example, the "spread" on an annual market basket rose from $786.68 to $837.43, an increase of 6.5 percent. But, in 1974, this figure rose to $1,005.52—a startling increase of 27.9 percent.

Comparing farm value and farm-to-retail spread of a market basket for food for the period January 1974 to March 1975 yields a clearer and even more startling picture. While farm values decreased from 185.7 to 170.5, retail costs increased from 155.5 to 168.5, and the "spread" soared from 136.4 to 167.3.

Over 12 years ago I appeared before the Senate Commerce Committee, as the first witness in favor of legislation which created the National Commission on Food Marketing. I strongly believe that if the Congress had implemented the procompetitive recommendations of the 1965 report of that Commission, if we had prevented the ever-increasing concentration and vertical integration of food processing and retailing, we would be paying a substantially lower food bill at the checkout counter in 1976. The same conclusions emerged last year during the national food price inquiry of the Select Committee on Nutrition and Human Needs, which held 2 days of hearings and has printed six volumes of a food industry studies series.

I am introducing this bill today first, because the fine work completed by the original National Commission has not been reviewed annually and figures have not been revised to reflect the changes which have taken place in the last 11 years; and second, because the select committee's work needs to be followed by a comprehensive national investigation. We need an accurate and full evaluation of the state of competition in the food industry today.

This legislation provides for the necessary annual review. The Federal Trade Commission and the Department of Justice are ordered to report to the Congress on the state of competition in the food industry on a yearly basis. New data is to be collected by the FTC Bureau of Economics, and used to annually update existing statistics by which we judge the efficiency and effectiveness of the food industry in the United States.

The FTC, Justice Department and Department of Agriculture will be required

to file annual reports concerning Antitrust policy, planning and litigation efforts by their respective agencies.

The Commission itself will be a nine-member working body with three members each appointed by the Senate, the House, and the President. This Commission's members will be representative of food producers, processors, distributors, agricultural economists, antitrust practitioners and consumers, and supported by resources equal to the tasks described in this legislation.

The great concern over accurate data in the food industry is not limited to consumers and farmers. Industry spokesmen complain that their companies are unfairly blamed for rising food prices; Government agency spokesmen claim that without the voluntary provision of more adequate and accurate data they are unable to make adjustments in the statistics they use for analysis.

The establishment of a National Commission on Food Production, Processing, Marketing, and Pricing will provide us with this benchmark data, and the executive agencies will be charged with the responsibility of annual review and revision of statistical information as well as constant analysis of the enonomic structure and performance of the food industry.

Mr. President, this is a matter of utmost urgency, and we in the Congress must make the control of food price inflation a priority issue in the Congress now. Consumers cannot, and must not, be made to wait indefinitely for their Government to act. We must investigate now so that Congress may legislate changes in law and public policy, if necessary, as soon as possible.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the bill be referred to the Committee on Agriculture and Forestry and the Committee on Commerce.

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

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 1353

At the request of Mr. WILLIAMS, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 1353, to amend section 306(a)(7) of the Consolidated Farm and Rural Development Act.

S. 1745

At the request of Mr. McGOVERN, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 1745, the Defense Economic Adjustment Act.

S. 2892

At the request of Mr. HUMPHREY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 2892, to provide for Federal payments of State unemployment compensation benefits which are attributable to services performed by certain employees of State or local governments.

S. 410

At the request of Mr. GOLDWATER, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 410, a bill to repeal the earnings limitation of the Social Security Act for all workers age 65 and over.

S. 2332

At the request of Mr. STAFFORD, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2332, a bill to amend the Rehabilitation Act of 1973 to provide funding for Governor's Committees on the Employment of the Handicapped.

S. 2642

At the request of Mr. THURMOND, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 2642, a bill to authorize the Secretary of the Interior to establish the Old Ninety Six and Star Fort National Historical Park in the State of South Carolina, and for other purposes.

S. 2695

At the request of Mr. MONTOYA, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2695, a bill to amend the Internal Revenue Code of 1954 to provide a tax credit with respect to housing senior citizens in the principal residence of the taxpayer.

S. 2853

At the request of Mr. HELMS, the Senator from South Dakota (Mr. McGOVERN) and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 2853, a bill to amend the Food Stamp Act of 1964.

S. 2870

At the request of Mr. MONTOYA, the Senator from Pennsylvania (Mr. HUGH SCOTT) and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 2870, a bill to amend the Internal Revenue Code of 1954 to treat Federal retirement system income the same as social security income to the extent that such retirement income does not exceed the sum of old-age benefits which may be received under title III of the Social Security Act and amounts which may be earned without reducing such benefits.

S. 2925

At the request of Mr. MUSKIE, the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. CULVER), the Senator from Pennsylvania (Mr. HUGH SCOTT), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 2925, the Government Economy and Spending Reform Act of 1976.

S. 2957

At the request of Mr. ROBERT C. BYRD, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 2957, a bill to amend title 18, United States Code, relating to certain crimes of violence.

S. 2989

At the request of Mr. HUGH SCOTT, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 2989, a bill to extend from 10 years to 15 years the time during which veterans are eligible for educational assistance.

SENATE JOINT RESOLUTION 126

At the request of Mr. HASKELL (for Mr. JACKSON), the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of Senate Joint Resolution 126, a joint resolution consenting to an extension and renewal of the interstate gas compact.

SENATE RESOLUTION 104

At the request of Mr. HATHAWAY, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of Senate Resolution 104, a resolution relating to the Select Committee on Small Business (to provide limited legislative authority).

SENATE RESOLUTION 197

At the request of Mr. LEAHY, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of Senate Resolution 197, a resolution to establish a Select Committee on Federal Responsiveness and Accountability.

SENATE RESOLUTION 307

At the request of Mr. LEAHY, the Senator from Delaware (Mr. LEAHY) was added as a cosponsor of Senate Resolution 307, a resolution amending the Standing Rules of the Senate to require committee reports to contain assessments of the language of bills and joint resolutions, in relation to legislative goals.

SENATE CONCURRENT RESOLUTION 86

At the request of Mr. CHURCH, the Senator from Colorado (Mr. HASKELL), the Senator from Washington (Mr. MAGNUSON), the Senator from Ohio (Mr. GLENN), the Senator from Oregon (Mr. HATFIELD), the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. CASE), the Senator from New York (Mr. JAVITS), the Senator from New Hampshire (Mr. McINTYRE), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of Senate Concurrent Resolution 86, to express congressional opposition to proposals to increase out-of-pocket payments by medicare beneficiaries.

SENATE RESOLUTION 397—SUBMISSION OF A RESOLUTION TO ESTABLISH A SPECIAL COMMITTEE ON SMALL BUSINESS AND FEDERAL OVERREGULATION

(Referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. MONTOYA submitted the following resolution:

S. RES. 397

Resolved, That (a) there is hereby established a Special Committee on Small Business and Federal Over-Regulation (hereinafter referred to as the "Committee").

(b) The Committee shall consist of seven members as follows:

(1) four members from the majority party, appointed by the President of the Senate, upon recommendation of the Majority Leader; and

(2) three members from the minority party, appointed by the President of the Senate, upon recommendation of the Minority Leader.

(c) The majority members of the Committee shall select a chairman and the minority members shall select a vice chairman, and the Committee shall adopt rules and procedures to govern its proceedings. The vice chairman shall preside over the meetings of the Committee during the absence of the chairman, and discharge such other responsibilities as may be assigned to him by the Committee or the chairman.

(d) Vacancies in the membership of the Committee shall not affect the authority of

the remaining members to execute the functions of the Committee and shall be filled in the same manner as original appointments to it are made.

(e) A majority of the members of the Committee shall constitute a quorum for the transaction of business, but the committee may establish a lesser number as a quorum for the purpose of taking testimony or depositions.

(f) For the purposes of paragraph 6 of Rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the Committee shall not be taken into account.

SEC. 2. The committee shall conduct a study of the effects of Federal regulation on small business. The study shall include—

(1) an examination of the internal revenue laws affecting small businesses to identify specific detrimental effects on small business;

(2) an assessment of Federal programs affecting small businesses to determine whether such programs should be eliminated, revised and strengthened, or consolidated, or whether new programs should be established to assist small businesses in increasing their productivity;

(3) an examination of the burden on small businesses of filing forms with the Federal government for the purpose of eliminating duplication and consolidating all forms into a single multi-agency form;

(4) an examination of the role of small businesses in the United States economy; and

(5) an investigation of any other area relevant to establishing a Federal regulatory environment more conducive to the efficient operation of small businesses.

SEC. 3. (a) The Committee is authorized (1) to employ personnel and determine their compensation; (2) to hold hearings, to take depositions and other testimony on oath anywhere within the United States, and to receive documentary or physical evidence; (3) to subpena witnesses and documents; (4) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946; (5) to use on a reimbursable basis, with the prior consent of the Senate Committee on Rules and Administration, the services of personnel of any such department or agency; (6) to use on a reimbursable basis or otherwise with the prior consent of the chairman of any subcommittee of any committee of the Senate the facilities or services of any members of the staffs of such other Senate committees or any subcommittees of such Senate committees whenever the committee or its chairman deems that such action is necessary or appropriate to enable the Committee to make the study authorized by this resolution.

(b) Subpenas may be issued by the Committee acting through the chairman or any other member designated by him, and may be served anywhere within the borders of the United States by any person designated by the chairman or other member. The chairman of the Committee, or any other member thereof, is hereby authorized to administer oaths to any witnesses appearing before the Committee. The Committee shall make recommendations to the Senate regarding any willful failure by a witness to comply with a subpena or to give testimony when summoned under the authority of this subsection.

SEC. 4. The results of the Committee's study pursuant to this resolution shall be reported by the Committee to the Senate in an interim report, not later than six months after this resolution is approved, and in a final report, not later than nine months after this resolution is approved. Each such report shall contain specific legislative and other proposals with regard to each item required to be studied under section 2 to eliminate unnecessary Federal regulation, and to establish a regulatory environment in which small business can operate and compete more effectively.

SEC. 5. The expenses of the Committee shall not exceed $300,000, a maximum of $ of which shall be available for the procurement of the services of individual consultants or organizations thereof. Such expenses shall be paid from the contingent funds of the Senate upon vouchers approved by the chairman of the Committee.

SEC. 6. After the submission of its final report, the Committee shall have 90 days to close its affairs, and on the expiration of such 90-day period shall cease to exist.

Mr. MONTOYA. Mr. President, the resolution I am submitting today will establish a special committee to study the problems of small business and the impact that the Federal Government has on small businesses.

Small business is the very heart of the American economy. Excessive Government regulation has led to higher prices, more unemployment, and strangulation of the small businessmen. Mr. President, when they are forced to close, it is the individual citizen, the consumer, who suffers.

Every day more and more small businesses are having to reduce operations or close because of unnecessary Governmentment regulation. Many problems plague small business and they cannot determine what is expected of them under the complicated provisions of these regulations. Also small businesses cannot comply with standards that are written mainly for large businesses. Still they are told how to run their businesses and are forced to comply with rules and regulations of an uncontrolled bureaucratic system.

The single, most burdensome problem is paperwork. The paperwork requirements have become an increasing irritation to the small businessman, who has been trying, in the current recession, just to stay in business. There are more than 5,000 different Federal forms sent out each year from Washington, at a cost to the American citizen of an estimated $36 billion a year. The small business owner cannot afford the extra employees to handle the paperwork or the costs of hiring someone to help him interpret these forms; the Federal Register is becoming impossible to read as dozens of new rules are made each day.

Mr. President, we must ask ourselves what effect these regulations are having on our society. Are they necessary and are they worth the price we are paying?

We have a society that is overly regulated. Agencies of the Federal Government are reaching into the everyday lives of the American public and dictating decisions which should be made by the individual.

Mr. President, my measure would create a special Senate committee to study this problem and to report its findings to Congress within 9 months. It will consist of seven members, four from the majority party and three from the minority. The committee will be able to employ personnel, to hold hearings, and subpena witnesses. This would give them the power to make an in-depth study with a view toward a substantive change.

The committee will study an area which is related to the problems of small businesses, with an emphasis on:

The internal revenue laws to identify any specific detrimental effects;

Federal programs to determine whether such programs should be eliminated, revised and strengthened, consolidated or whether new programs should be established;

The paperwork problem with a view toward eliminating duplication and consolidating all forms into a single multi-agency form;

The total role of small businesses in the U.S. economy.

It is doubtful that success can be achieved to help small businesses in alleviating their problems without adequate legislation. I would like this bill to be merely an interim step in the legislative process until the Select Committee on Small Business receives total legislative power. We need a strong Committee on Small Business to act on these serious issues.

In this, our Bicentennial year, let us look back and ask: Is this what Jefferson and our Founding Fathers wanted? Those men had a vision. They saw this land as a nation of small businessmen working in a free society, independent of government interference. Federal regulations are fast destroying this dream. It is my hope that my legislation will reestablish this goal.

As I submit this resolution, I urge my distinguished colleagues to act on this and any other similar measure which is before the 94th Congress. We must work together to get our economy back on stable grounds.

SENATE RESOLUTION 399—SUBMISSION OF A RESOLUTION RELATING TO PROGRESS AT THE STRATEGIC ARMS LIMITATION TALKS

(Referred to the Committee on Foreign Relations.)

Mr. KENNEDY (for himself, Mr. HUMPHREY, and Mr. JAVITS), submitted the following resolution:

S. RES. 399

Whereas the interim agreement on the control of offensive strategic nuclear weapons, concluded between the United States and the Union of Soviet Socialist Republics on May 26, 1972, expires in October, 1977;

Whereas it is imperative for the stability of the nuclear arms balance, and for further efforts to end the nuclear arms race, that a further agreement limiting offensive strategic nuclear weapons be concluded before that time, and that efforts begin soon to reach agreement on limiting certain qualitative improvements in strategic nuclear forces on both sides;

Whereas the United States and the Union of Soviet Socialist Republics concluded an agreement in principle at Vladivostok, on November 24, 1974, covering the period from October 1977 through 1985, and in a subsequent *aide-memoire* agreed *inter alia* that each country would be limited to no more than 2400 strategic delivery vehicles, within which limit no more than 1320 missiles could be equipped with Multiple, Independently-Targetable Re-entry Vehicles;

Whereas substantial progress has been reported on a draft treaty (a) implementing the Vladivostok Agreement, (b) dealing with other matters, including strategic-range cruise missiles and the Soviet Backfire bomber, and (c) raising the prospect of reducing the limits agreed at Vladivostok for each side on numbers of strategic delivery vehicles;

Whereas a failure to agree on limitations for strategic range cruise missiles could create problems that would severely undermine future efforts to achieve strategic arms control; and

Whereas test programs for strategic-range cruise missiles—a weapons system in which the United States has a significant technological lead—will complicate problems of verifying distinctions between these missiles and those not applicable to a strategic nuclear role: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the prompt conclusion of negotiations to implement the Vladivostok Agreement, and its submission to the Senate as a treaty for its advice and consent to ratification, are in the best interests of the United States;

(2) the President should, to this end, continue negotiations with the Union of Soviet Socialist Republics on a timely basis, for the purpose of (A) resolving remaining issues within the Vladivostok framework; and (B) seeking an agreement to significantly reduce the number of strategic delivery vehicles permitted each country under the Vladivostok aide-memoire;

(3) the President should seek agreement with the Union of Soviet Socialist Republics to ban (A) flight testing and deployment by either country of air-launched cruise missiles having a range in excess of 2500 kilometers; (B) the construction of such missiles other than for deployment on heavy bombers permitted by the treaty urged in clause (1); and (C) the flight testing or deployment by either country of land-launched and sea-launched cruise missiles having ranges in excess of 600 kilometers;

(4) the President should offer to the Soviet Union an immediate, mutual moratorium on flight testing of all strategic-range cruise missiles, to remain in effect until conclusion of the agreement urged in clause (3); and

(5) the President should, immediately following Senate advice and consent to ratification of the agreements urged in clauses (1) and (2), begin negotiations with the Soviet Union for the purpose of securing objectives which include the following: (A) a comprehensive nuclear test ban; (B) further reductions in the numerical limits contained in the Vladivostok Agreement; and (C) agreed restraints on testing and deployment of major qualitative improvements in the strategic nuclear forces on both sides.

SEC. 2. The Secretary of the Senate shall transmit copies of this Resolution to the President, the Secretaries of State and Defense, and the Director of the Arms Control and Disarmament Agency.

Mr. KENNEDY. Mr. President, today I wish to join with my distinguished colleagues from Minnesota (Mr. HUMPHREY) and New York (Mr. JAVITS) in submitting a resolution regarding the strategic arms limitation talks and cruise missiles.

No issue is more important for the future of the United States than halting the nuclear arms race. And no time is better for taking important steps in that direction—in the interests of our national security—than right now.

Tomorrow morning, the Air Force will begin flight testing a revolutionary new weapon—the cruise missile. And the Navy began its tests last month. Yet when these test programs are finished later this year, cruise missiles will raise the most profound questions about the entire future of strategic arms control. And American security will be reduced.

We are seeking Senate support for a constructive approach to arms control, that will reflect positive cooperation with the administration, by Senators on both sides of the aisle.

Next year may be too late for an arms control agreement. The Vladivostok limits of 16 months ago—which are not yet in the form of a treaty—may be a dead letter by then. And in January there will be less than 10 months left to reach a new agreement on offensive nuclear weapons, before the interim accord of 1972 expires.

Whatever other disagreements we have with the Soviet Union—whatever pressures there are in election-year politics—we must not lose this chance to impose some sense and sanity on the nuclear arms race.

Let me mention one part of the resolution.

Because of the nature of cruise missiles, it will be impossible to tell by looking at them whether a particular missile can travel a few hundred miles or a few thousand; whether it has a conventional or a nuclear warhead; whether it is a tactical weapon or a strategic weapon that can destroy missile silos and cities.

When flight testing is finished and deployment begins, verification of cruise missiles may become impossible; and it will be increasingly difficult to make firm judgments about the number of nuclear weapons on each side.

This is why it is imperative that we reach agreement on cruise missiles this year. And that is why it is imperative that we seek a mutual moratorium on testing with the Soviet Union, until that agreement is reached.

We have firm precedent for that action, in the moratorium on nuclear testing that led to the Limited Nuclear Test-Ban Treaty of 1963.

And we risk nothing for our security. The rest of our arsenal is secure; and we are several years ahead of the Soviet Union in development of long-range cruise missiles.

Before we step over another nuclear threshold—with no turning back—let us pause; let us see whether agreement on cruise missiles is possible; let us examine this weapons system in all its aspects, before going forward.

Because if we don't, the cruise missile could destroy the SALT talks, themselves; and all mankind will be the losers.

Mr. President, I ask unanimous consent that a joint statement by Senators HUMPHREY, JAVITS and myself be printed in the RECORD.

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

JOINT STATEMENT BY SENATORS KENNEDY, HUMPHREY, AND JAVITS INTRODUCING A SENSE OF THE SENATE RESOLUTION ON SALT AND CRUISE MISSILES

We are introducing a resolution in the Senate, today, relating to the current round of Strategic Arms Limitation Talks, and strategic-range cruise missiles.

For many years, it has been clear that the most important demand on U.S. foreign policy has been the need to bring the strategic nuclear arms race under control. This objective has been shared by every U.S. President since the nuclear era began; while successive Congresses and the American People have overwhelmingly supported efforts to secure the United States and the world from the holocaust of a nuclear war. We have all recognized that, whatever other differences we continue to have with the Soviet Union, neither we nor they can afford to abstain from continued negotiations, continued progress, to end the spectre of nuclear war once and for all.

In recent years, some real progress towards controlling nuclear arms has been made, to be benefit of US security and the future of mankind: There has been the Limited Nuclear Test-Ban Treaty; the Non-Proliferation Treaty; the ABM Treaty; and the Interim Agreement on Offensive Missiles. Clearly, however, more needs to be done, in the interests not only of preventing nuclear war between the superpowers, but also of helping to prevent the spread of nuclear weapons around the world.

Because gaining control over the strategic arms race is so vital to us, there must be the most careful consideration of a wide range of military and political factors; the issue must be above partisan politics; and real arms control can succeed only with cooperation and support from both Republicans and Democrats, and from the Administration, the Congress, and the American People.

We believe that the approach to arms control outlined in our resolution meets this test—as well as the test of being truly in the interests of the United States. An agreement such as the one we propose will strengthen our security, and help to lift from mankind the threat of nuclear war. It will provide the basis for continuing efforts to bring a final end to the nuclear arms race.

At the same time, we seek to demonstrate the willingness of Congress to work positively with the Administration on an issue of vital national importance. Our proposals do not limit Administration freedom of action in diplomacy at SALT; rather they strengthen it—building on what has already been decided, and seeking to indicate broad support in the Senate and the Nation for positive, timely steps forward in strategic arms control.

Our nation must never rush into any arms control agreement simply to reach agreement; but we must also never pass up real opportunities to reach agreements that are truly in our national interest, that will reduce the dangers of nuclear war, that will increase our real security.

This is such a time to act in our own interest. By next January, there is grave risk that the Vladivostok Agreement—setting real and precise limits both on launchers and multiple warheads (MIRVs)—will no longer be negotiable; and there will be little time before the expiration of the 1972 interim agreement in October 1977. The pressure of time, therefore, will get worse with each month's delay.

In addition, we are now faced with a new development in nuclear weaponry, which if unchecked could change many of the assumptions on which the SALT talks are based. This is the modern strategic-range cruise missile, which the Navy began testing last month, and the Air Force will begin testing tomorrow. When those test programs are completed later this year, it will be difficult—if not impossible—to verify whether any deployed missiles are of short- or long-range; whether they carry conventional or nuclear warheads; or whether they are designed to attack tactical or strategic targets. As a result, it will then be far more difficult

to make judgments about the relative balance of strategic forces between the United States and the Soviet Union: cruise missiles will add a largely unknown factor to calculations and may confound efforts to put a lid on the nuclear arms race.

In our resolution, we are proposing that the President offer to the Soviet Union an immediate, mutual moratorium on the flight-testing of strategic-range cruise missiles, until an agreement covering them can be concluded. That may only be a matter of a few short weeks; but if the current round of negotiations does not proceed as promptly as we believe is necessary, then a mutual moratorium on flight-testing could become critical to the entire future of the SALT talks.

Press reports about the SALT talks indicate that considerable progress has been made in negotiating a treaty to implement the Vladivostok Agreement of November 1974. We believe that these negotiations should continue, leading to a treaty presented to the Senate for its advice and consent in the very near future. There has been give and take on both sides without decreasing our security—and this includes Soviet agreement to exclude from this treaty any limits on our forward based systems in Europe, and to accept the US proposal for verifying limits on MIRVs.

In our resolution, we endorse the agreements that have reportedly been reached; we support the resolution of remaining issues, including the cruise missile and the Soviet *Backfire* bomber; and we support an effort—already suggested by the administration—to seek a reduction in the number of nuclear delivery vehicles permitted each side under the Vladivostok Agreement. All these steps will strengthen our security—and the security of the world against nuclear war.

Furthermore, we support an agreement with the Soviet Union to limit the testing and deployment of air-launched cruise missiles to a range not exceeding 2500 kilometers, and their deployment only on heavy bombers—as reportedly agreed by the two governments.

We are convinced, however, that US security will best be enhanced by limiting the testing and deployment of strategic-range cruise missiles based on land and at sea to ranges not exceeding 600 kilometers—thereby effectively banning these weapons from the strategic arsenals of both superpowers. No convincing argument has been advanced for either weapon that would lead us to believe that keeping this option open can be as important for either us or the Soviet Union as the gains for arms control which would be achieved by banning them.

In a broader perspective, it is clear that the whole concept of modern cruise missiles will have important implications for force planning and strategy, both conventional and nuclear. Yet before either we or the Russians embark on a radically new course in weaponry, both governments owe it to their people—and to the cause of preventing instability, further misunderstandings, and greater difficulties in negotiating arms control in the future—to pause and examine the full import of this radical new technology.

Only when we in the United States have conducted the most careful analysis of cruise missiles and their implications should we proceed to rational decisions about the future of these weapons. But we will not have that choice once flight test programs are finished later this year: it may be too late to turn back. Several years ago, we ignored similar advice with regard to multiple warheads (MIRVs), and rushed forward with our test program, only to find that problems of verifying any arms control agreement affecting them were incredibly difficult to resolve. It has taken us six years to do so; and the verification problems associated with cruise missiles will be even more difficult to solve. This will be so even if the agreement on strategic-range missiles we propose today is accepted; but without that agreement, it may become impossible.

Finally, we are concerned in our resolution to relate today's arms control efforts to the future. Even securing the Vladivostok Agreement, and resolving issues of cruise missiles and the *Backfire* bomber, will not mean an end to the nuclear arms race. It will still be important to ban all nuclear testing; to reduce the number of nuclear weapons permitted under the Vladivostok Agreement; and to gain real limits on major qualitative improvements in the nuclear forces of both sides—improvements that could raise new problems for strategic arms control. Accordingly, we are urging that further efforts at SALT continue, immediately following the ratification of the agreements we are proposing today.

In a spirit of bipartisan cooperation, we believe that this approach will increase the security of the United States, and be of benefit to all mankind.

Mr. JAVITS. Mr. President, I believe that the greatest significance of the resolution which has just been submitted by Senator KENNEDY, with Senator HUMPHREY and myself as cosponsors, is in its timing and its political symbolism. Beyond the substantive provisions of the resolution we have introduced there is a message. That message stated most simply is that we, as moderates in the U.S. Senate, all of whom have had longstanding interests in arms control questions, are supporting the most earnest and determined efforts to achieve a SALT II agreement this year.

Spokesmen for the ideological right wing have been very articulate in recent months trying to persuade our Nation that SALT II is some kind of sell-out to communism. There have even been innuendoes that President Ford and Secretary Kissinger are inclined to be soft on our Nation's security for purposes of political expediency. The people who are saying or implying this kind of invidious argument are those who have generally opposed arms control agreements who wish us to pursue the illusion of regaining "superiority" in strategic weaponry—whatever the cost in destabilization of the strategic balance and in taxpayer treasure.

The President and Secretary of State who know, as we do, that a SALT II agreement will enhance our national security and that is why they are making a major effort to conclude an agreement this year, before a major opportunity is lost and another upward spiral of the arms race becomes inevitable.

AMENDMENTS SUBMITTED FOR PRINTING

ADDITIONAL DISTRICT COURT JUDGES—S. 287

AMENDMENT NO. 1413

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

Mr. MORGAN (for himself and Mr. HELMS) submitted an amendment intended to be proposed by them jointly to the bill (S. 287) to provide for the appointment of additional district court judges, and for other purposes.

FEDERAL EMPLOYEES' POLITICAL ACTIVITIES ACT—H.R. 8617

AMENDMENT NO. 1414

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

Mr. STONE. Mr. President, the Federal Employees' Political Activities Act, H.R. 8617, seeks to give Federal employees the fullest possible right to participate in the American political process. It attempts to strike a fairer balance between the individual rights of nearly 3 million citizens in Government service and the need of the Federal Government to have impartial, nonpartisan administration of its programs.

While this bill goes a long way toward achieving its stated goals, I believe that there is one serious flaw in it which needs to be remedied. That flaw is the lack of any mandatory penalty for the use of official authority to affect the result of an election or for the intimidation of coworkers to get them involved in partisan political activities. As the bill now reads, a Board on Political Activities, comprised of Presidential appointees, has complete discretion as to penalties and need not levy any penalty at all.

There are certain prohibitions in the bill, such as those banning political activity while on duty, that could be violated inadvertently. For violations of these prohibitions, which make up sections 7324 and 7325 of the bill, the Board should have discretion to weigh the seriousness and the willfulness of the violation before deciding on a penalty.

However, section 7323 prohibits activities which by their very nature are willful. Intimidating employees to engage in partisan political activity, using official authority to affect the outcome of an election—these are activities which if allowed to exist would undermine the integrity and impartiality of all Government programs. These are activities which must be dealt with harshly. If we do not demand that persons found guilty of these actions leave their Federal employment for at least a minimum amount of time, then we invite a return to the types of misdeeds that originally led to the adoption of the Hatch Act.

Everyone who supports this bill has emphasized the safeguards it contains against coercion of employees by superiors and coworkers who seek to have them participate in partisan political activity. Unless employees know that those who would seek to pressure them face certain penalties, the safeguards are meaningless.

Mr. President, for these reasons I am submitting an amendment to H.R. 8617 which would require the Board to suspend for at least 90 days or permanently remove any employee found guilty of violating section 7323. The Board retains its discretion to choose from a wider range of sanctions when it finds a violation of the other prohibitions contained in the bill.

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

There being no objection, the amend-

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

AMENDMENT NO. 1414

On page 19, beginning on line 18, strike out all through page 20, line 7, and insert in lieu thereof the following:

"§ 7329. Penalties.

"(a) Subject to and in accordance with section 7328 of this title, an employee who is found to have violated any provision of:

"(1) section 7323 of this title shall, upon a final order of the Board be removed from such employee's position for a period not less than 90 days, or shall be permanently removed in which event that employee may not thereafter hold any position (other than an elected position) as an employee as defined in section 7322(1) of this title);

"(2) section 7324 or 7325 of this title shall, upon a final order of the Board, be—

"(A) removed from such employee's position, in which event that employee may not thereafter hold any position (other than an elected position) as an employee (as defined in section 7322(1) of this title) for such period as the Board may prescribe;

"(B) suspended without pay from such employee's position for such period as the Board may prescribe; or

"(C) disciplined in such other manner as the Board shall deem appropriate.

AMENDMENT NO. 1415

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

Mr. BENTSEN submitted an amendment intended to be proposed by him to the bill (H.R. 8617) to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

AMENDMENT NO. 1416

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

Mr. DOLE (for himself and Mr. BENTSEN) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 8617), supra.

Mr. DOLE. Mr. President, the Senate will soon take under consideration H.R. 8617, a measure designed to significantly alter the Hatch Act regulations which currently govern and restrict Federal employee involvement in political activity. In anticipation of that debate, I am today submitting, along with Senator BENTSEN, an amendment for consideration during discussion of H.R. 8617. This amendment would, we believe, measurably improve upon the legislation, as it was reported from the Senate Post Office and Civil Service Committee last month.

PURPOSE OF AMENDMENT

This amendment prohibits employees of the Justice Department, the Internal Revenue Service, and the Central Intelligence Agency from giving a political contribution to another employee, a Member of Congress, or an officer of a uniformed service. It also prohibits the employee from requesting or receiving a political contribution from any of these persons.

This amendment prohibits employees of Justice, the IRS, and the CIA from taking an active part in political management or political campaigns, except where nonpartisan candidates or questions are involved, and except where "unusual" circumstances exist. That is, a majority of local voters are Federal employees.

These prohibitions on political activities of employees of the Justice Department, IRS, and the CIA are in addition to those otherwise imposed upon them under the provisions of H.R. 8617.

AMENDMENT OF THE SOCIAL SECURITY ACT—S. 2157

AMENDMENT NO. 1417

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

Mr. BROCK submitted an amendment intended to be proposed to the bill (S. 2157) to amend title XX of the Social Security Act to provide that no State shall be required to administer individual means tests for provision of education, nutrition, transportation, recreation, socialization, or associated services provided thereunder to groups of low-income individuals aged 60 or older.

NOTICE OF HEARINGS

Mr. PHILIP A. HART. Mr. President, I wish to announce the final 2 days of hearings to be held by the Subcommittee on Antitrust and Monopoly on S. 1284, the Hart-Scott Antitrust Improvements Act. Hearings will be held March 2 at 10 a.m. and March 3 at 9:30 a.m., both in room 2228, Dirksen Senate Office Building. If further information is required, please contact Howard E. O'Leary, Jr., staff director, Antitrust and Monopoly Subcommittee, 224-5573.

NOTICE OF HEARINGS

Mr. MORGAN. Mr. President, the Small Business Subcommittee of the Committee on Banking, Housing and Urban Affairs will hold oversight hearings on some of the programs of the Small Business Administration on March 8 and 9, 1976, at 10 a.m., room 5302, Dirksen Senate Office Building.

The subcommittee is particularly interested in hearing testimony on the Small Business Administration's set-aside, lease guaranty, and surety bond programs.

For additional information, please contact the subcommittee staff.

NOTICE OF HEARINGS

Mr. HASKELL. Mr. President, the Subcommittee on the Environment and Land Resources has scheduled a hearing for Thursday, March 11, 1976. The purpose of the hearing is to receive testimony on several wildlife refuge wilderness bills currently pending before the Interior and Insular Affairs Committee. For the benefit of my colleagues, I would like to place in the record at this point a list of the measures to be considered at the hearing and a brief description of each bill.

S. 1026—Chassahowitzka Wilderness, approximately 16,900 acres, Chassahowitzka National Wildlife Refuge, Fla.;

S. 1027—Crab Orchard, approximately 4,050 acres, Crab Orchard National Wildlife Refuge, Ill.;

S. 1035—Mingo Wilderness, approximately 1,705 acres, Mingo National Wildlife Refuge, Mo.;

S. 1037—Oregon Island Wilderness, approximately 346 acres (108 additional acres "potential" wilderness), Oregon Island National Wildlife Refuge, Oreg.;

S. 1038—Red Rock Lakes Wilderness, approximately 32,350 acres, Red Rock Lakes National Wildlife Refuge, Mont.;

S. 1039—San Juan Islands Wilderness, approximately 168 acres, San Juan National Wildlife Refuge and Matia Island National Wildlife Refuge, Wash.;

S. 1041—Simeonof Wilderness, approximately 25,140 acres, Simeonof National Wildlife Refuge, Alaska;

S. 1042 — Tamarac Wilderness, approximately 2,138 acres, Tamarac National Wildlife Refuge, Minn.;

S. 1046—Agassiz Wilderness, approximately 4,000 acres, Agassiz National Wildlife Refuge, Minn.;

S. 1051—Big Lake Wilderness, approximately 1,818 acres, Big Lake National Wildlife Refuge, Ark.;

S. 1054—J. N. "Ding" Darling Wilderness, approximately 2,735 acres, J. N. "Ding" Darling National Wildlife Refuge, Fla.;

S. 1055—Fort Niobrara Wilderness, approximately 4,635 acres, Fort Niobrara National Wildlife Refuge, Nebr.;

S. 1057—Lacassine Wilderness, approximately 2,854 acres, Lacassine National Wildlife Refuge, La.;

S. 1058—Lake Woodruff Wilderness, approximately 1,106 acres, Lake Woodruff National Wildlife Refuge, Fla.;

S. 1060—Medicine Lake Wilderness, approximately 11,366 acres, Medicine Lake National Wildlife Refuge, Mont.;

S. 1066—Swanquarter Wilderness, approximately 9,000 acres, Swanquarter National Wildlife Refuge, N.C.; and

S. 1067—UL Bend Wilderness, approximately 19,693 acres, UL Bend National Wildlife Refuge, Mont.

The hearing will be held in room 3110 of the Dirksen Senate Office Building beginning at 10 a.m. For further information regarding the hearing you may wish to contact Mr. Thomas Williams, of the subcommittee staff on extension 4-9894.

NOTICE OF HEARING

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on the District of Columbia has scheduled hearings on matters dealing with metropolitan problems in the Washington Capital Region. The hearings will commence at 9 a.m. in room 6226, Dirksen Senate Office Building today and continue on February 26; March 3 and 4.

These hearings are part of the committee's long range examination of the fiscal problems confronting the District of Columbia which were initiated earlier by Chairman THOMAS F. EAGLETON.

ADDITIONAL STATEMENTS

DEATH OF JUDGE CHARLES F. McLAUGHLIN

Mr. CURTIS. Mr. President, it is with a note of sadness that I call attention to

the fact that former Representative Charles McLaughlin of the State of Nebraska died here in the Nation's Capital on February 15, 1976.

It was my privilege to serve with Representative McLaughlin in the House of Representatives. He was an outstanding and dedicated patriot. He was always interested in those fundamental issues which mean so much to the preservation of our country. He was a kindly man of high character and he was devoted to his family.

Congressman McLaughlin, after leaving the House of Representatives, served in several capacities and rendered outstanding service to our Government. He was later appointed to the U.S. District Court here in Washington, D.C. Judge McLaughlin served well and with distinction and continued to serve into his sunset years. He was 88 when he died.

Mr. President, I ask unanimous consent that articles concerning the life and work of Judge McLaughlin taken from the Washington Star, the Washington Post, and the Omaha World-Herald, be printed in the RECORD.

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

[From the Washington Post, Feb. 6, 1976]

CHARLES MCLAUGHLIN DIES, FORMER JUDGE, LEGISLATOR

Charles F. McLaughlin, 88, a retired judge of the U.S. District Court here and a former Democratic congressman from Nebraska, died yesterday at Sibley Memorial Hospital.

The judge, a native of Nebraska, served as a captain of artillery with the Army in France during World War I. He took his seat on the federal bench here in November, 1949, after being appointed by President Truman.

He took the status of active senior judge in December, 1965, after his request to do so was accepted by President Johnson, who praised his "distinguished service." He continued to hear cases as a senior judge until his retirement in June, 1974.

During his judicial tenure, Judge McLaughlin presided over a number of noted cases, including the trial of playwright Arthur Miller. Miller was charged with contempt of Congress for refusing to answer questions about a Communist writers' meeting he attended in 1947.

Judge McLaughlin, who heard the case without a jury, found Miller guilty of two counts for refusing to answer two questions.

The judge later reversed conviction on one count on the basis of a Supreme Court ruling. The U.S. Court of Appeals later reversed the conviction on the other count, and acquitted Miller. The Court asserted that the House Un-American Activities Committee did not direct Miller to answer the questions on which the contempt charges were based.

In another case, which was said at the time to be without precedent, Judge McLaughlin upheld in 1954 the right of an employer to fire workers who stand on the Fifth Amendment and refuse to answer questions regarding Communist affiliations.

The ruling came on a complaint brought by the United Electrical Workers Union against the General Electric Co.

Judge McLaughlin presided in 1962 in the first case under a new law that permitted a trial judge in certain situations to decide on the penalty—death or life imprisonment—for first-degree murder convictions. He handed down a penalty of life imprisonment.

In a speech in 1960 on sentencing policy, he called on his colleagues to impose sentences "humbly, patiently and humanely," reminding them that "we are not ordained from on high to deal out vengeance or to pronounce our sentences in anger or wrath . . ."

Born in Lincoln, the son of an Irish immigrant, Judge McLaughlin attended the University of Nebraska and earned a law degree from Columbia University before setting up a practice in Omaha.

Without previous political experience, except as a delegate to the state constitutional convention, he ran for Congress in 1934. After being defeated for a fifth term, he was appointed to the American-Mexican Claims Commission and the Indian Claims Commission.

Survivors include a son, Edward Bruce McLaughlin; a daughter, Mrs. Edmund Wellington, Jr., and three grandchildren. The judge lived at 2101 Connecticut Ave., NW.

[From the Washington Star, Feb. 6, 1976]

CHARLES F. MCLAUGHLIN, 88, EX-NEBRASKA CONGRESSMAN

Charles F. McLaughlin, 88, a former Democratic congressman from Nebraska and a retired judge of the U.S. District Court here, died yesterday at Sibley Memorial Hospital. He lived on Connecticut Avenue NW.

McLaughlin was chief of the Indian Claims Commission when he was appointed to the U.S. District Court by President Truman in 1949. He served on the court until retiring in 1965, but continued to hear cases part-time as a senior judge until 1974.

A native of Lincoln, Neb., and a graduate of the University of Nebraska and of Columbia University's law school, McLaughlin served in the House of Representatives from 1935 to 1943. He was defeated in his bid for a fifth term.

After his congressional service, McLaughlin was on the American-Mexican Claims Commission.

Major cases which he presided over included the trial of playwright Arthur Miller on charges of contempt of Congress; the right of employers to fire employes who refuse to answer questions by congressional committees about communism, espionage and sabotage, and the constitutional rights retained by a criminally-accused U.S. citizen who lives abroad.

During World War I he was an artillery captain in the 91st Infantry.

His wife, the former Margaret Bruce, died in 1970. He leaves a son, Edward B., of Coral Gables, Fla., and a daughter, Mary Elizabeth Wellington of Springhill, Md.

Mass will be said at 9:30 a.m. Monday at St. Thomas the Apostle Catholic Church, 2665 Woodley Road NW., with burial in Gate of Heaven Cemetery.

[From the Omaha World-Herald, Feb. 7, 1976]

CHARLES MCLAUGHLIN DIES; WAS CONGRESSMAN, JUDGE

WASHINGTON.—Retired U.S. District Court Judge Charles F. McLaughlin, 88, a native of Lincoln who practiced law in Omaha and served four terms in the House from Nebraska, died at Sibley Memorial Hospital in Washington Thursday.

He has been hospitalized following a fall in which he broke his hip. His family said cardiac arrest was the cause of death.

McLaughlin served on the federal bench in Washington from December 1949, following his appointment by President Truman, until he retired in June 1974.

The son of an Irish immigrant, he attended the University of Nebraska, then moved to Omaha after obtaining his law degree from Columbia University.

He was elected to the House as a Democrat in 1934 from Nebraska's old 2nd district at a time when the state had five House members.

Defeated when he sought a fifth term, McLaughlin was appointed to the American-Mexican Claims Commission and later the Indian Claims Commission before receiving his judicial appointment.

He urged his colleagues on the bench in a 1960 speech to impose sentences "humbly, patiently and humanely," telling them that "we are not ordained from on high to deal out vengeance or to pronounce our sentences in anger or wrath . . ."

In 1954, in a case which was said then to be without precedent, he upheld the right of an employer to fire workers who stood on the 5th Amendment and refused to answer questions about Communist affiliations.

His survivors include a son, Edward Bruce McLaughlin of Coral Gables, Fla., a daughter, Mrs. Edmund Wellington, Jr. of Washington and a sister-in-law, Elizabeth Bruce of Omaha.

Funeral services will be Monday at St. Thomas Apostle Church in Washington with burial at the Gate of Heaven cemetery in Maryland.

THE AMENDMENT OF THE HATCH ACT

Mr. MCGEE. Mr. President, there is now an order for the consideration of H.R. 8617, the bill to amend the Hatch Act, which was reported by the Committee on Post Office and Civil Service by a 7-to-2 vote in December.

Also pending are a number of proposed amendments to the bill, including one which would exclude certain classes of employees from its provisions, maintaining for them the proscriptions of the present Hatch Act. Among these classes are employees of the Federal Bureau of Investigation, the Internal Revenue Service and the U.S. Postal Service. Why the Postal Service if the aim is to restrict the activities of Federal employees with access to private or confidential information, I cannot fathom.

With regard to the proposed exclusion of IRS employees, I want to call to the attention of the Senate a letter received from Mr. Vincent L. Connery, national president of the National Treasury Employees Union who objects that there is no logical reason why employees of the Internal Revenue Service should be treated this way, as second-class citizens, especially since it is his view, which I share, that employees of the IRS are among the most dedicated, ethical and conscientious citizens of this Nation. Further, Mr. Connery points out that the Internal Revenue Code provides for imprisonment of 1 year, a fine of $1,000, and immediate dismissal for any employee who violates the confidentiality of any taxpayer's return.

That is a pretty strong deterrent to any abuse of confidentiality.

Mr. President, I ask unanimous consent that the letter to me from Mr. Connery, dated February 19, be printed in the RECORD.

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

NATIONAL TREASURY EMPLOYEES UNION,
Washington, D.C., February 19, 1976.

Hon. GALE W. MCGEE,
Chairman, Senate Post Office and Civil Service Committee, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR MCGEE: I understand that an amendment to H.R. 8617 that would exclude employees of the Internal Revenue

Service from the revisions to the Hatch Act will be proposed to the Senate.

The National Treasury Employees Union, representing more than 95 percent of all IRS employees across the country, strongly opposes this blatantly discriminatory amendment. There is no logical reason why IRS employees should be treated as second-class citizens.

If the sponsor of the amendment fears IRS employees will divulge tax information about political candidates I remind the Senate that Section 7213 of the Internal Revenue Code (26 U.S.C.) presently provides imprisonment of one year and a fine of $1,000, plus immediate dismissal, for any employee who violates the confidentiality of any taxpayer's return. Certainly, this is a strong deterrent to anyone who would be so inclined.

The employees of the Internal Revenue Service are among the most dedicated, ethical and conscientious citizens of this nation. To set them apart from other citizens and deny them the right to participate in our democratic processes as the amendment proposes, would be an unwarranted slur on their integrity.

We strongly urge the Senate to reject this amendment to H.R. 8617.

Sincerely,

VINCENT L. CONNERY,
National President.

RICHARD NIXON

Mr. GOLDWATER. Mr. President, unquestionably many of my colleagues have read in the morning Washington Post of February 25, the excellent column written by David S. Broder. As Mr. Broder said in opening it, he was breaking a promise to himself not to write another word on the subject of Richard Nixon. I had pretty much told myself the same thing, but going as far as Mr. Nixon did in accepting an invitation to go to Red China and then attempt to talk about foreign policy, which is the sole prerogative of our President, was beyond me, also. I ask unanimous consent that Mr. Broder's article be printed in the RECORD.

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

NIXON'S CHINA TRIP: "NOTHING SHAMES HIM"

(By David S. Broder)

BOSTON.—This reporter is about to break a promise to himself not to write another word on the subject of Richard Nixon. The utter shamelessness of the man—his willingness to exploit and corrupt every institution and relationship of which he has ever been a part—has become so blatant that one would think it would not require comment.

But Nixon goes blithely on his way, demonstrating again in his incredible journey to Peking that there is nothing, absolutely nothing he will not do in order to salvage for himself whatever scrap of significance he can find in the shambles of his life.

Nixon's entire political career was a ceaseless scramble, first for advancement and then for rehabilitation. To his native intelligence, he added a dogged determination and single-minded ambition that propelled him with extraordinary speed from the House to the Senate to a highly visible post just a heartbeat away from the presidency.

Defeated for President by John F. Kennedy in the 1960 campaign, after an effort for which he needed to offer no apologies, Nixon might have retired into a useful role as titular leader of his party and indulged his growing interest in foreign affairs.

Instead, he plunged into a disastrous campaign for governor of California, trumping up a thoroughly phony "Communist" issue and employing the same shabby tactics that later came to be known as "dirty tricks" in his 1972 presidential race.

After that second defeat in California, Nixon might again have been thought ready to subside into a useful private role—but no. In 1964, he tried to manuever himself into the presidential nomination and in 1968, finally persuaded his party to give him another chance at the White House.

Although he and his chosen campaign manager, John Mitchell, almost contrived to lose an election it seemed for the Democrats to win, Nixon at long last fulfilled his obsessive ambition and gained the presidency.

But possession of power proved as dangerous for him as the pursuit of power. In short order, Nixon and his cohorts had set about the subversion of the institutions and processes of government in the elaborate scheme that culminated in the effort to rig the 1972 election by use of a secret White House police force.

When that scheme was exposed, by accident, at Watergate, Nixon launched a desperate struggle to retain the power he had gained. Knowing full well, from the very start, what his guilt and complicity had been, he nevertheless subjected his country to a two-year ordeal, during which his administration was shattered, his political party disgraced and the capacity of the government he headed to deal with the nation's real problems completely frustrated.

If there is any other act of personal selfishness by an American President that carried such high costs for the self-regard and self-confidence of our people, it does not come to mind.

Finally, when he was exposed as the fraud he was and forced to resign in the face of certain impeachment, his successor—a decent man who had defended Nixon far past the point of political prudence—granted him a pardon that spared Nixon the prospect of indictment and trial.

This reporter thought—and wrote—at the time that the public outcry against the pardon was wrong, believing, with Mr. Ford, that it was time to put Nixon and all he represented behind us. I believed, naively, that even a Nixon would have the decency to disappear from public view and reconstruct what remained of his life in private, instead of exploiting the country further for his own needs.

That was naive, for this man is utterly without shame. Within a year of his disgrace, the words from San Clemente indicated clearly that he was contriving his reappearance in public life.

The Chinese Communists have now given him his excuse, and Nixon has seized it, with typical disregard for the consequences.

That his trip is an enormous political embarrassment to the President who pardoned him is inconsequential to Nixon. That his first words in Peking were a repudiation of the Helsinki agreement and the policy of détente which he himself had willed to Mr. Ford, along with Secretary of State Kissinger, in no way discomfited Nixon.

Nothing shames him; nothing deters him. Nothing ever has and nothing ever will. So, in utter frustration and with no belief whatsoever that anything will influence him, I break my vow of silence on the subject of Richard Nixon and say: Sir, you presume too much on the patience of your country. Enough is enough.

THE PRESIDENT'S MESSAGE ON AGING: SADLY LACKING

Mr. CHURCH. Mr. President, last week President Ford submitted his message on older Americans for the 22 million persons in the 65-plus age category and the millions more nearing that age.

His recommendations do not respond to the needs of the elderly.

They fail to recognize the extent of the retirement income crisis affecting millions of older Americans, and threatening to engulf many more.

They would cut back medicare coverage for the vast majority of aged persons, instead of providing genuine improvement.

Many important needs of the elderly are glossed over or completely omitted: housing, long-term care, consumer protection, employment opportunities, and others.

Taken as a whole, President Ford's message on older Americans is one of the most inadequate ever submitted to the Congress.

Very few new initiatives are offered. To a very large degree, President Ford is calling upon older Americans to make greater and greater financial sacrifices.

CATASTROPHIC HEALTH CARE PLAN

This is particularly true for the administration's so-called catastrophic health care plan. If enacted, it would be a catastrophe for the Nation's elderly.

In reality, it is simply a modified version of an earlier discredited proposal advanced by the Nixon administration 3 years ago.

Briefly stated, the Ford catastrophic health care plan for medicare beneficiaries would:

First. Require the aged and disabled to pay 10 percent of all hospital charges above their $104 deductible payment. Now medicare beneficiaries pay a $104 deductible and nothing thereafter until the 61st day for qualifying hospital charges.

Second. Increase the part B deductible for doctors' services from $60 to $77. In addition, the deductible would rise thereafter in proportion to increases in social security benefits. This provision would undermine the effectiveness of the automatic cost-of-living adjustment mechanism, which is designed to protect social security beneficiaries from inflation.

Third. Impose a new 10-percent charge for hospital-based physician and home health services under part B.

Fourth. Provide unlimited hospital and skilled nursing care coverage under part A of medicare.

Fifth. Limit a patient's liability to $500 for qualifying hospital and skilled nursing facility services. But, this ceiling would also rise proportionately with social security increases.

Sixth. Place a $250 limitation on the amount a patient must pay for covered physician services. Once again, this ceiling would increase proportionately with social security adjustments.

I fully support some type of overall limit on hospital and physician charges for medicare beneficiaries. I also favor unlimited hospital and skilled nursing facility protection for the aged and disabled. Quite clearly, the threat of costly and catastrophic illness is all too real for many medicare patients. And, these recommended ceilings for patient costs represent constructive measures to grapple with this problem.

But the benefits from these proposals are greatly outdistanced by the "cost sharing" arrangements which would sub-

stantially increase the elderly's out-of-pocket payments. The new 10-percent coinsurance charge for part A services would reduce medicare benefits by more than $1.7 billion.

Nearly 5.9 million medicare beneficiaries are expected to be hospitalized in fiscal 1977. Only 150,000 of this total—or less than 3 percent—would benefit from the administration's proposals. And, this estimate may be high.

Some independent analyses project that only about 1 percent of all medicare patients who are hospitalized and discharged would pay less under the administration's recommendations. The overwhelming proportion would pay more, and quite often substantially more. To benefit under the administration's so-called catastrophic health plan, a medicare patient must ordinarily be hospitalized around 75 days. But less than 1 percent of all medicare patients are hospitalized for this length of time.

In fact, the average stay in the hospital is 12 days. And, about 72 percent are hospitalized for 14 days or less.

Approximately 14.2 million persons are projected to receive reimbursable services under part B in fiscal 1977. But only 1.8 million—or one out of seven of those receiving reimbursable services—would pay less under the administration's catastrophic health care plan.

ECONOMICAL USE OF HOSPITAL AND MEDICAL SERVICES

President Ford also proposes to limit increases in medicare daily payment rates in 1977 and 1978 to 7 percent for hospitals and 4 percent for physician services. The effect of these two proposals is to reduce medicare outlays by $900 million in fiscal 1977.

The purpose, of course, is to save money. But these measures may shift the cost to aged and disabled beneficiaries.

For example, the 4-percent cap on physician charges may cause fewer doctors to accept medicare reimbursement as payment in full for their bills.

Since medicare pays 80 percent of reasonable charges after the deductible is met, patients may be forced to pay more for physician services.

SOCIAL SECURITY

President Ford called inflation the No. 1 threat to the economic well-being of the elderly.

I am pleased that he has decided not to propose an arbitrary ceiling on this years' cost-of-living adjustment—as he did last year. Based on present projections, social security beneficiaries will receive a 6.7 percent increase in July.

However, he made no new recommendations to improve social security coverage. He could have proposed low cost, high yield improvements.

Instead, he recommended a number of proposals to reduce social security protection by:

First. Phasing out over a 4-year period social security benefits for full-time students.

Second. Eliminating the retroactive payment of actuarially reduced benefits when it would require a permanent reduction in the beneficiary's future monthly benefits. A person now entitled to social security benefits may receive up to 12 months retroactive payments, provided all factors of entitlement are fulfilled during the retroactive period.

SOCIAL SECURITY PAYROLL TAX INCREASE

I also have serious misgivings about President Ford's proposal to meet the short-term financing problem confronting the social security tax.

He calls for a 0.3 percent increase in the social security contribution rate, from 5.85 to 6.15 percent effective in 1977. This appears to be the most regressive approach to provide additional revenue for the social security trust funds.

And, it would fall heavily upon low-income wage earners.

In addition, an increase in the contribution rate may intensify our already high unemployment. It may, for example, discourage employers from hiring new workers because their total payroll costs would be boosted.

As chairman of the Senate Committee on Aging, I plan to consider other alternatives to place the social security trust funds in actuarial balance.

DECOUPLING SOCIAL SECURITY

I am pleased that the President plans to make recommendations to "decouple" the social security system.

The existing automatic escalator provision is vulnerable to high rates of inflation. With a relatively low average price increase, the system works well. But under higher projected price increases, it produces excessive wage replacement because of the double indexing in the present system.

Now social security benefits rise automatically with increases in the Consumer Price Index. This not only increases benefits for all retirees, but also for persons still in the work force. They will eventually obtain the advantages of the higher benefit schedule when they retire. At the same time, though, persons in the work force can expect higher earnings because of general wage increases. The net impact is that benefit boosts for today's workers are coupled with benefit increases for retired persons, producing instability in the existing wage replacement ratios.

However, it will be incumbent upon the Congress to insure that these proposed changes are equitable, technically accurate, and do not lead to any unintended, incongruous results.

OLDER AMERICANS ACT

President Ford speaks glowingly of the Older Americans Act in his message on aging. But his actions are clearly at variance with his praise for this legislation.

He says:

> I have supported the concept of the Older Americans Act since its inception in 1965, and last November signed the most recent amendments into law.

But this was achieved only after it was evident that a veto of the Older Americans Amendments of 1975 would be decisively overridden because of the near unanimous support for this legislation in both Houses of Congress.

However, before the final vote the administration marshalled all its resources to weaken or defeat several key provisions in the bill.

In addition, President Ford proposes a $52 million cutback in funding for programs under the Older Americans Act for fiscal 1977.

Quite clearly, several of the proposals in the President's message on older Americans need rethinking and redrafting.

And, it will be necessary for the Congress and the administration to work in a cooperative fashion to develop legislation more responsive to the deep-rooted problems confronting the elderly now and in the future.

I want to reaffirm that the Committee on Aging stands ready, willing, and able to work with and cooperate with the administration in improving our Nation's overall policies for older Americans.

A bipartisan approach, I strongly believe, has a much greater chance for success and a lasting contribution.

THE LESSONS OF THE OIL CRISIS

Mr. MATHIAS. Mr. President, I wish to call to my colleagues' attention an excellent article by J. W. Anderson which appeared in the Washington Post on December 28, 1975.

Although the article is short, it reveals some of the more subtle lessons of the oil crisis—lessons which, I am afraid, have been neither learned nor appreciated. It appears that despite the profound disturbances in the recent past and the constant threat of disruption in the present and future, energy is to be the object of words and politics, but not substantive action.

There is a tendency today to entrust our Nation's welfare to blind optimism or the good will of the oil exporting nations and then blame those nations or the industries for our plight when an obvious crisis develops. This is the easy way politically, but it can do irreparable damage to our Nation and the world as a whole. Blind faith and the availability of a scapegoat may save many political hides in the short run, but our Nation and the world will pay for many years to come.

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

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

THE LESSONS OF THE OIL CRISIS

(By J. W. Anderson)

As the great debate over oil prices roars endlessly on, with great bitterness and futility, one needling question keeps recurring: What did all the experts and government pundits think was going to happen?

Or, to put it another way, why was the tremendous run-up in oil prices such a surprise? The reasons seem obvious enough in retrospect. Why should the sudden shift of economic power to the Persian Gulf have been unexpected? There is no commodity to which governments and private companies devote a more beady-eyed and unwinking attention than oil. Yet the world—cabinets, companies, their customers and all—was totally unprepared.

Reconstructing the economic revolution of

the past several years is a matter of some urgency, since people's understanding of past events forms their political judgment as to what we do next. The answers to these questions are now beginning to be fairly clear, and they offer an illuminating commentary on the way in which governments deal—or fail to deal—with economic challenges.

In the 1960s, the experts and analysts—in government and in industry, in Europe and here—consistently misjudged what was happening in the oil markets. By the time the threat at last began to be apparent around 1972, any solution would have been enormously costly and disruptive. Governments here and around the world simply froze and refused to deal with it at all. The oil companies, not getting the political support to which they were accustomed, merely trusted to luck and the docility of the Saudi government—both of which ran out in late 1973.

One circumstance alone made it possible for the Arabs to use the oil weapon, and for the Organization of Petroleum Exporting Countries (OPEC) to quadruple prices in the last three months of that year. By that time the Persian Gulf countries' production had come to mean the difference between a comfortable world supply of oil and a catastrophic shortage.

First the Iranians and then the Arabs repeatedly tried to use the oil weapon, through the 1950s and 1960s. Each time it turned out that they did not have a large enough share of the world's supply to be able to affect markets crucially. As late as 1967, when the Arabs responded to their defeat in the Arab-Israeli war by embargoes and shutting the Suez Canal, the world economy hardly flickered.

One large reason was the reserve capacity in the United States, still the world's largest producer. American wells were able to raise production immediately to meet the emergency. But U.S. production started to drop in 1971. The most accessible American fields were getting old, and the U.S. tax laws for years had encouraged the American companies to explore abroad. By 1973, with worldwide oil consumption soaring, there was no reserve production capacity anywhere in the world but the Middle East.

In retrospect, this vulnerability is clear enough. But neither governments nor companies saw it clearly until too late. It's not that the forecasts were fudged, or hidden. They were merely wrong. The analysts consistently underestimated the rate at which the world was turning to oil.

Oil consumption, in this country and around the world, was rising at astounding speeds in the 1960s and early 1970s because, in comparison to most other things, it was getting steadily cheaper. From 1960 to 1969, in real terms—which means in constant dollars, discounting inflation—the price of oil actually fell. Fuel economy became irrelevant in the design of many kinds of machinery, notably the American automobile. Oil was cheaper than coal as industrial fuel, and coal mines around the world shut down. The economic reporting systems couldn't grasp the speed with which it was happening.

Two economists, Joel Darmstadter and Hans Landsberg of Resources for the Future here in Washington recently published a recapitulation of some of the key forecasts of oil demand. (Their study appears in the current issue of the quarterly Daedalus, which is devoted to the subject of the oil crisis and is, incidentally, the most informative and comprehensive review of the subject that I've seen anywhere.)

In 1966, the Organization for Economic Development and Cooperation—the industrial countries' central statistical and forecasting agency, based in Paris—calculated that Western European oil consumption would rise at a rate of 4.1 per cent a year to 1980. In fact, through 1972, it was rising 10.5 per cent a year. For Japan the OECD expected oil use to rise 14.3 per cent a year to 1970, the rate thereafter declining. The actual figure was 17.5 per cent, and no decline. In 1968, the U.S. Department of the Interior published a forecast that American oil consumption would go up 3.1 per cent annually through 1980. Until the crisis it was going up half again as fast.

In 1970 the Cabinet Task Force on Oil Import Control, headed by the then Secretary of Labor George P. Shultz, published an even more influential calculation of this country's future need for oil. It too turned out to be far too high in its estimate of production, far too low on demand, and dangerously wrong on the requirement for imports. By 1975, the task force predicted, production would be 12.4 million barrels a day, demand would be 16.1 million barrels a day, and imports would be 3.7 million barrels a day. As it turned out, by only 1973, production had fallen to 10.9 million, demand had already escalated to 17.3 million, and imports were a staggering 6.2 million.

But these grossly low forecasts were only a half of the explanation of the industrial countries' failure to guard their own prosperity. The other half was political paralysis.

The first real intimations of shortages began to be clear to the general public around 1972. The old Office of Emergency Planning at the White House saw the U.S. stocks dwindling, and the statisticians there passed word upward. But by this time the 1972 presidential campaign was under way. It seems pretty evident that President Nixon—like all of his predecessors—did not want the word "oil" even breathed during the campaign. Knowledgeable Democrats were aware of the rising trouble, but they were no more eager to get into the issue than Mr. Nixon. Their candidate, Sen. George McGovern, was making heavy weather of even the most traditional of the party's economic issues. For the Democrats, oil has always been a party-splitter.

As for the companies, they knew by this time that serious trouble was coming. Since any radical rise in prices would mean a political explosion in the West, the only other solution that they could see was to persuade Saudi Arabia to keep raising its production. Saudi production was then approaching 8 million barrels a day. The international companies hoped that the Saudis would agree to go as high as 20 million for the coming decade to see the industrial countries into the 1980s and, they further hoped, to the beginning of alternate technologies for energy. Simply for comparison, it might be noted that 20 million barrels a day is almost twice as much as the all-time record holder—the United States—produced in its peak year.

Back in Washington, oil was apparently on the very long lists of matters that Mr. Nixon was deferring until after the election. Immediately after the election the then Secretary of Commerce, Peter Peterson, began talking publicly about the dismaying financial implications of this country's rising oil imports—even at the old low prices. Nixon promptly fired Peterson, not specifically for bringing up this question, but presumably because he was a man given to talking candidly about inconvenient subjects.

Before the administration could take up oil and energy, Mr. Nixon became enmeshed in the Watergate scandal. He had no time or thought for oil in the remaining months of his tenure. President Ford came to office under the impression that inflation was to be the great economic challenge of his administration. Three months later the country was sliding rapidly into the deepest recession of the decade—the largest single cause of which was, of course, the shock of the new oil prices. Now another presidential campaign is under way, and again both parties are unwilling to deal with oil in anything but rhetorical and polemic terms.

The trouble has not simply been poor leadership. In a big, turbulent democracy it takes time to work out a national consensus on unfamiliar issues. The idea that the United States might not have enough oil to run its generators and automobiles was a totally new one to most of its citizens in 1973. A consensus probably remained out of anyone's reach, as long as half the country considered the price rise to be a conspiracy by the oil companies and the other half considered the solution to be a declaration of war on OPEC.

Abroad, the handling of energy policy has been hardly any more satisfactory than here. The Europeans and Japanese, ever since World War II, have left oil and the Middle East mainly to the Americans. The French are a partial exception to the rule; but their efforts to cut out an independent position for themselves in the Arab world have yet to produce any tangible benefits for them in the oil trade. The Europeans were very late to realize that the United States was not watching their interests, or even its own, in the Middle East. Once the dire truth became evident, they were unable to work out any common course of action among themselves.

Pure historical coincidence plays a strong part in the weak and confused Western response to the oil crisis. Just as it was more bad luck that the crisis should come at the same time as Watergate, it was more bad luck that each of the major European governments and the Japanese should be plunged for totally unrelated reasons into intense preoccupation with their internal politics during the crucial months. In the winter of 1973-74, Britain was wholly absorbed in the crushing collision between the labor unions and the Conservative government; it forced an election in February that was a standoff, leading directly to another election eight months later. In France, 1974 was the year in which resident Pompidou died and Valery Giscard d'Estaing only barely managed to beat the combined Communist-Socialist campaign. Chancellor Willy Brandt of Germany was driven from office that year by the revelation that he had been betrayed by a close colleague who was found to have been a spy. In Japan, the new premier, Kakuei Tanaka, hailed as the forerunner of a new generation in Japanese leadership, was forced to resign in a series of grubby little scandals involving money.

The moral to the story is obvious. In the late 1940s and early 1950s, the industrial countries under forceful and far-sighted American leadership established an oil supply system calculated to fuel a massive economic recovery from the war. This system worked so smoothly and efficiently that, in time, people began to forget about it. They neglected it, and did not heed the early signals of coming trouble. These countries consistently miscalculated their future needs for oil and misjudged their deepening dependency on the Persian Gulf. When the danger of embargo and price increases became evident, these countries were unable to think of any way to avert it.

It is important to remember that, by the early 1970s, there may well have been no way to avoid it. Having drifted to the brink of the waterfall, perhaps we had no alternative but to hold our noses, hope for the best, and go over. There is no greater mistake than to assume that a clever President can always find an easy way around the hard choices. By mid-1973 there was no possible response to the OPEC countries other than doing without their oil—a thing that the rest of the world both then and now has been totally unwilling even to consider. The United States is using more of it today than it did before the embargo—and it will be using more still a year from now. There is now a general—although tacit—agreement throughout Washington that nothing will be permitted

in the short term to interfere with the rising flow of foreign oil, because any restriction might threaten more unemployment during the presidential election campaign.

A rough balance can be drawn on the outcome of the oil crisis so far. The run-up in oil prices is largely responsible for the most severe worldwide recession since the 1930s. But the three major industrial economies—the American, German and Japanese—are now beginning to show signs of recovery. There had been great fear among politicians that a recession on this scale would lead to profound political upheavals and instability, but those predictions have proved wrong. The economic structure of the industrial world turns out to be much more durable and shock-resistant than most governments had feared. The poor countries are at more of a disadvantage than ever. But the rich countries have found that, after the initial wrenching adjustment, they can live with $12-a-barrel oil at very little further cost in wealth and standards of living.

People in all the rich countries—consumers as well as businessmen and bankers—discovered that they were able to get through the crisis with far less help from their governments than they had expected. The effect has been a small but preceptible decline of public trust in the political institutions that hold these nations together.

AID AND DIPLOMACY—GUIDING PRINCIPLES

Mr. CLARK. Mr. President, the press has reported the establishment in the Department of State's Bureau of International Organization Affairs of a new office to keep close tabs on other countries' votes in the United Nations and other international bodies. Though Department officials have asserted that the creation of the new office implies no policy of punitive action against those who vote contrary to our wishes, I find it difficult to figure out what other purpose the office might have. I have written a letter to Secretary Kissinger asking for a statement of the Department's policy on this matter.

It is my view that American economic aid should be channeled to developing countries for the specific purpose of promoting economic and social development or for humanitarian reasons. The philosophical basis for such aid should be not only a generous national spirit but also enlightened self-interest. By helping to create a more just and humane world, we are also working toward a world in which peace is more likely to prevail and where our own country and its institutions are less likely to be threatened from outside our borders.

Thus it would be shortsighted in the extreme, as well as mean-spirited, to diminish aid to developing countries because they do not see eye to eye with us in the U.N. There would also be a certain cowardly quality to such a policy, since we obviously are not going to "punish" important countries which have some strategic significance to us, but which nevertheless vote differently from us in world organizations. Only the poor and uninfluential are in much danger of suffering from this potential lash.

The New York Times of February 10 carried perceptive companion editorials on this subject. I ask unanimous consent that they be printed in the RECORD.

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

AID AND DIPLOMACY

Should American economic aid to individual foreign countries depend on the political stands taken by those countries at the United Nations? The issue was most recently raised by votes in the General Assembly last autumn on such diverse matters as Puerto Rican independence, the role of the U.N. in South Korea and, most inflammatory in the public mind, the condemnation of Zionism as a form of racism. It figures in the strategy pressed so strenuously—and controversially—by ambassador Moynihan in his recent publicized memorandum to the State Department.

Secretary of State Kissinger has set up a special office to keep running watch on the voting patterns of third- and fourth-world governments which receive or request United States development assistance. The implication is obvious. Governments which support the American-favored positions on various issues could be "rewarded" with more sympathetic consideration for pending requests; governments which take contrary positions could be "punished."

The difficulty with this approach comes in attempting to implement it in a manner that is fair, and consistent with this country's long-range global interests. Already it has become evident that some countries are simply too important to United States interests to be "punished" for offending votes; such a strategy can be applied only against the weak—and these countries may well be the ones with the most legitimate need for development aid. Tanzania and Guyana, for instance, were among the first to experience "postponement" of aid programs after the General Assembly.

GUIDING PRINCIPLES

Two principles must be fundamental in the structuring of American economic development aid. First, such aid cannot be regarded as a gesture of munifience, a worldly show of *noblesse oblige* for which expressions of gratitude are expected. It is in the most basic and long-term interests of the United States itself that orderly economic development proceed in poorer regions of the world; programs for population control, agricultural progress and such, are of importance to the future of the United States as well as to the developing countries.

Secondly, it has long since been demonstrated that economic aid with direct political strings attached is inefficient, unreliable and often counterproductive. The United States discovered this fact in the 1950's, the Soviet bloc soon thereafter; perhaps the newly rich Arab oil producers will before long experience the same disillusionment. Any close correlation between a government's behavior at the United Nations and the extent of its American aid could justifiably be called an attempt by Washington to buy votes—precisely the accusation leveled by many Americans upon the Arab states after the anti-Zionism vote.

Governments of the developing world must realize that the richer nations have accepted responsibility—in their own interests—for development aid in the aggregate, but the decisions on how a total package is to be divided among individual countries involve complex political, economic and technical judgments. No government that consistently flouts principles of political behavior which the United States considers important can expect a sympathetic hearing here whenever they need help. Nor does the application of a blatant double standard for the Western world and the Communist states improve the standing of any country.

That much said, it would still be shortsighted and destructive of this country's long-term interests if on-going economic development aid were to become a weapon in the day-to-day conduct of foreign policy.

AMERICA'S FUTURE: THE THIRD CENTURY

Mr. GOLDWATER. Mr. President, the U.S. Strategic Institute, located in Washington, D.C., publishes the Strategic Review. In this quarterly publication different peoples opinions are given as to our country, its problems, and so forth. I was invited to prepare a paper for the winter issue which has appeared and the title of this paper is, "America's Future: The Third Century." I ask unanimous consent that this article be printed in the RECORD.

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

AMERICA'S FUTURE: THE THIRD CENTURY

(By Hon. BARRY M. GOLDWATER)

IN BRIEF

The next five to ten years will be a critical period for America's future—both at home and abroad. No country can shape and implement a successful foreign policy unless its domestic affairs are in order. In its domestic affairs, the United States is failing on four fronts: the material and psychic cost of government, the emergence of a massive uncontrolled bureaucracy, substitution of the notion of equality of end results in place of equality of opportunity, and the decline of individual responsibility. We can and must turn around our failure on all four fronts. The American strategic withdrawal from the world scene raises several questions: Can the United States be depended upon to honor its obligations? To what degree does declining U.S. military power render us less and less potent? To what degree are we rendered impotent by the fact that U.S. foreign policy has now become a prerogative of Congress? Will the adversaries of the United States seek to exploit the situation, and how? What does the United States intend to do about it all? We must return to bipartisanship in foreign affairs, and the initiative and conduct of foreign policy must be returned to the Executive. Let us all realize that foreign policy cannot be made in the streets. Let us also realize that every foreign policy venture is dependent upon an America which is militarily and economically strong under strong Congressional and Executive leadership. We must undertake international commitments only when these are clearly in our national interest, which is that of preserving a global balance of power. The United States must show a determination to adopt this winning strategy or we shall face the inevitable extinguishment of our liberty.

America's future, particularly in the next five to ten years, which I think will be the critical period of our country's life, has been of great concern to me for many years. The problem is a two-headed monster. The United States has serious problems at home and it is in trouble around the globe. Each set of problems requires its own solution, but no country can shape a foreign policy, let alone successfully implement one, unless its domestic affairs are in order.

The United States is about to embark upon its third century. It seems to me that this event will be a watershed in United States history. One hundred years ago in 1876, when the first century became the second century, there was general continuity. There was a continuity of material progress, a continuity of faith in the nation and in each other, a

continuity of belief in our institutions, and a continuity in that vital sense of American community. As we now face our third century, I do not see that same continuity before us. Instead I see change and none of it for the better. It is popular to call for change, but we must remember that change for change's sake often produces as many ills as benefits.

What has gone wrong? Where has it gone wrong? I believe that the answer rests in government itself. Government is no longer the arbiter and manager of problems—but it is the problem. In fact, government has become a destabilizing influence in our national and daily lives. Over the last three thousand years of history, the workaday record of government, no matter where it has been instituted, has not been very good. As one analyzes the record of governments in general, a number of distinct, pervasive antisocial tendencies can be observed. I would classify these as follows:

1. A profligate spending of monies with resulting inflation;
2. The making of promises they cannot keep;
3. Operational inefficiency at all levels;
4. An ignorance of the very people they are supposed to govern;
5. The abuse of power;
6. A tendency to drift into wars they cannot handle.

I think this listing holds true historically. Indeed, the Founding Fathers would nod in agreement. It is my further belief that in recent times with the rise of extremely large and centralized governments, these tendencies have worsened. The whole rationale for the very founding of the United States of America was to curb the ills inherent in government, if not to prevent them. Today we are failing to meet that original ideal. There is failure on four fronts:

First, the material and psychic cost of government;

Second, the appearance of a new and modern phenomenon—the bureaucracy and the tendency of big business to join that bureaucracy;

Third, the rise of a new notion, not that of the equality of opportunity, but of equality of end results;

Fourth, and perhaps as a result of this, the decline of individual responsibility at all levels.

THE MATERIAL AND PSYCHIC COST

On the first front, the United States is now spending one-third of its gross national product on government, an awesome figure representing a significant part not only of our own material wealth but of the planet's material wealth. Since the mid-sixties, but beginning in the thirties, we have witnessed massive government spending on almost every activity in which individual Americans are involved. The indirect cost is even more staggering; one cannot embark upon even a simple business operation without a mass of regulatory forms and a team of attorneys. It has been estimated, for example, that regulatory agencies alone add $138 billion per year to the cost of the products Americans buy. While budget deficits run close to $100 billion per year and our national debt climbs to beyond $500 billion, capital formation is in substantial degree drawn away from productivity into debt servicing. Government is not solely responsible for depreciating capital formation but it is by far the greatest drain upon this resource. It is important to realize that this is part of what government costs.

There is another cost of government—the psychic cost—which falls most heavily on the poor and the minorities. They have been promised so much and have received so little. They have been promised change—change which presumably was going to lead to their betterment.

In the forty years or more that these promises have been made, poverty still exists, lack of education exists; in fact, very little of what politicians have promised has ever been delivered. It is a tribute to the poor and the minorities that they have not reacted more vociferously, having been promised so much by government. In their hearts they know they have been duped, promised a solution to their many ills by a benign father in Washington who, in the event, could not come through—indeed, had no chance to come through.

THE BUREAUCRACY

Allied to the cost of government is yet another phenomenon, the emergence of a massive, centralized bureaucracy. Today the bureaucracy has partially replaced the Congress as the governing body of our nation. Even the President cannot make a unilateral decision and hopes to have it carried out unless the bureaucrats go along. As far as Congress is concerned, the best it can do is to place minor curbs on spending by the bureaucracy. Indeed, many departments and agencies, especially the latter, operate without any reference to Congress at all except that of presenting their annual budget demands. There are some departments and agencies that operate more like independent states within the state than they do as public servants. And who controls this monolith? The answer is no one! The bureaucracy is responsible to itself. Congress controls departmental and most agency heads but these few individuals usually have only a short tenure in their positions, and they barely impinge upon the bureaucratic modus operandi and affect its basic nature not at all.

There is yet another element in the bureaucracy that is even more disturbing. As the bureaucracy grew and gained power, big business, if it were to function at all, had to come to terms with the bureaucracy, and eventually big business moved into an uneasy alliance with the bureaucrats. As a result we now see big business increasingly being protected by the bureaucracy, protected from competition with more go-ahead rivals. The original purpose of all this regulating, with its massive overload of red tape, was to protect the public from the corporations; but today in many instances the position has been reversed—it is the corporation that is being protected from the public. And the corporations, most of whom do not like the situation, have little option but to go along. As a third stage, we now see big business calling for centralized planning in conjunction with the bureaucracy, and I find this potential accretion of power between bureaucracy and business singularly disturbing. The free competitition of the marketplace has given way to regulation and, as a result, true competition is disappearing.

Quite frankly, I believe that the bureaucracy is now out of control. It is not controlled by the elected representatives and it cannot control itself. It is impervious to such old-fashioned notions as individual responsibility for bureaucratic action, service to a citizen, restraint of authority and, above all, civility in its public contacts.

One of the biggest challenges of our third century is that of controlling the bureaucracy. We have antitrust laws to prevent any one corporation or cartel from dominating an industry. We now need similar constraints to prevent the bureaucracy from dominating our country and our lives.

We have to look at the situation in the same way we would if we had to face the threat of unbridled power in Washington in some other form. We would expect Congress to take action and it is here that the responsibility lies. Such Congressional action could take several forms. First, Congress should stop passing so many laws. Sadly, most laws emanating from Congress are ill-conceived, badly researched, over-complicated and probably unnecessary. Those laws arise not from the people's demands but because of unwise promises made during elections; capricious attempts on the part of Congressmen to capture public grievances which would best be settled by the public itself; through ideologists who feel that they can run your life better than you can; and, sadly, laws sometimes arise through plain bad judgment. Since every law has to be administered and thus causes growth, a steady, remorseless growth in bureaucratic size and power results.

EQUALITY OF OPPORTUNITY

And now let me raise yet another issue. This republic was originally founded upon the principle of equality of opportunity. This is a noble principle. More recently the stress has been upon equality for *all*. This refinement—for all—is even more noble. But both the original concept and its refinement have now been debased. Instead of striving for equality of opportunity, we now seem to be demanding instead equality of results. It is no longer enough for law to give everyone an equal chance. Instead Congress and bureaucracy alike seem to be promising that from this equality of opportunity will arise an equality of results. Thus the poor are assured and led to expect not merely that they will have the chance, but that instead they will *inevitably* end up with college degrees, the fancy houses, the trips abroad and what have you, which are said to be synonymous with the "good life." The state has little to do with achieving these expectations and certainly is not the guarantor.

What is needed is a return to the ideals of individual achievement and responsibility. I offer this as a substitute for Washington-managed social engineering and its massive intrusion into our daily lives.

THE CHALLENGE

As Americans enter their third century there are momentous tasks for them. The first is to recapture our traditional view of government. That is to say, government must be limited in its scope because by its nature it has limited capabilities. We must also remember that unlimited government rapidly degenerates into inflationary economics, into false promises, into lies, inefficiency, ignorance and into the abuse of power. We must also remember that the material and psychic cost of such government can end in material and moral bankruptcy.

A second task is to limit, probably by constitutional means, the power of the bureaucracy, the executor of government, as it seeks to take our own lives and ultimately our spirits. Within this task we must also sever business from the bureaucracy and return to a system of free competition arising from free enterprise.

A third task is to turn around the betrayal of fundamental principle, the betrayal of equality of opportunity. It is a betrayal of a fundamental American principle to pretend that the state can provide equality of results.

And, this leads to the fourth task for the third century. As we return to equality of opportunity, let us recapture the sense of individual responsibility. In the latter two tasks the responsibility is that of every individual in our vast land.

We can do all of this. I have never wavered in my respect for and faith in the American people. In our first two centuries we have achieved more than any civilization yet known to man. If we are to play an international role in an increasingly anarchic world, we must succeed in these tasks. We must, to conduct an effective foreign policy, develop at home a political and social fabric which is strong, unified and imaginative. Can we do this, or will the third century be an epilogue, given over to an apathetic people half enslaved to a worthless government? Or, will the third century be but a prologue

to even nobler times? We have the capacity for the latter. That is the option I choose.

THE WORLD SCENE

An American strategic withdrawal from the world scene is now underway and at an ever-increasing pace. We are abandoning valuable relationships with allies in Asia and in Europe. Substitutes do not exist elsewhere in the world. Soon we may well be alone. At present, the initiative in Europe and Asia has passed entirely into the hands of our adversaries. We must now react to their moves. This is always the nature of a retreat. In the face of this situation, the United States Congress, with the enthusiastic aid of the media, acts to hinder Executive prerogatives in foreign policy and will, if left alone, emasculate the Executive. We have already reached that state where we will not honor any external obligations except in the most extreme contingency, which means when it is too late and, therefore, highly dangerous to the world at large.

What are the potential consequences of this retreat?

Especially I must raise the question: Where will it stop? Where will a new American frontier be drawn and what will be our status behind this frontier? But, before I do this, let me offer four basic suppositions as to why we have reached this powerless state. Let me present these suppositions in a form that our allies might pose:

1. Can the United States be depended upon to honor obligations when the need arises?

2. To what degree does declining U.S. military power, especially the example of its misuse in Vietnam, render us less and less potent?

3. To what degree does the fact that U.S. foreign policy has now become a prerogative of Congress render us impotent?

4. Will the adversaries of the United States seek to exploit the situation and in what way?

The ultimate question then arises: What does the United States intend to do about it all? But, let me first look at the world which now seems to be shaping up. I recall that it has been said, "men prophesy and history makes fools of them." Nevertheless, let me now make some prophecies and hope that my record will be as good as that of past years.

THE SOVIET THREAT

Europe is still our most significant economic and cultural link in the world and quantitatively our most powerful military alliance. As I see it, Europe is in the process of being strategically out-flanked by the Soviet Union along its Mediterranean seaboard on a grand scale. Soviet naval power has for some time been able to compete with the Sixth Fleet which, in any case, I have always regarded more as a target than as a deterrent. But, more importantly, it is through the Mediterranean gateway that the oil which is the lifeline of industrial Europe flows, despite the impact of super tankers and routes around the Cape of Good Hope.

Let us contemplate the changes which are pending in this critical Mediterranean area. We are well aware of the constant threat of war between Israel and the Arabs. The question is, what will the United States do if and when such a war breaks out, and more importantly, what strategy will Israel adopt if it feels the United States cannot be depended upon when the chips are down? It has been suggested that the Israelis will, like Samson, prefer to pull the whole house down around them rather than go under by themselves. This policy of desperation could take many forms. One course would be a pre-emptive war against Egypt and Syria where the ultimate targets are Cairo and Damascus and control of such strategic areas as the Aswan Dam. Such a move would virtually insure the intervention of the Soviets (indeed this would be the Israeli objective) which would in turn force NATO to either surrender or fight. In the longer term Israel might decide to acquire and use nuclear weapons, again forcing a United States/Soviet showdown. Only a powerful United States, whose will is credible, can control such dire possibilities, including the issues posed by the proliferation of nuclear weapons by many states other than Israel. It may well be that a policy for stabilizing the Middle East must be referred to Moscow. Here I wonder if the United States will in the future have the credibility, let alone the power, to back up this policy—to influence the Soviets toward caution.

Let me carry a little further the thought of Soviet out-flanking of Europe in the Mediterranean area. In the not too distant future, Marshal Tito of Yugoslavia will pass from the scene. Yugsolavia has always had a tendency toward fragmentation among its various minorities. Tito, the great unifier, will be gone and there will be internal frictions in Yugoslavia. The temptation for the Soviets to intervene physically will be all but overwhelming. And, why should the Soviets not intervene? Of what countervailing forces need they be frightened? With the Soviets established in Yugoslavia, the Mediterranean would come even more under their dominance. We have also witnessed recent events in Portugal, at the western extremity of the Sea, where a strong Moscow-oriented party is making its drive to power. What will be the relationship between Portugal and the Soviet sea power? Will Portugal become the cork in the Mediterranean bottle?

If even a part of this scenario eventuates, we shall see all of Europe strategically out-flanked. There is no way it can be stopped except by strong diplomatic pressure on Moscow by the United States, backed up by United States power and a United States will to use that power. As I look around Congress, I do not see that will. As I look at the United States military posture, I see it rapidly diminishing while at the same time many of my colleagues in Congress clamor for even more cuts in the defense budget. No doubt many of my colleagues in Congress will convert rapidly from "dove" to "hawk" when they eventually see the seriousness of our eroded position in Europe but, by then, it will be too late. After all, we elect men to Congress to think hard and prepare for long term eventualities, not to repent at the hour of surrender and then pretend that such repentance is leadership.

ASIA

Now, let us, in this overview of this possible world to be, look at Asia. The Southeast flank of Asia, that is Southeast Asia, is all but lost to communism, and soon we will face a hostile seaboard running from the Bering Straits off Alaska, along the Pacific Coast of the Soviet Union, along the seaboard of Communist China and into a now nearly Communist Southeast Asia. What will be the impact of this hostile seaboard? Perhaps the two great Communist powers will quarrel over the spoils. I certainly do not expect this new Communist area to be monolithic; most of the old divisions will persist. Someone once said, "God looks after fools, drunkards and the United States of America." Perhaps internal divisiveness will ease the situation. Let us reflect on the strategic importance of Southeast Asia. At this moment there is a super tanker every fifty miles between the Persian Gulf and Japan. Japan, with the world's third largest economy, is totally dependent upon imported oil. Each tanker must run the narrow Malacca Straits which soon could be under Soviet dominance. Will Japan, with this noose placed around her neck, and taking note of U.S. unreliability, turn to us or to one of the great Communist powers for a new arrangement? Will Japan build nuclear weapons? Japan can hardly afford to do nothing.

Then, as a contrast, let us look at the interesting situation of Thailand, the strategic pivot point of Southeast Asia. As the Japanese demonstrated in World War II, he who holds Thailand can move West into Burma and thus into India, or South along the Archipelago of Indonesia to Australia. In terms of communications, the world can be divided in two. The predicament of the Thais who have a bilateral alliance with the United States, in addition to a commitment under SEATO, is interesting. They have already, it seems, made their decision. Even as the Communist forces encircle them, they are asking the remaining elements of United States air power to leave their country. Why? They have seen what happened in Vietnam where we became involved in a bloody war which we had no intention of winning; where our air power was limited to insignificant targets; where our naval power with its amphibious capacity to invade the enemy was held in check; and where our armed forces were misdeployed so that they could only react to the enemy's actions. Then the Thais saw that after perpetuating this shocking situation for some years the United States became tired of it all and departed. They further saw that we could not, even after departure, give adequate military aid to our erstwhile allies. Why then should they want to have any relationship with the United States? Why not instead turn to that classic Thai policy of bending like a reed to the oncoming force, hoping that when it is all over, circumstances would not be so adverse as to prevent the reed from standing up straight again.

At this stage, let me make one other point. I am not advocating that the United States arm itself to the teeth, adopt a policy of hostile belligerence and seek to be the world's policeman in each and every case that violates our concept of international order.

On the contrary, I believe we were right these past five years to try to form a closer relationship with the Soviet Union and to begin a limited relationship with Communist China. But, detente, by itself, is not a foreign policy. What I would like to see emerging from these closer relationships is a more vigorous, a more intensive, a more forward-looking American diplomatic posture in which we clearly let our adversaries know what the United States interests are, what we will do to protect these interests, the power we have to indulge in such protection and, above all, the nature of our will. I had hoped that our recent foreign policy activity would develop into such a diplomatic offensive in which detente was to be but a first step. After all, it is a fundamental maxim of international diplomacy that one conducts one's most skillful diplomacy with one's most dangerous adversary. But alas, through an absence of straight diplomatic talk, through a capricious Congress and a nation whose will has been sapped by the mishandling of the Vietnam War, detente seems merely to reveal to our adversaries the awful extent of our inadequacies rather than the validity of our intentions.

AMERICA'S FUTURE

But, to get back to the point—what will be the end of this American strategic withdrawal? Where will our frontier be with Europe held hostage; Japan emasculated; a hostile Asia extending from the Bering Sea to Singapore; and with our allies painfully conscious of our unreliability and lack of will. If my gloomy analysis is even partially right, we are in retreat which will end only on the North American continent. What will this mean to a world which has looked upon us as a model and even from time to time as a savior? The details are impossible to predict, except that conceptually, we must now face a different world from anything we have seen before.

In the world situation which I imagine, I

foresee the United States as an isolated fortress in a planetary society which is fundamentally hostile to the American ideal. This has been increasingly the case these past ten years during which time our leadership has eroded with more and more societies becoming indifferent to United States leadership.

And now, the pace of this erosion is rapidly accelerating. What will the impact be? Politically the impact could be enormously significant. If history can be our guide, states in this condition, i.e., the United States, tend to follow one of two courses. They fall to squabbling over petty, internal difficulties until government, as we know it, lapses into a corrupt, incompetent anarchy. The alternative is the emergence of the "man on horseback"—the dictator who comes to save the people and ends up tyrannizing them.

There would also be significant economic consequences of this erosion of leadership. There has been only one true international movement in this century and that has been international commerce, primarily among free nations. Here, the United States emerged as a leader. The standard of living of a greater part of the planet has benefitted from this great international movement. I do not foresee any further economic advance in this new world order that is emerging but rather a general decline as the United States withdraws from the world economy. As may be seen in neighboring countries, centralized planned economies produce, as they have always produced to date, a dull, grey level of mediocrity for all. Perhaps, however, our biggest diminution will come culturally. The world needs the United States as a stage wherein freedom and diffuse ideas can be tested (and even accepted from time to time) for the benefit of all mankind. This was what the advent of this Republic meant. This is what our future should offer. This role has yet only been partially fulfilled. It will never be fulfilled by a Fortress America and all of us will be lesser humans because of it.

But, more importantly, a policy of isolation in 1980 will be far different in a world strategic sense from a policy of isolation in, say, 1880. In 1880 the United States had not declared its hand as a world leader, but by 1980 we will have played the role for many decades and, as it seems, will have been found wanting. We shall soon face, if the drift continues, a general world rejection of American leadership and, as I have indicated, everyone will suffer.

Now, you may ask me as a United States Senator: What do we do? Where do we turn? Quite frankly, while I do not see immediate relief in the Congressional arena, I do believe that it eventually must come from there and also from the Executive. An awakened American people must demand the kind of leadership to which they are entitled. Let me offer some guidelines. First, this is not a time for party-to-party divisiveness. We need a return to bipartisanship in foreign affairs. The Executive should brief and consult Congressional leaders before a decisive action is taken and this consultation and briefing must always be totally honest. Congressional leaders must in turn respond in terms of what is best for their country rather than their party or, worse, their own political skins.

Secondly, based upon bipartisanship, the initiative as well as the conduct of foreign policy must be returned to the Executive for both long- and short-term actions.

Third, and here I appealed to the good sense of the media in particular, let us all realize that foreign policy cannot be made in the streets. Criticize, analyze, evaluate to your heart's content but please do not provoke those kinds of pressures that make politicians forsake their judgment and instead turn to the assuaging of electoral passion.

Fourth, we must remember that there are no instant solutions. Solutions arise through the practice of such ancient virtues as common sense, disciplined thought, courageous action, perseverance, honesty and civility. Fifth, let us also realize that any and every foreign policy venture is dependent upon an America which is militarily strong, economically strong, and strong in Congressional and Executive leadership.

Last, and most significantly, we must undertake international commitments only when these are clearly in our national interest, which is that of preserving a global balance of power. This is the role that history has placed upon the shoulders of the United States—that of preventing any one power or group of powers from obtaining a total hegemony over the planet.

To prevent such hegemony from taking place will require us to enter into alliances with others. Such commitments should be entered into sparingly and only after the most mature and solemn national deliberation. Once entered into, however, both ally and adversary alike should know beyond any doubt that we will thereafter honor each obligation to its ultimate consequences, regardless of cost. It is then and only then that we shall enjoy a stable world. But such a situation will in the end arise not solely from a responsible Congress and an able Executive, but from a stable and strong people. That is the key.

Thus, it is to the American people with their common sense and natural instinct for the good of their country that we must seek our salvation. But, the American people must be accurately informed, not misinformed to suit the personal inclination of any group or the political machinations of elected or appointed officials. I make a plea today for the people to be told the truth. To be informed, the American people need leaders who "tell it like it is" and who have the courage and ability to deal with the real world as it is and in full view of the people. Above all, we need a Congress which places a coherent United States foreign policy above party and above personal interests. We have had such leaders before. We have had a responsible Congress before. We can have it again, but I believe it is only the American people who can effect this transformation.

I do not like what I see ahead of us. But, we have enormous material and spiritual resources, most of them as yet untapped. We have now come to that time when we must draw upon these. With our latent capacities unleashed, I have no doubt that the situation can be reversed.

The basic underlying requirements to solve both our domestic and worldwide problems rest upon strong leadership from the President; the better understanding by the Congress of its place in our tripartite form of government and its responsibilities; and from the people themselves a willingness to make whatever sacrifices are needed in order to achieve those goals which guarantee the perpetuation of our Republic and our way of life.

Within five or ten years, and I am afraid closer to five, the United States must show a determination to adopt this winning strategy or I fear that, like Rome, we as a nation will continue on a downward path which can only end with the inevitable extinguishment of our liberty.

TESTIMONY OF G.E. ENGINEERS: NUCLEAR DESIGN DEFECTS

Mr. GRAVEL. Mr. President, the three nuclear engineers who left General Electric earlier this month were in Washington last week to testify before the Joint Committee on Atomic Energy.

The three men—Dale Bridenbaugh, Richard Hubbard, and Gregory Minor—presented 70 pages of prepared testimony concerning design defects in today's reactors, inadequate quality assurance in nuclear manufacturing, the importance of human error in nuclear safety, reactor decontamination, and the ever-increasing exposure of nuclear employees to ever higher levels of radiation.

I think the Joint Committee acted commendably in rapidly inviting the testimony of these very sincere and competent engineers. But in testifying, of course, their time was limited, and the gentlemen were able to cover only a part of their complete paper and only a small number of the design defects which concern them.

I believe it is of great importance that their complete testimony be made available now to my colleagues and their staffs.

Accordingly, I ask unanimous consent that the first portion of their testimony, concerning design defects, be printed in the RECORD.

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

TESTIMONY OF DALE B. BRIDENBAUGH, RICHARD B. HUBBARD, GREGORY C. MINOR BEFORE THE JOINT COMMITTEE ON ATOMIC ENERGY

I. INTRODUCTION

When we first joined the General Electric Nuclear Division, we were very excited about the idea of this new technology—atomic power—and the promise of a virtually limitless source of safe, clean and economic energy for this and future generations. There was a sense of excitement in the industry that approached a missionary zeal in those early days. Like many of our colleagues, we felt that the results of our work would provide major benefits to mankind.

But now, after a combined total of more than 40 years of experience in all facets of the sale, design, manufacturing, construction, and operation of nuclear power plants, we see that the vision has faded. The promise is still unfulfilled.

The nuclear industry has developed to become an industry of narrow specialists, each promoting and refining a fragment of the technology, with little comprehension of the total impact on our world system.

On February 2, 1976, we simultaneously resigned our management positions from the General Electric Company.

We did so because we could no longer justify devoting our life energies to the continued development and expansion of nuclear fission power—a system we believe to be so dangerous that it now threatens the very existence of life on this planet.

We could no longer rationalize away the fact that our daily labor would result in a radioactive legacy for our children and grandchildren for hundreds of thousands of years. We could no longer resolve our continued participation in an industry which will depend upon the production of vast amounts of plutonium, a material known to cause cancer and produce genetic effects, and which facilitates the continued proliferation of atomic weapons throughout the world.

We know that this Committee has heard abundant testimony over the past 30 years on these aspects of nuclear power, but we feel it is important to express our deep concern about the entire technology before turning to the specifics of our experience.

We resigned our jobs to commit ourselves totally to the education of the public on all aspects and dangers of nuclear power as we have learned them over our many years of experience in the industry.

We hope that this Committee, in exercise of its legislative oversight function, will provide the vigorous safety evaluation this program so desperately needs.

Our personal biographies are attached as Exhibit A.

Copies of our letters of resignation are attached as Exhibit B.

II. NUCLEAR POWER—DEFICIENCIES IN MANY AREAS COMBINE TO MAKE IT UNSAFE

The nation is continually assured by the industry, the power plant owners, and the NRC that nuclear power plants are designed to be very safe. Overlapping emergency systems and redundant components are incorporated into the plant design to reduce the consequences of a single malfunction, and hence, to increase plant reliability. Complex mathematical models of the plants are then promoted to the public as predicting a very low probability and impact of a major accident. The most recent example, of course, is WASH 1400, the "Rasmussen" report.

But "actual" performance does not meet the "theoretical" projections. The unplanned anomaly is the "human factor"; for example, the designers who had not properly considered all the relevant design parameters. The result is in an incomplete or uncoordinated design.

The industry, with the concurrence of the NRC, has over-emphasized the theoretical approach in design verification with insufficient prototype, laboratory, or field test verification. The result is inadequate and unsafe design.

In the implementation of today's regulatory process, there is a tendency to review each safety concern separately and to then conclude that the specific concern, by itself, does not present an undue safety hazard to the public. But what attention is given to the summations of all the individual safety hazards? How many specific safety concerns does it take to conclude that the whole system is unsafe?

A. *Design defects*

Through our experiences we are aware of many design deficiencies and unresolved regulatory issues that have a serious impact on the safety of nuclear power plants. We have listed herein some examples of safety hazards and NRC regulation inadequacies in the design, manufacturing, construction, operating, and maintenance of a nuclear facility. The examples of design deficiencies in nuclear plants in operation and under construction are grouped as follows: core, control rods, reactor vessel, primary containment, materials, and supporting systems.

1. Flow-Induced Vibration in the Core

Light water reactors have been plagued by numerous flow induced vibration problems in both BWR's and PWR's. Such problems result from the continual rapid flow of cooling water through the complex core geometry. This diagram (Figure 1) will assist in understanding the problem.

The earliest serious such problem experienced with a BWR was the core shroud and thermal shield seal at the Big Rock Point Plant in Northern Michigan in 1964. The repair of this flow-induced vibration problem required approximately one year of outage time and millions of dollars of expense.

Flow-induced vibrations have been experienced at PWR's as well, and, as a matter of fact, PWR's are somewhat more susceptible since they are designed with higher flow velocities in the reactor vessel than are seen in boiling water reactors. Flow-induced vibration problems at a PWR were experienced at, among others, Duke Power's Oconee Plant in 1972, where failure of an in-vessel component resulted in severe damage to the tube sheet of a steam generator, at the Rochester G & E Ginna Plant in 1971, and at the Chooz PWR and Sena PWR Plants in Europe in the late 1960's.

a. Sparger failure

The fatigue failure of the in-vessel spargers is a continuing flow-induced vibration problem. A sparger is generally a large heavy-walled pipe designed to distribute fluid uniformly within the vessel. (See Figure 1.)

An early example was the fatigue failure of the liquid poison sparger at the Garigliano Plant in Italy in 1964. The failure was first discovered when leakage was noted coming from an incore housing beneath the reactor vessel. Investigation revealed that the poison sparger had failed, and pieces of the sparger had dropped to the bottom of the vessel. Flow-induced vibration caused the sparger piece to rub a hole through the incore housing resulting in the leakage of water through the housing. The "fix" involved was extensive. But, of greater significance, was the fact that because the poison sparger could not readily be replaced, an analysis was performed which indicated that the sparger was not really necessary to distribute the boron poison throughout the core should emergency shutdown require it. It was decided that continued operation was permissible without the sparger.

This is but one example of the subtle undermining of the safety margins that occur during the operation of a nuclear plant. The plant becomes so radioactively hot and inaccessible that it is very difficult to make even normal repairs. As a result, short cuts are often taken that, in the long run, jeopardize the safety of the plant.

The failure of the liquid poison sparger was the beginning of a series of flow-induced vibration sparger problems. Within the last year, feed water sparger failures have been observed at a number of boiling water reactors: Northeast Utilities Millstone Point Plant, Northern State Power's Monticello Plant, Boston Edison's Pilgrim Plant and Commonwealth Edison's Dresden and Quad Cities plants. In each case, vibration of the sparger, induced by the flow of the feed water through it, resulted in early failure of the sparger and required redesign and replacement of the sparger under extremely difficult field conditions. Such replacements required significant personnel radiation exposure and outage time.

The cracking and breaking of the sparger creates a very unsafe condition. No way has been developed to provide on-line detection of this failure. How many existing plants have this defect? How will we discover the defects before it is too late?

b. Local Power Range Monitor (LPRM) Failure

Another recent problem has been the local power range monitor (LPRM) vibration. The LPRM is an instrument assembly which is spaced periodically throughout the reactor core to measure local power distribution in the core. (See Figure 2.) It is the key neutron sensor of the reactor safety system. During the past year, 11 BWR-4's have been experiencing failures of LPRM's and the associated fuel bundle channels resulting from vibration of the LPRM assemblies against the channels. The LPRM impacting upon the channel caused cracking of the channel, failure of fuel rods and degradation of the signals from the LPRM assembly itself.

The impact of this problem is manifold. First of all, when the signal from the LPRM is degraded, the effectiveness of the entire power monitoring system is degraded. It also has a significant impact on the loss of coolant accident (LOCA). The vibration of the LPRM assembly on the channel has resulted in failure of channels in at least two plants, the Vermont Yankee and NPPD-Cooper Plants. Cracks occurred in the channels and large pieces have actually broken out of them. This failure impacts on the loss of coolant accident since the channels are required to insure the uniform distribution of the emergency core cooling water over the fuel rods. The source of the flow-induced vibration has been traced to the cooling flow passages for the LPRM's and field plugging of these holes has been initiated. Plugging of these passageways changes the ability of the core to reflood following an accident and has required derating of the plants to various levels to ensure that the calculated accident consequences are not exceeded. A "fix" has been proposed where holes will be drilled in the lower portion of the fuel bundles to provide the necessary cooling flow. This is a very difficult modification since holes must be drilled in the highly irradiated fuel bundles; damage to the fuel is possible, and substantial amounts of outage time are required for the operation. Meanwhile, all 11 BWR-4 plants which have this condition continue to run in a derated condition.

During the testing involved in the development of this LPRM "fix," another surprising fact was discovered. The pressure drop across the core plate and the fuel bundles was sufficient to cause more than the calculated rounding of the square fuel channels. This results in increased bypass leakage flow and subsequent deterioration of the operating thermal margins of the reactor fuel. The concern here is that all operating limits are based on the theoretically calculated quantity of cooling water through the core. Discovery of the leakage caused consternation within the effected design groups and created yet another unsafe condition in the 11 BWR-4 plants.

c. Effectiveness of core spray

Another area of concern in all BWR's is the effectiveness of core spray in actually cooling the fuel rods following the loss of coolant accident. A number of cold tests have been conducted by General Electric in measuring core spray distribution in terms of the geometry of the water patterns above the mocked up fuel core. But no actual thermal tests have been performed to determine that sufficient quantities of cooling water will be delivered to the hot fuel rods to cool them in seconds—as the system must do to prevent the core melt down following the loss of cooling accident.

Word has been circulating around the industry that tests on this phenomenon have been performed in Europe which show that the steam blasting up out of the fuel bundle during the accident will prevent the delivery of cooling water to the hot rod. This raises a question as to the effectiveness of the core spray cooling system for the reactor. Have the European tests been evaluated by NRC? With what results?

d. End of cycle SCRAM reactivity effect

Another aspect of core performance that has been discovered to question the safety of the reactor is the phenomenon called "End of Cycle SCRAM Reactivity Effect." In the BWR, as the core nears the end of cycle (approximately annually), the reactor operates with all control rods essentially fully withdrawn from the core. It has recently been discovered that more severe transients can occur under such end of cycle conditions with load rejection. This results because the negative reactivity resulting from rod insertion is not linear, as was originally assumed, but is effective only as the rods near the end of their insertion. The result is a surge—a higher power transient following the load rejection, a higher pressure transient to the reactor primary system, and much more severe conditions within the core during the SCRAM than were originally anticipated.

"Fixes" have been proposed for this phenomenon, but have yet to be implemented. End of Cycle SCRAM Reactivity Effect is another example of conditions encountered during the course of operation which are much different than those assumed during the original design phase.

When a similar effect was observed at the Garigliano Plant in Italy, the "fix" that was applied was to develop a filter system to trim out the peak flux spike in the flux monitoring instrumentation measuring the surge. This is a typical example of how the industry rigs a patched-up safety system in order to keep operating. Rather than to cure the defect, the "fix" proposed was to modify the instrumentation which senses the phenomenon so as not to SCRAM the reactor.

What "fix" is proposed for the End of Cycle SCRAM Reactivity Effect?

Will the NRC require the retrofit to be performed in all BWR's?

2. Control Rod

The control rod system is a critical component in plant safety. It is the system that is normally used to start up and shut down the reactor, and to vary power levels during operation. It is also used as an emergency system when loss of electrical load occurs and a reactor emergency shutdown is indicated; control rods then must be rapidly inserted to reduce the power to the level where the shutdown cooling system can handle the energy that continues to be produced.

a. Control rod life

Control rods have caused problems in reactors from the earliest days. In 1960, the Dresden 1 reactor control rods were found to have extensive cracking after minimal irradiation, and complete replacement of these rods was required after approximately six months of operation. Control rods similar to the replacement design in Dresden 1 are still being used in today's plants. Despite the critical function of the rods in reactor operation, the life of the control rods has yet to be verified. It has been postulated that control rod life may be anywhere from seven to twenty years, but no one really knows.

The end of control rod life may result from two effects: (1) Nuclear depletion, which is the inability of the boron contained in the control rods to absorb enough neutrons to provide the shutdown required, or (2) end of the mechanical life of the control rods resulting from material embrittlement or pressure stresses in the boron containing tubes.

In some Dresden 1 sample rods, it has been found that the stainless steel (304) rods cracked, and the powdered boron has leached out of the rods. There is no way to detect when the cracking occurs, and the only way to detect when the boron has been lost from the rod is to do detailed rod worth tests on each individual control rod in a test configuration.

This is not a normal license requirement or condition of operation for any reactor. Therefore, it is entirely possible that the control rod life may be reached without knowing about it until the reactor is called upon to shut down, and the control rod worth is discovered to be insufficient to produce shutdown. Control rod life must be determined and the technical specification requirements established to ensure that shutdown margins are adequately tested to account for these effects.

b. Collet cylinder tube cracking

Material failures in the control rod drives also affect the ability of the plant to perform safely. Material failures were experienced early at Dresden 1. Modifications were made which appear to be performing satisfactorily, but similar problems have recently appeared again. One such problem is the cracking of a collet cylinder tube on the control rod drive which could affect the ability of the drive to perform properly.

This cracking has resulted in the issuance of an order to limit the number of inoperable drives permissible for continued operation, but ultimately will require the removal and rebuilding of all control rod drives in operation. This will result in a large penalty in operating time, personnel radiation exposure, and high costs, affecting the economic viability of continued operation of the reactor. Other material problems can be expected to occur in the future with serious potential impact to reactor safety.

c. Rod drop accident and patches

There is a classic accident analyzed for BWR's and PWR's. It is called a rod drop accident for the BWR, and a comparable rod ejection accident for the PWR. This is a case where the rod becomes disconnected from the drive and remains stuck in an inserted position when the drive is withdrawn. The accident is caused by the rod moving from the stuck position to the withdrawn position in one quick motion. This would cause a rapid change in local flux (for a high-worth rod) and likely produce local fuel damage, a rapid increase in local power and possible release of fission by-products.

Historically, the industry has played down the possibility of this accident, yet has added various system patches to mitigate the consequences of such an event. The approach of adding an electronic patch to overcome a mechanical deficiency which is otherwise impractical to solve is a common occurrence in the industry. In this case, systems were added to procedurally control the pattern of rod withdrawal and block withdrawal of high-worth rods out of sequence.

These somewhat ineffective patches have added to the complexity of operating the reactor and often wind up bypassed, ignored or circumvented. Specifically, this includes the Rod Worth Minimizer (RWM), the Rod Block Monitor (RBM) and the (still being defined) Rod Sequence Control.

This accident must now be regarded with increased respect and a higher probability of occurrence in view of the chronic problems plaguing the control rod mechanisms and cracking fuel channels—events which make a stuck, disengaged rod more credible. Thus, it is recommended that either the problem be solved or the mitigating systems be improved and made mandatory for operation.

3. Pressure Vessel Integrity

Many questions concerning pressure integrity have been raised in the past and many more undoubtedly will arise in the future. All have important implications concerning the safety of operating nuclear plants. One important concern is the possibility of a breach of the pressure vessel.

The incredibility of a gross pressure vessel failure accident has not been—indeed, cannot be—proven. Yet incredibility is assumed in plant design. Such a distinguished body as the United Kingdom Atomic Energy Authority has recommended against the use of light water reactors because of this. Pressure vessel integrity is questionable for the following and other reasons:

a. Nozzle break between vessel wall and biological shield

A nozzle break occurring between the vessel wall and the biological shield surrounding the vessel could cause movement and forces on the vessel that may have incalculable results.

From past experience with primary piping systems, cracks are most likely to occur at the vessel safe end (Point A on Figure 1). This is the most susceptible point for an instantaneous pipeline break. Failure could cause an instantaneous pressure wave to build up between the inside of the biological shield and the outside of the reactor pressure vessel. This instantaneous pressure wave could be high enough to cause the vessel to move sideways, or to tip over against the foundation causing severe and unknown damage. Such an accident would certainly cause gross distortion of the reactor internals, disruption of the core, and possibly prevent insertion of control rods to shut down the reactor. The emergency core cooling lines could be severed and result in the "incredible" accident. This accident potential exists in most light water reactors, and should be thoroughly evaluated by the NRC.

b. Pressure vessel pedestal acceleration

Another serious problem in "pressure suppression" plants is the possibility of vessel pedestal acceleration resulting from the loads on the pedestal created by the pressure wave developed in the suppression pool (see Figures 4 and 5). These loads on the structure may be transmitted through the soil and through the foundation causing the vessel support pedestal to vibrate to a degree greatly above the seismic design basis for the equipment. This condition could result in failure of the vessel and internals, failure of the core support structure, possible loss of emergency core cooling capabilities, possible loss of insertion capability of the control rods, and, again, untold effects by the accident that could occur. This condition should be thoroughly reviewed by the NRC.

c. Structural Integrity of Pedestal Concrete

A further problem that could affect continued safe operation of BWR and PWR reactors in all containment designs has to do with the structural integrity of the reactor vessel pedestal concrete. A loss of coolant accident in even the small or intermediate range can result in a temperature transient inside the containment of such a magnitude that the thermal shock received by the concrete reactor pedestal could result in cracking of the foundation to the point where its strength would be seriously affected, particularly for future seismic or LOCA transients, thus jeopardizing future public safety. The minimum result would be an extensive shutdown while a way was found to replace or strengthen the pedestal. This would almost certainly be a multimillion dollar expenditure and require months and months of outage time. This accident may already have occurred in 1971 at the Commonwealth Edison Dresden 2 and 3 Plants, where an accidental pressurization of the dry well created a temperature transient which destroyed most of the core monitoring cables, and may well have damaged the foundations on which these reactor vessels sit.

Dresden 2 and 3 should immediately be evaluated for suitability of continued operation, and regulations should be developed to ensure that appropriate action is taken should similar events occur at other plants. This evaluation should include the safety implication of continued operation of plants that are susceptible to such damage.

4. Containment

The primary containment of a nuclear power plant is the pressure containing structure that is provided to contain the most credible accident that is assumed to occur during the life of the plant. In most cases, this is the guillotine break of the largest pipe in the primary system.

a. Mark I Pressure Suppression Containment

In the early BWR's, the system used was a dry containment which was sized to contain the total energy inventory of the primary system that would be discharged in the event of the maximum break. When the first large-scale commercial plants were being designed, it was soon seen that designing a dry pressure containment would be difficult and expensive, and a new concept was developed for boiling water reactors called the "Mark I Pressure Suppression Containment."

In this concept, two chambers are used—a pressure vessel, called the "dry well," which houses the primary reactor system components, and an auxiliary chamber, called the "wet well," which contains a large quantity of water which is used as a heat sink. (See

Figure 3.) Vents are piped into the "wet well" from the "dry well" and discharged beneath the surface of the water.

In the event of an accident, the "dry well" becomes pressurized with the discharged steam and fission products. This combination of steam and gases is discharged beneath the surface of the pressure suppression pool, condensing the steam and mitigating the pressure transient.

The Niagara-Mohawk Nine Mile Point Plant and the Jersey Central Power and Light Oyster Creek Plant ushered in the new era of large commercial power reactors. These were the first two plants of a series of over 30 plants, domestic and overseas, that were built utilizing the Mark I Containment System.

b. Mark II containment

As experience was gained in the design, construction and startup of the plants, it was soon learned that the rather complex structures involved in the Mark I Containment resulted in severe cost penalties and in lengthened construction schedules. A modification was developed which utilized concrete slip forming techniques and an over/under dry well/wet well arrangement to simplify construction and to cut costs.

This concept was known as the Mark II Containment (see Figure 4) and a number of plants are currently under construction utilizing this concept. Approximately 10 BWR plants are based on the Mark II design; none of these plants has yet gone into service.

c. Mark III containment

The next iteration in pressure suppression containment was the Mark III type containment. (See Figure 5.) This containment was a further refinement of the concrete construction, but used a suppression pool under the reactor vessel which utilized a weir wall and horizontal vents to relieve pressure from the dry well in place of the vertical downcomers used in both the Mark I and Mark II containments. It has, incidentally, the disadvantage of requiring maintenance and operating personnel to routinely enter spaces that will be pressurized with steam during the loss of coolant accident; a questionable arrangement. Because this design was a departure from past technology, General Electric built a ⅓ scale Mark III mock-up to test this concept. In analyzing the resulting Mark III test data, it was discovered that the rapid discharge of air through the horizontal vents into the water resulted in a high vertical swell of the pool surface creating large hydrodynamic forces on structures and components above the suppression pool.

This phenomenon has necessitated structural modification to the Mark III designs, and it was only a matter of time until the question was asked as to the applicability of this phenomenon and associated loads on the Mark II plants and on the 38 Mark I plants in operation or construction all over the world.

This question was initially raised by the NRC in April 1975, in a discussion with General Electric Company. The NRC subsequently requested all licensed Mark I plants in the U.S. to conduct an immediate assessment of the new loads that had been discovered in the Mark III testing. The NRC asked for a thorough review of the design basis of all of the existing plants, and for response within approximately 45 days as to justification for continued operation. Since there are some 20 new loads or phenomena that had been determined and which had not been considered in any way whatsoever during the original design of the Mark I containment, the response time was impossible to meet.

To answer the question required development of analytical models, hardware testing, and incredible amounts of structural evaluation. It also required the generation of new acceptance criteria. It was recognized early in the program that the containment could not be found adequate under normal structural design criteria, since that amount of margin is not used for structural design. Accordingly, a concept of "most probable loads" (non-conservative) and "maintenance of function" was adopted.

To address the schedule problem, the utilities proposed to the NRC that a generic evaluation be conducted by the utilities, General Electric and a number of consultants to evaluate all plants simultaneously by categorizing them into typical plant groupings. The plan was to perform representative plant evaluations to determine the probability that the containments, as built, could withstand the forces expected during a design basis loss of coolant accident. The evaluations did not assume the latest seismic criteria nor load combinations for this "quick and dirty assessment"; yet another nonconservatism.

This program was begun May 1975, and was to have been completed by the Fall of 1975. During the course of the evaluation, a number of results were found to be higher than the permissible maximums established for the screening analysis, so it was necessary to run further tests, refine models and perform further evaluation. Even so, the effect of some of the loads on the torus support system was found to be unacceptable. This resulted in an extension of the short-term program from October 1975 until January of 1976.

Progress of the program was communicated periodically to the NRC. The utilities planned to review with the NRC no later than January 28, 1976, the results of the second analysis of the torus support system for all plants. A preliminary review of the results was held by the utilities on January 22, 1976, and on January 23, 1976, the utilities advised NRC by telephone that it appeared all containments would be able to withstand the most probable course of the LOCA event and still maintain function. This conclusion was based on the extrapolation of data from a 1/12 scale test model, and on a substantial amount of engineering judgment regarding the conservatisms inherent in the design basis accident, and in the structural response of the system. In no way would a competent structural consultant testify that the containments clearly met the requirements for integrity of the system. In many plants, loads on columns, welds, and other critical elements would be expected to exceed the yield strength of the materials, a situation not allowed under normal design codes. In addition, only nominal seismic loads were factored into the evaluation, as all of these plants were designed before new seismic criteria had been developed and, if judged by current day standards, would be found to be inadequate in most cases. Even worse, only the most probable loads were used in the calculations, not bounding case loads, and no coincidental loads due to stuck open safety relief valves, or other effects were considered to be applicable.

As a result of errors that were found in the analysis over the weekend from January 23 to January 26, the Vermont Nuclear Power Corporation was advised that Vermont Yankee would be subjected to more severe torus uplift loads than had been reported on January 23, 1976. As a consequence of this new information, the Vermont utility made the decision to shut the plant down until further evaluation could be completed. Recent newspaper articles report temporary repairs have been made and that the plant is returning to service, with extensive modifications to be made while the plant is operating.

All other plants except Boston Edison's Pilgrim Plant, which is shut down for a scheduled refueling, have continued to operate.

Following is a complete list of U.S. Mark I plants licensed for operation:

Operating plants (Mark I containments)

Utility and plant Name

Boston Edison Co.—Pilgrim.

Jersey Central Power & Light Co.—Oyster Creek.

Niagara Mohawk Power Corp.—Nine Mile Point.

Commonwealth Edison Co.—Dresden 2 & 3, Quad Cities 1 & 2.

Northeast Nuclear Energy Co.—Millstone 1.

Northern States Power Co.—Monticello.

Philadelphia Electric Co.—Peach Bottom 2 & 3.

Georgia Power Co.—Hatch 1.

Nebraska Public Power District—Cooper.

Carolina Power & Light Co.—Brunswick 2.

Iowa Electric Light & Power Co.—Duane Arnold Energy Center.

Power Authority of the State of N.Y.—Fitzpatrick.

Vermont Nuclear Power Corp.—Vermont Yankee.

Tennessee Valley Authority—Brown's Ferry 1 & 2.

The consequences of failure of the primary containment system are frightening. The primary containment system provides the most basic defense to the public health and safety in preventing the release of highly radiocative fission products into the biosphere should a loss of coolant accident occur. In addition, the torus portion of the primary containment system provides the source of cooling water for the emergency core cooling system, and is in the life-line that prevents the disastrous core melt down following the loss of coolant accident. If the torus support structure fails in the initial phases of the loss of coolant accident, it could result in failure of the emergency core cooling system piping systems attached to it, and in loss of the supply of cooling water for the core.

The integrity of this portion of the primary systm, then, is an absolute requirement for the protection of the public health and safety and should be an absolute requirement for continued operation of the plant. It is unthinkable that plant operation can be continued on the very tenuous argument that the probability of the accident occurring is low; even the NRC's Rasmussen Report (WASH 1400) postulates that a loss of coolant accident will occur within the foreseeable future. It is more probable that such an accident would occur early in the time period considered by WASH 1400, because the techniques, materials, know-how, and design improvement made in later plants have not been incorporated into the early plants.

During the many meetings of the utility representatives involved with this containment assessment program, the responsibility of continued operation of these plants has weighed heavily on the minds of the parties involved. Each individual should be questioned as to his faith in the design, the level of knowledge, and the wisdom of continuing to operate these plants.

It is urgent that this problem be seriously evaluated and the wisdom of continued operation of these plants be reconsidered.

d. Primary containment fatigue life

There are other questions of containment adequacy that require close inspection by the regulatory commission and by the members of the Committee.

One concerns primary containment fatigue life. The same torus support system, which is of questionable integrity for the loss of coolant accident, is also subject to substantial load effects when safety-relief valves discharge into the suppression pool. This is not an abnormal event, but occurs on most load transients. At a number of plants relief valves have stuck open, with the result of continued extensive blow-down into the suppression pool. This problem actually resulted in rupture of the primary containment at

the Wuergassen Plant in Europe several years ago. Damage was also discovered during 1975 in the pipe restraint systems in the suppression pools at the TVA Brown's Ferry Plant, the Iowa Electric Duane Arnold Plant, and the Boston Edison Pilgrim Plant.

Some modifications have been made and the NRC has issued advice to the operators of the other plants, but there is no coherent program underway to ensure the immediate assessment of the effects of this phenomenon on total plant safety. In addition, the original containment design estimated that a specific number of cycles would occur, and the containment would be designed to be able to withstand this limited number of cycles over their lives. In fact, valve operation has been more frequent than expected, and the cyclical loading of the containment from periodic valve discharges is expected to far exceed the initial design.

e. Uncertain pressure suppression testing

Other problems that affect the performance of the primary containment are uncertainties with regard to the testing of the pressure suppression phenomenon. A limited number of tests were performed on a segment of the containment that was planned for the Bodega Bay Plant (never built). Depth of downcomer submergence testing was varied, but most of the tests were performed at only one level of submergence, four feet. Waves generated within the pool may uncover the vents; seismic slosh may occur which makes pressure suppression ineffective; and since the loss of coolant accident is almost impossible to mock-up, complete verification of the adequacy of the system to withstand a LOCA has yet to be demonstrated.

f. Erosion of design margins

Design margins are continually eroded by modifications resulting from problems that have occurred during plant operation. A good example is the removal of baffles from the torus several years ago. The first Mark I plants were built with anti-slosh baffles installed in the torus. The purpose of these baffles was to ensure that waves would not be built up in the pool resulting in gross disruption to the pool surface and making ineffective the downcomer submergence.

Early in plant operation, it was discovered that the forces produced in the suppression pool by relief valve discharges dislodged a number of these baffles. The "fix" that was implemented was not to strengthen the baffles, but to perform an analysis that indicated that they were not needed in the first place, and subsequently baffles were removed from most existing plants and were eliminated from all future plants. There is a good bit of speculation and concern, particularly by those utilities which removed the baffles, that the containment evaluation program currently underway may prove that baffles are again required for the mitigation of seismic slosh. There will, indeed, be much consternation if hundreds of thousands of dollars (per plant) and a substantial amount of outage time are required to reinstall those baffles.

g. Corrosion allowance in material thickness

Yet another area of weakness in the primary containment of nuclear plants has to do with the fact that no material corrosion allowance has been provided. To ensure material thickness is maintained for the 40-year life of the plant, it was planned that a chromate corrosion inhibitor would be added to the suppression pool water. It has since been determined that the chromate materials have a severe environmental impact and they have subsequently been banned for use in most states. The plants, in some cases, now find themselves operating with torus suppression water inhibited with chromate, but with no way to discharge the water, should modifications be needed that would require draining of the torus for maintenance or modification work. This condition seriously jeopardizes the utility's ability to inspect and modify this critical portion of the nuclear plant. If corrosion inhibitor is not used, protective coatings must be applied. Their effectiveness is also questionable under these severe conditions.

h. Containment electrical penetration seals

A major weakness in the containment system is in the areas where nozzles containing electrical power and instrumentation cables breach the containment. Typically, approximately 4000 to 8000 conductors must enter the containment through nearly 40 nozzles, each 12 inches in diameter. Many containment electrical penetrations utilize an epoxy sealant around conductor rods to achieve a pressure barrier. Epoxy adherence to the conductors has proven to be deficient. For example, at the Farley 1 PWR Plant, approximately 5% of the installed electrical seals leaked following installation checkout under ambient environmental conditions. During simulated LOCA conditions, the penetration epoxy has in some cases reverted. This resulted in gross leakage paths and inadequate electrical insulation of the epoxy sealed penetrations. This is an example of a common-mode failure which would breach the containment and short out control cables at the time of their most critical need. Containment penetrations are a very weak link in the containment system and consequently should receive greatly increased scrutiny from the NRC.

i. Wet well dry well vacuum breakers

Another area where leakage presents a problem is with the vacuum breakers between the wet well and the dry well of the primary containment system. It was discovered that these vacuum breakers are so difficult to maintain to the degree that leak tightness is required in the technical specifications that the Mark I utilities almost unanimously rejected a dry well pressurization scheme as a potential fix for the torus support problem noted above. Vermont Yankee, as the only plant not operating with the containment inerted by Nitrogen, felt pressurization was a viable "fix." One plant, Pilgrim, decided to test dry well pressurization and found that their vacuum breakers were leaking so badly that their technical specifications required them to immediately shut down for repair, even though the test was only to determine whether dry well pressurization was a viable alternative.

j. Summary—Primary containment of BWR's and PWR's

In summary, then, the primary containment system housing almost all of the operating boiling water reactors in the United States contains serious design defects. All of these have been disclosed to the NRC and programs to some degree are underway to provide for improvement. However, it is of deep concern whether the action taken is rapid enough. Because the potential consequences of the failure are great, the advisability of continued operation of these plants under these circumstances is extremely questionable.

While primary containment systems for pressurized water reactors have not been questioned in detail in this testimony, it is certain that similar problems and deficiencies exist in those plants. Pressure suppression is not used in the pressurized water reactors, but a dry containment with a higher pressure rating is utilized.

The same penetration seal problem and the valve leakages will affect the PWR containment's ability to provide the protection required. In addition, the transient assumed to occur during the PWR loss of coolant accident assumes that the energy contained in the steam generators is not immediately released to the containment, as it is assumed that the steam generator tubes and tube sheets will remain intact. This assumption is subject to question and should be proof tested. Integrity of the steam generator under LOCA conditions requires the almost instantaneous pressure reversal of a positive 2,000 PSI to a negative 2,000 PSI on the thin tube structure and on the tube sheet element. This is opposite to the normal direction of loading for which this structure is designed.

It is strongly recommended that full-scale tests be performed on the adequacy of the steam generators to withstand such a transient condition. If this has not been adequately demonstrated, then the pressurized water reactor plants also should be shut down until this can be verified.

5. Miscellaneous components

Numerous component reliability and failure problems have been observed in the light water reactor program that indicate essential safety goals are not being achieved. These problems are reported in lengthy summaries prepared by the NRC, but it is not clear that the responsible design organizations are required to take the necessary corrective safety actions on past, present and future plants. Design improvement programs are somewhat haphazardly suggested to the operating utilities, but no program of required modifications has emerged. Following are but a few components with poor performance records:

a. Valves—All types

(1) Main steam isolation valves have not met leakage requirements, and have not met closure times.

(2) Safety and safety relief valves. Set points drift, valves leak, and valves stick open.

(3) Feed water check valves. Leakage requirements are seldom met when tested.

b. Heat exchangers

All types of heat exchangers have experienced tube failures, tube vibrations, and various other failure mechanisms.

c. Main condensors

Tube life has been poor at many plants. the "old-time" fix of sawdust injection is prevalent—questionable for use in nuclear technology.

d. Valve and pump seals

Length of life is poor; leaks cause many shutdowns.

e. Inspection Techniques

Current non-destructive testing techniques are not effective. Ultrasonic inspection is a "black art." Leaking cracks have been found in lines declared sound by standard inspection.

The list could be endless. What is required is an intelligent program to guide the many organizations in the implementation of mandatory changes in response to field experience. When will the NRC initiate such a program?

6. Material failures

Material failures in reactor systems are numerous, have been well documented, and will not be elaborated upon in great length here; however, they represent a significant impact on the continued economic and safe operation of nuclear power plants.

Intergranular stress corrosion cracking; frequently observed in stainless steel (304) materials, particularly those that have been furnace sensitized, has been the subject of industry studies in the past and continuing in the future.

Piping cracks that were prominent in BWR operations over the past year resulted in the issuance of several industry reports, and the significant question that should be asked is, what is being done to implement material changes in the 59 operating reactors that already exist in the United States? Also, what is being done to preclude utilization of materials and procedures that will result in similar failures on the hundred or so reactors that currently are under construction?

The resources that would be required to update these systems may be impossible for our industrial system to undertake at this time, but inaction leads to serious jeopardy of safety of continued reactor operation, and could result in economic disaster on future plants.

Included in this are not only the piping failures, but cracks of the vessel safe-ends (attachment points) of piping systems, failures of vessel internal parts, such as stub tubes, cladding, thermal sleeves, etc., failures of the feed water spargers previously mentioned, and cracks that have been observed on the pressure vessel nozzle blend radii. These failures present significant safety problems for continued future operation. A specific evaluation, including recommendations for a detailed program of material replacement, needs to be developed by the NRC to minimize the safety impact such failures represent.

7. Fuel Storage Facilities

a. New fuel

An example of a problem brought about by fragmented responsibility is one regarding criticality safety in new fuel storage pits.

New fuel storage racks have in the past been designed to be criticality safe with the fuel stored dry, or also to be safe if the pit happens to be flooded by water. It was recently discovered that the worst criticality condition was neither dry nor flooded, but when a density of less than 0.5 water to air mixture was present. This fact became a safety consideration when it was discovered that fog nozzles of the type commonly used for fire protection in power stations could actually achieve a water density of 0.3. This problem results from incomplete review and communication between the nuclear equipment designers and those responsible for fire protection equipment. When this fact was discovered, somewhat by happenstance, a limited survey of fire protection facilities in operating plants, was conducted by General Electric. Recommendations were made to plant operators that fog equipment should not be used in the vicinity of the fuel storage pit. Who really is responsible for the coordination of all such technical intricacies? The risk of such an accident is so great that this should not be left to chance.

b. Spent fuel storage

Much has been written about the economic penalties to be suffered by the lack of fuel reprocessing facilities. The safety impact of this lack should not be overlooked. Inadequate spent fuel storage facilities may soon exist at many plants. If a defect develops, requiring the rapid discharge of the full core load of fuel, this escalates to an immediate safety problem. What plans has the NRC made to handle such emergencies?

B. Reliability calculations

Reactor vendors have advertised ambitious goals on plant availability. Yet there are currently no design goals established for subsystem reliability or availability. Instead, the practice is to design the system or subsystem, then analyze its failure modes and, from this data, calculate the failure rate in the unsafe mode. When approached from this viewpoint, the failure rate data (and thence the reliability and availability) obtained are meaningless since there is no rational basis for acceptance or rejection.

Substantial safety risk is incurred by not knowing the acceptance criteria for the reliability of safety and safety-related systems. Any decision affecting the design or modification of the systems must evaluate the effect of reliability. An example is in the design of a new safety system for BWR's. In order to determine the need for a test system and the frequency of test, it is necessary to know the desired reliability of the overall system in terms of its impact on the total plant safety. This has not yet been established.

The Rasmussen Report is said to employ a reliability model of an operating BWR (Peach Bottom 2, 3). This is incongruent in light of the lack of reliability data on many of the subsystems. The establishment of such a model is highly recommended. It should be updated regularly as a result of analytical and operating data.

C. Redundancy v. diversity

Redundancy is the practice of putting equal systems or components in place to back up one another (e.g., two Rod Block Monitors are used; either one can block rod motion). Diversity in system design is the practice of making a portion of the system or back-up system from a different technology, component or design, such that the two portions of the total system would not be subject to a common-mode failure. (A common-mode failure is the failure of more than one redundant system or subsystems due to a single factor or event.)

Redundancy is used in most of the reactor systems. However, the industry has carefully looked at diversity and, to date, has avoided it for all but a few situations (e.g., emergency power and types of core cooling systems). In control and instrumentation systems, the decision to not use diversity has been based mainly on economics.

The Brown's Ferry fire demonstrated the vulnerability of redundant and diverse circuits to a common-mode failure when a single event (the fire) wiped out the redundant cabling and disabled the diverse core cooling systems. Similar events are both possible and probable in other areas of the control room and cabling areas. These problems would be most likely to appear in older plants (prior to Brown's Ferry design) where even less care was taken to provide redundancy and diversity.

It is recommended that the NRC review plants prior to TVA–Brown's Ferry and evaluate adequacy of redundancy in the designs as well as the need for diversity in critical systems. The industry, the NRC, and the IEEE should prepare a standard defining diversity requirements.

D. Political, economic and technological pressures on the NRC and utilities prevent the NRC from effectively regulating nuclear power in the interest of public health and safety

The ability of the NRC to effectively regulate safety within the constraints of the current situation of the diverse commercial nuclear power enterprise is suspect.

The tremendous cost, schedule and political pressures experienced make unbiased decisions, with true evaluations of the consequences, impossible to achieve. This is the ultimate deficiency of our nuclear program.

The Mark I containment assessment program graphically illustrates this. The Mark I safety evaluation covers 19 operating plants representing almost one-half of the United States' nuclear power electrical production. It also involves six more units under construction in the U.S. and 13 plants overseas. The primary focus of the program has been to "prove" the plants are safe enough for continued operation—not to openly assess their true safety. During this program many statements and concerns were expressed, illustrating the impossibility of true safety evaluation. For example:

(1) The ever-present fear of local intervenors "finding out."

(2) Proposals that responses to NRS questions on containment be made "generically" by the Mark I group. This was considered desirable so that the information would be filed in the generic files of the public document room, making it virtually inaccessible to local intervenors active on specific plant AS&LB hearings.

(3) NRC staff implications that generic filing essentially "buries" the information from the public.

(4) Utility legal representatives expressing serious concern on what is the true definition of an unresolved safety problem—suggesting immediate plant shutdown requirements.

(5) NRC staff suggestion that serious problems should be reviewed directly with the Director of Nuclear Reactor Regulations. The reason unstated but perhaps to avoid unnecessary expression of concern in the public record.

(6) Advice on how best to present abnormally high results of the structural analysis. Stress levels are avoided because current codes state limits on stresses. Strain limits avoid such technical debate.

(7) Repeated questions by the NRC staff as to the cost of the evaluation program and on how expensive the "fixes" would be. Repeated questions on the loss of power costs to the utility.

Such concerns are of general interest, but express an unnecessary or unreasonable concern over issues not the direct responsibility of the NRC. The NRC safety decisions are by law to be made on the basis of technical safety and its potential impact on the public health, and should not involve economic evaluations.

(8) NRC public statements that are misleading regarding the status of safety evaluations, particularly on operating plants. The January 30th NRC press release regarding Mark I containment indicates everything is fine, that the one reactor that was shut down had design and operating characteristics that differ from those of the other reactors. This is technically true, but only marginally so, and is misleading to members of the public and the industry. This was picked up immediately by plants in Japan where the same immediate assessment of "difference" was made on the Mark I plants there to justify continued operation.

(9) The basis of Mark I technical defense for continued operation was low probability of accident and immediate corrective action would be implemented. Action has been started by most utilities, but no commitment has been made as to when it will be implemented.

It is indeed unfortunate that the commercial and technical proprietary pressures of the business world also work to the detriment of the maximum achievement of safety. An excellent in-depth study of nuclear safety was described by Mr. Reginald Jones, Chief Executive of the General Electric Company, in a December address to New York Security Analysts. Dr. Charles Reed, the top technologist in the Company, amassed a task force of the most knowledgeable people that could be put together in the nuclear business to evaluate the technical and business risks facing General Electric in its nuclear orders. This task force of as many as 70 to 80 people worked for a whole year. It included the finest scientists and engineers in General Electric. The result was a final report that was overwhelming—a five-foot shelf full.

These findings should be shared with the NRC. Nuclear safety affects the welfare of the whole public, and all possible sources of information should be pursued. Has the NRC been presented with a review of these findings and is progress being evaluated? What programs have been implemented by the NRC as a result of this evaluation?

Decisions are forced upon the power plant owners, the vendors, and the NRC to make go, no-go decisions based on technical inadequacies or insufficient data. Compromises are made. There is little disagreement that operating plants are not as safe as we would wish them to be or as safe as they should be. We believe it is imperative that public

safety be adequately separated from other considerations such as economics and the degree of dependence of a region on nuclear power to meet the areas' energy requirements. This serious deficiency in our total nuclear safety system must somehow be overcome.

NIXON'S CHINA TRIP TERMED "INEXPLICABLE AND IRRESPONSIBLE"

Mr. MATHIAS. Mr. President, Secretary of State Kissinger has said that any contact with the People's Republic of China has some value.

I cannot agree. I see little value to be gained from former President Nixon's present visit to China.

It is naive to assert repeatedly that Mr. Nixon is a private citizen. No former President of the United States is a private citizen. The fact that the Chinese Government sent a plane to pick him up; the fact that he is accompanied by a large group of aides, including a Secret Service detachment; and the fact that his trip is receiving worldwide media coverage, make it clear that he is not just your everyday private citizen.

Nor is Mr. Nixon behaving like a private citizen.

When Mr. Nixon makes statements that are subject to interpretation by the press and the public as bearing upon the current foreign policy of the United States, his trip cannot be dismissed as the vacation excursion of a private citizen.

One can only wonder at the motives of the Chinese in inviting him. As for Mr. Nixon, his knowledge of history and international relations is sufficient to make him aware of the problems that can result from his current travels.

Mr. Nixon retired from the Presidency in disgrace. Under such circumstances, it was to be hoped that he might have worked to recover some grace by behaving responsibly and with restraint, especially in an election year. Mr. Nixon's present course is inexplicable and irresponsible.

CONFERENCE ON WORLD HUNGER AND AMERICAN RESPONSIBILITY

Mr. HUMPHREY. Mr. President, I recently participated in a 2-day conference held at Smith College on world hunger and American responsibility. This issue continues to be extremely timely and important.

We currently are facing a situation on world food insecurity—and the United States is not doing what needs to be done to provide a more stable situation in which adequate supplies are available and at reasonable prices. To do this, the United States must develop and implement a food policy.

America must be responsive to hunger here and abroad. The world hunger problem is severe and extensive. The number of malnourished people in the world has not decreased over the last year and is estimated to be more than 600 million people. Approximately 10 percent of our population is hungry.

World cereal production has increased only 0.6 percent over last year—lagging far behind the increase in population growth. Additionally, it is estimated that by 1985, developing countries will have a food deficit of 85 million tons.

The United States has the resources, the know-how, and the technology to fight hunger. As one of the world's largest producers and consumers, our Nation has a responsibility and an interest in fighting hunger.

United States exports account for 55 percent of the world market, and we contribute about 80 percent of the world's food aid. And, the United States contributes significantly to international agricultural research and to increasing food production around the world.

Food and agriculture policy decisions made in the United States drastically affect the production, availability, and distribution of food domestically and internationally. Our agricultural policy decisions have an impact on the world's economy. The food and agriculture economy in the United States alone is a $600 billion industry.

It is time that we decided on a national food policy and stuck to it.

Too many policy decisions are being made which are contradictory or not well coordinated with other policies. Farmers were again told to grow as much as possible and, later on, the Government placed "voluntary restraints" on export sales.

Too often, policy decisions are made for the short-term benefits, disregarding the long-run impacts. Without a food policy, we all suffer from the hazards of a boom and bust market. In 1972, the administration decided to get rid of food reserves because they were too costly to maintain. Since then, our food bill has increased by more than $57 billion—which is more than taxpayers paid over the last 40 years for farm stabilization and conservation programs.

If we have the will to banish hunger, then we must develop a plan to accomplish this.

In my remarks at this conference, I outlined the elements of a food policy. First, it must be based on a commitment to abundance. Second, it would be comprehensive and coordinated—integrating policies and programs relating to food production, processing, marketing, distribution, exports, trade, consumption, and nutrition.

The objectives of such a food policy would include: A fair return to farmers to sustain high-level production; adequate food supplies at reasonably stable prices for consumers and users of farm products; the United States as a reliable supplier on the world export market; support of feeding programs for the needy here and abroad; improved nutrition here and abroad; and assurance of adequate inputs, transportation, and credit for agricultural requirements.

I quoted the words of Father Theodore M. Hesburgh, president of Notre Dame University, who declared:

> With a vision of a world which is larger than ourselves and our concerns of the moment, we can see that isolated lives of abundance would be mocked by indifference to the needs and desires of the vast majority of the human family.
>
> No nation, conceived and dedicated as this one was, could long endure as a community of moral individuals, while ignoring what is happening outside its borders, while ignoring its own role in perpetuating misery. Nor could we hope to secure the interests we have in the developing countries if we did not also respond to their needs as well. In this, there is a happy coincidence of our self-interest as Americans and our moral interest as part of the human family.

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

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

REMARKS OF SENATOR HUBERT H. HUMPHREY

Recently a full-page Wall Street Journal advertisement asked the question—

"Can Anyone Feed a Family of Eight Billion?"

"If there's hope for the future," said the ad, "it's improved technology."

Down at the bottom of the column, the ad concluded:

"But we know technology is not enough."

"So, we'll also be praying for sunshine, warmth and rain."

But if we're really going to feed seven or eight billion people 35 years from now we better add a few things to that prayer list. Things like common sense, sound economics, parity for producers, equity for consumers, luck, and most important of all, the will to do what's necessary.

At the World Food Conference in Rome, Pope Paul told us that only about one half of the world's arable land is in use. He and others have speculated that the globe could sustain a population of 30 to 40 billion people.

What has been holding us back is not a lack of physical capacity to produce enough food. We have the technology, the resources and the ability.

What we lack is the will to banish hunger—and the plan to get it done.

There is no United States food policy. And we have only the beginnings of a world food policy.

Our farmers were asked this year to plant row to row and they were promised access to world markets. But before the harvest was completed, the government again placed controls it calls "voluntary restraints" on export sales.

The consumer also has suffered since 1972 from price changes and fluctuations in supply. You may recall that it was in 1972 that the Administration allowed our food reserve to dwindle from a supply of several months to less than a month.

It is being said today that food policy is too important to be left to the Department of Agriculture. I disagree. While we need to have a coordinated policy, the basic responsibility and initiative should rest in the Department of Agriculture.

Food policy is too important to be left to chance. It is too important to be left to a Secretary of Agriculture who refuses to face a changed world but still want to stay in office.

It is no wonder that some of the responsibility for food decisions has drifted to the Departments of State, Labor and Commerce, as well as White House staffers not very well posted on food matters. There is a very real leadership vacuum at the Department of Agriculture.

We have been inviting disaster for farmers and consumers for the past three years. And disaster has come calling sometimes for farmers, sometimes for consumers, and sometimes for both at the same time.

Part of the reasoning for the Nixon-Butz decision in 1972 to get rid of existing food reserves was that they were too costly to keep.

It is true that the cost of carrying food stocks today is small, and that government costs of farm programs are down sharply.

I doubt, however, that you have noticed the saving on your tax bill.

But you have noticed what has happened to your food bill. It went up by about 35 percent from 1972 to 1974.

The food bill of American citizens has increased by more than $57 billion in the last three years. This is the result of reducing the government's role in stabilizing food production and marketing and turning you over to the tender mercies of the Butz boom and bust market.

That $57 billion is more than it cost the taxpayer in farm stabilization and conservation programs in the last 40 years.

A recent study by Georgetown University shows that in only 11 of the last 50 years did our farmers break even or make a profit. This should end the notion that our farmers have been subsidized by urban America. To the contrary, our farmers have been subsidizing the American consumer for years.

I like the subject of this conference, and I believe that America has a unique role to play in this hungry world.

But how can we keep or even make sense in talking about world hunger when we do not have the basic elements of a workable food policy in our country?

The time has come to turn away from the failures of the past several years.

How many more times will our producers and consumers have to be burned by volatile markets.

How much longer will we expose our overseas customers to the gnawing uncertainty about us as a supplier?

And how long will we turn our backs on real and present hunger in the world?

It no longer is good enough for the poor to eat only in the good years.

It no longer is good enough for farmers to prosper only once in a while.

It no longer is good enough to ask our farm families to plant this year's crops when wildly gyrating prices give them no clue as to whether they will recover their investment, let alone make a profit.

It no longer is good enough for our export customers to wonder whether they will be left holding an empty bag if supplies tighten up here.

It no longer is good enough to have to choose between supplying our own people and those beyond our borders.

And it no longer is good enough to hide behind the excuse that we can't feed the whole world—and use that to justify doing less than we are able to do.

I've recited some of the problems with our present policies. Now let me explain what I believe we need in a food policy.

First, it must be based on a commitment to abundance.

Next, it must be comprehensive and coordinated—an integrated set of policies relating food production, processing, marketing, distribution, exports, trade, consumption and nutrition.

Third, it must seek several objectives, including:

—A fair return to farmers to sustain high-level production;

—Adequate food supplies at reasonably stable prices for consumers and users of farm products;

—Being a reliable supplier on the world export market;

—Supporting feeding programs for the needy here and abroad;

—Improved nutrition, here and abroad; and

—Assuring adequate inputs, transportation and credit for agricultural requirements.

A national food policy geared to these objectives is more than just desirable. It is essential. And I am convinced that the American people would support such a policy.

I have been chairing some food policy hearings being conducted by the Technology Assessment Board of the Office of Technology Assessment to identify the components of a comprehensive national food policy.

In the Joint Economic Committee of the Congress, which I chair, we have given attention to the role which agriculture must play in a full-employment, full-production economy.

And in the Foreign Agricultural Policy Subcommittee, which I also chair, we have been examining ways of achieving better coordination of our food policies.

I have spent much of my time on the producer side of the food problem equation because it is the least understood by the public—and because we have a great deal to lose unless we can keep our family farmers producing at high levels.

It generally is not realized that the American food and agricultural economy is a $600 billion industry—about eight times the size of the auto industry.

But there is a purchasing power side to the food problem as well. Our whole food situation would be much brighter if we were functioning in a healthy national economy.

Even in good economic times, about 10 percent of our people have been hungry or malnourished. With today's massive unemployment and continuing inflation, many more citizens have been forced into this vulnerable class.

If a lesson can be drawn from the experiences of the past three years, it is that we have a new ball game. New mechanisms for decision-making are needed to respond to the structural changes in agriculture.

While U.S. stocks have increased sharply in the past year, world production is only slightly above 1974 and three percent less than 1973. The prospects for the world is continuing tight supplies, with possibly a food deficit of 85 million tons in the developing countries by 1985. We need to be prepared for scarcity or occasional years of surplus.

In developing a food policy we must balance the needs of consumers and farmers. We do not have to put our livestock, poultry and dairy producers through an extreme of boom and bust, fueled by volatile feed prices.

And we also need to balance short and long term interests. In recent years, our decision-makers sometimes have taken short-term approaches with little regard for the longer term impact.

Thus, it was decided to put a cap on beef prices even though it was destined to create dislocations and higher prices in the future.

Later, it was decided to impose controls on exports even though this could set off a cycle of reduced sales abroad, depressed farm income, and reduced productivity.

We no longer can afford to have separate policies for different kinds of agricultural producers. In fact, we need not an agricultural policy, a consumer policy or a trade policy, but a policy which interrelates and balances all of these elements.

We must be conscious, too, that agriculture does not function in a world of its own. Efficient food production is highly dependent upon credit resources, energy, transportation, distribution, tax policies and basic research.

What I have said about the need for a balanced, interrelated U.S. policy on food also applies to a world which has entered a new era of food insecurity.

There is an new internationalism abroad in the world—not based upon the old imperatives of diplomacy and security—but based upon a sense of interdependence in the areas of commodities, technology, production and trade.

We have made efforts in this direction. But they have been feeble.

At the World Food Conference in Rome, we had to be dragged grudgingly into talking about what the conference wanted to discuss—hunger and food security.

The Administration proudly has announced that our food exports—at a value of around $23 billion—account for about 55 percent of food moving in the world market. And we provide about 80 percent of the world's food aid.

But the Administration is almost bashful about providing leadership. And it is in our interest to promote policies which encourage international cooperation and stability in the world food market.

In the words of Dr. Addeke Boerma, former Director General of the UN Food and Agricultural Organization:

"The world has allowed itself to drift into a degree of dependence on the powers exercised on the plains of North America."

At the UN Special Session last September, we did much better in trying to deal sympathetically and on an equal basis with the other nations of the world. And we can only hope that the follow-through will be in the spirit of economic cooperation declared by our spokesman.

The international crisis in energy has taught us some lessons in international cooperation. And one of them is that access to supplies is important as well as access to markets.

I have been a supporter of international economic cooperation and commodity agreements since I first came to the U.S. Senate in 1949.

The farmers and consumers of the world need an alternative to a world commodity trading system dominated by international corporate giants.

We also need to establish a world food reserve. It is not enough just to be for it. We must help implement it and make it work.

We need to be hard-boiled about insisting that the reserve be used for strategic and emergency purposes, not manipulated to drive the farmer out of business or to hold down prices. Thus far, negotiations under the International Wheat Council have been bogged down in discussions over the method by which stocks would be released.

As for a national reserve, it really is not that complicated a problem if we will trust farmers to keep the bulk of the stocks on the farm.

We can do this by providing an extended loan program for farmers. When the farmer sells, he will pay off the loan and interest. He's protected, the consumer is protected and society is better off.

A national food reserve and a world food reserve can benefit both farmers and consumers. But if we are going to use the food reserve to level off the peaks, there must be a parallel policy to level off the valleys.

We're all frustrated about the boom and the bust. But we have to get rid of both at the same time.

A balanced national food policy also must take into account the needs of the food deficit nations. We have provided over $27 billion of food aid, and many more billions in aid to increase food production.

Food aid is not something which should be doled out haphazardly or in response to fluctuations in supply and prices in this country. It should be programmed to encourage production and not lock local farmers into a subsistence agriculture.

The world doesn't really lack food. It lacks effective purchasing power. And until this

can be generated, we just will be treating the symptoms, not the real problem.

We ought to use our food aid to turn the people of the recipient nations into commercial customers for food products of their own or other farmers.

And we know that the food deficit nations can increase greatly their own production by utilizing today's existing technology. For example, rice yields in Bangladesh are only 53 percent of the world average and 24 percent of the U.S. average.

When we provide food aid, it is important that the recipient nations not discourage their own producers through cheap food policies. This will avoid developing permanent clients for our food aid.

And we must more sharply focus our aid programs aimed at expanding food production, rural credit, family planning, research and education. These programs ultimately tie back to poverty and inadequate foods production.

In recent weeks, there have been numerous newspaper headlines about using our food as a weapon of foreign policy.

When I authored some of the early bills, including the Food For Peace Act, I talked about food as an instrument of foreign policy. But not in the sense of using it for coercion.

I visualized Food For Peace as a way to promote the foreign policy of the U.S. and help build world peace.

I did indeed refer to using food in the "arsenal of peace."

I pointed out that Food for Peace is more than a farm program—that it is a foreign policy program and one in which we prove that we really care about people.

To sum up, Americas first responsibility in this hungry world is to update its vision of the world and our place in it—because its a changed world.

The days of cheap food are over, and the days of plentiful food are in serious danger.

We still have plentiful food for all. It is within our capacity.

But we have to choose between the mismanaged and self-defeating policies of today and the development of a managed program of abundance in a comprehensive, integrated national food policy.

If we continue on our present course, we are not going to be of much help to the hungry world. If we do not cope with hunger and poverty, whole societies may break down in violence and revolution.

On the world front, this will require cooperation, not confrontation.

Father Theodore M. Hesburgh, President of Notre Dame University declared:

"With a vision of a world which is larger than ourselves and our concerns of the moment, we can see that isolated lives of abundance would be mocked by indifference to the needs and desires of the vast majority of the human family.

"No nation, conceived and dedicated as this one was, could long endure as a community of moral individuals, while ignoring what is happening outside its borders, while ignoring its own role in perpetuating misery. Nor could we hope to secure the interests we have in the developing countries if we did not also respond to their needs as well. In this, there is a happy coincidence of our self-interest as Americans and our moral interest as part of the human family."

Today, we face the challenge of food insecurity—whether we like it or not. We live in a dangerous world—like it or not.

Those of us who are privileged to be Americans, with our opportunities and resources, the science and technology to produced food, must choose to use these resources constructively and wisely.

The nation which could conceive the Marshall Plan, Food for Peace, the Peace Corps, and so many other noble initiatives, is not short on courage or imagination. And we need not fail the hungry world at this crucial moment.

There is a destiny and a role for America. It is your choice now and mine.

WAR POWERS RESOLUTION

Mr. CLARK. Mr. President, during the recent consideration by the Senate of S. 2662, the International Security Assistance and Arms Export Control Act, Senator EAGLETON proposed a number of amendments to the war powers resolution. Senator JAVITS, speaking for the Committee on Foreign Relations, assured the Senator from Missouri that the committee would conduct thorough hearings on experience to date under that resolution, along with suggestions for changes in it. I have a deep interest in the issues involved in how this Nation goes to war and I look forward to participating in the committee's study.

I wish to call attention to an important article on the War Powers Resolution by Mr. Michael J. Glennon, which appears in the November 1975 issue of the Minnesota Law Review. Mr. Glennon's article contains a thorough analysis of operations under the war powers resolution during the evacuations from Indochina and in the *Mayaguez* incident. He suggests a number of possibilities for strengthening the resolution, including suggestions for exercising Congress power of the purse to terminate the unauthorized use of the U.S. Armed Forces in hostilities abroad. He has made a significant and timely contribution to the public dialog on this important subject.

I commend his article to my colleagues and other readers of the RECORD, and 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 Minnesota Law Review, November 1975]

STRENGTHENING THE WAR POWERS RESOLUTION: THE CASE FOR PURSE-STRINGS RESTRICTIONS

The laws are silent amidst the clash of arms.—Cicero, *Pro Milone*.

(By Michael J. Glennon*)

In the aftermath of the long and bitter debate over United States military involvement in Vietnam, Congress determined "to fulfill the intent of the framers of the Constitution . . . [by ensuring] that the collective judgment of both the Congress and the President"[1] would apply to future exercises of the warmaking powers. The War Powers Resolution,[2] enacted over President Nixon's veto in 1973,[3] restricts the duration of any involvement of United States armed forces in "hostilities" or in "situations where imminent involvement in hostilities is clearly indicated by the circumstances," when the introduction of those forces occurs without a declaration of war.[4] It requires the President to submit a report to Congress within 48 hours after any such introduction of the armed forces,[5] and to terminate the involvement within 60 days after the report was or should have been submitted,[6] or sooner "if the Congress so directs by concurrent resolution."[7] The Resolution also requires the President to consult with Congress before and during such involvements,[8] and to report to Congress when forces are deployed in certain other situations.[9] These are the only provisions of the Resolution that restrict presidential use of the armed forces.[10] A "Purpose and Policy" section[11] expresses the understanding of Congress as to the scope of the President's constitutional power to independently introduce the armed forces into hostilities,[12] but it contains no mandatory language.

The Resolution, then, imposes only what may be termed "subsequent limitations" upon the President's use of the armed forces. This contrasts with the Senate version of the Resolution, rejected by the conference committee, which would have also imposed "prior restraints." It would have stated in operative terms, rather than merely as the understanding of Congress, the circumstances in which the armed forces may be introduced into hostilities without a declaration of war.[13] The Senate version differed from the Resolution in two other important respects. It would have explicitly allowed the President to introduce the armed forces to evacuate United States citizens and nationals abroad in certain emergency situations,[14] and, by avoiding reference to the Constitution in defining the circumstances in which the President could independently engage the armed forces in hostilities, it would have avoided indicating that the President has a constitutional right to act independently in those circumstances.[15]

To date, four events—the *Mayaguez* incident and three military actions relating to the evacuation of American and other nationals from South Vietnam and Cambodia—have caused the President to submit a report to Congress under the Resolution. This Article suggests that the inability of the Resolution to control the President's use of the armed forces during those and similar crises necessitates amendment of the Resolution to include prior restraints of the sort contained in the Senate bill.[16] The Ford administration, however, has indicated that it considers unconstitutional both the subsequent limitations contained in the Resolution and such prior restraints. At least with respect to the prior restraints, some members of Congress share this view—as is illustrated by the rejection of the Senate version of the Resolution.[17] These objections create the danger that a President will consider himself justified in ignoring the subsequent limitations and any prior restraints that Congress enacts. Thus the Article also proposes that Congress obviate that danger by employing funding prohibitions to enforce both subsequent limitations and prior restraints. Its thesis is that, whatever the constitutional scope of the presidential warmaking power, Congress can and should effectively limit the exercise of that power by means of its exclusive power over the purse.[18]

After an introductory discussion of the constitutional allocation of the war-making powers between the President and Congress, the Article lays the foundation for these ideas by examining the legislative and executive responses to the recent events in Southeast Asia. It then examines the current political status of the power over the purse and the constitutional support for its use in the present context. It concludes by elaborating the proposals outlined above and other less crucial possibilities for strengthening the Resolution.

I. THE WAR-MAKING POWERS

The scope of the President's power to make war has been the subject of much controversy in recent years.[19] The wide divergence of opinion is illustrated by a comparison of the most recent statement on the matter by Congress, section 2(c) of the War Powers Resolution, with the opinion of Monroe Leigh, Legal Advisor to the State Department. The Resolution states:

"(c) The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated

Footnotes at end of article.

by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces."

Mr. Leigh, on the other hand, believes:

"Besides the three situations listed in subsection 2(c) of the War Powers Resolution, it appears that the President has the constitutional authority to use the Armed Forces to rescue American citizens abroad, to rescue foreign nationals where such action directly facilitates the rescue of U.S. citizens abroad, to protect U.S. Embassies and Legations abroad, to suppress civil insurrection, to implement and administer the terms of an armistice or cease-fire designed to terminate hostilities involving the United States, and to carry out the terms of security commitments contained in treaties. We do not, however, believe that any such list can be a complete one, just as we do not believe that any single definitional statement can clearly encompass every conceivable situation in which the President's Commander in Chief authority could be exercised." [20]

It is not the purpose of this Article to explore the merits of this controversy; indeed, the proposition advanced here is that the scope of the President's war-making power is irrelevant insofar as Congress refuses to provide funds for unwanted presidential uses of the armed forces. For present purposes, then, it will suffice to make the following points: First, the Constitution's textual grants of war-making power to the President are paltry in comparison with, and are subordinate to, its grants to Congress; [21] moreover, original constitutional materials indicate that the Framers intended a narrowly circumscribed presidential war-making power, with the commander-in-chief clause conferring minimal policy-making authority [22] and no authority to independently commit the armed forces to combat, except in order to repel "sudden atacks." [23] Second, early Presidents generally respected the primacy of Congress in the war powers area,[24] but in recent decades Presidents have assumed the power to involve the armed forces in "full scale and sustained warfare." [25] In this connection it is debated whether repeated exercise by one branch of the government of a power not granted to it by the Constitution accomplishes, by some process analogous to adverse possession, constitutional possession of that power,[26] but what little Supreme Court attention has been addressed to this issue denies such a doctrine.[27] Third, the case law is lean in the war powers area in general, giving original constitutional materials primary significance,[28] but the cases do suggest that the power of the President is at low ebb when he acts in opposition to the express will of Congress.[29]

II. OPERATION OF THE WAR POWERS RESOLUTION DURING THE EVACUATIONS FROM CAMBODIA AND VIETNAM AND THE MAYAGUEZ INCIDENT

The four events that have given rise to the submission of reports required by the War Powers Resolution must be viewed, for present purposes, in the light of a group of statutory provisions that Congress enacted between 1973 and 1975 in order to terminate and prevent further United States military involvement in Southeast Asia. The common effect of these essentially similar provisions is to prohibit the use of funds to finance "combat activities," and other military or paramilitary operations "in," "over," and "off the shores of" North and South Vietnam, Laos, and Cambodia.[30]

A. The evacuations and the Vietnam Contingency Act

The first report was submitted on April 4, 1975.[31] Three days earlier Cambodian Premier Lon Nol had left the capital, Phnom Penh, as Khmer Rouge insurgents closed in on the city.[32] South Vietnamese forces had abandoned more than two-thirds of their country to the North Vietnamese.[33] President Ford, "taking note of the provision of section 4(a) (2) of the War Powers Resolution." [34] reported that he had ordered United States naval vessels carrying some 700 marines, equipped for combat, into the territorial waters of South Vietnam. Their "sole mission," the President said, was to "assist in the evacuation [of "refugees and U.S. nationals,"] including the maintenance of order on board the vessels engaged in that task." [35]

On April 10, the President, addressing a joint session of Congress, asked it to "clarify immediately its restrictions on the use of U.S. military forces in Southeast Asia for the limited purposes" of evacuating Americans and South Vietnamese.[36] His reference to "restrictions" was undoubtedly to the statutory funding prohibitions,[37] rather than to the War Powers Resolution, for the latter imposed no restrictions upon the introduction of armed forces into hostilities and its 60-day limit [38] was unlikely to be exceeded by an evacuation effort.[39]

The second report was submitted two days later.[40] The President, "taking note of section 4 of the War Powers Resolution," reported that Khmer Rouge forces had reached the outskirts of Phnom Penh and were within mortar range of Pochentong Airfield, and that he had therefore "ordered U.S. military forces to proceed with the planned evacuation." These forces included 350 marines, 36 helicopters, and supporting tactical aircraft. A total of 82 United States citizens, 159 Cambodians, and 35 third-country nationals were evacuated during the four-hour operation. Although hostile recoilless rifle fire was encountered by the last forces to leave, the fire was not returned. No casualties were incurred.[41]

On April 14, Senate Major Whip Robert Byrd responded to the President's request for "clarification" of the statutory funding prohibitions by introducing legislation [42] to authorize the use of the armed forces to protect United States citizens being evacuated from South Vietnam under circumstances posing a threat to their lives.[43] The bill would have removed the statutory funding prohibitions "to the extent necessary to give effect to" that authorization.[44]

On approximately the same date, the administration transmitted to Congress its own bill for "clarification" of the funding prohibitions. It provided simply that nothing contained in those prohibitions "shall be construed as limiting the availability of funds for the use of the Armed Forces of the United States to aid, assist, and carry out humanitarian evacuation, if ordered by the President." [45] Unlike Senator Byrd's bill [46] and the Senate version of the War Powers Resolution,[47] it contained no *authorization* for the use of the armed forces and no limitations upon what persons could be evacuated or under what circumstances.[48]

On April 17, the House International Relations Committee reported a bill essentially similar to the administration's model.[49] It did not purport to confer authority to use the armed forces.[50] Rather, it authorized funds for the evacuation,[51] "without the use of military force, if possible," of citizens and dependents of citizens or permanent residents of the United States; of "Vietnamese nationals eligible for immigration to the United States by reason of their relationships to American citizens"; and of other foreign nationals under "direct and imminent threat" of death, if the armed forces "necessary to carry out their evacuation do not exceed those necessary to carry out the evacuation of" the prior two categories of persons.[52]

The Senate Foreign Relations Committee, meeting the week of April 14–18, was thus confronted with three alternatives: do nothing,[53] report a measure setting aside the funding prohibitions and suggesting that the President proceed on the basis of his own constitutional authority; or follow Senator Byrd's lead [54] and report a measure authorizing use of the armed forces to evacuate certain persons in certain circumstances and lifting the funding prohibitions to the extent necessary to implement that authorization. The Committee selected the final alternative.

The Committee had already drafted a blueprint for implementing this choice. Six years earlier, in reporting the National Commitments Resolution, it had recommended that in considering future resolution involving the use or possible use of Armed Forces, Congress—

(1) Debate the proposed resolution at sufficient length to establish a legislative record showing the intent of Congress;

(2) Use the words *authorize* or *empower* or such other language as will leave no doubt that Congress alone has the right to authorize the initiation of war and that, in granting the President authority to use the armed forces, Congress is granting him power that he would not otherwise have;

(3) State in the resolution as explicitly as possible under the circumstances the kind of military action that is being authorized and the place and purpose of its use; and

(4) Put a time limit on the resolution, thereby assuring Congress the opportunity to review its decision and extend or terminate the President's authority to use military force.[55]

The Vietnam Contingency Act of 1975,[56] reported April 18, comported with these guidelines. It authorized use of the armed forces "in a number and manner essential to and directly connected with the protection of . . . United States citizens and their dependents while they are being withdrawn" from South Vietnam.[57] It required the President, upon any such use of the forces, to submit a report under section 4(a) of the War Powers Resolution and to certify that a direct and imminent threat existed to the lives of such citizens, that every effort had been made to terminate that threat diplomatically, and that the evacuation was being carried out as rapidly as possible.[58] The bill also authorized the use of the armed forces "to assist in bringing out endangered foreign nationals," but only if that could be done incidentally to, and without any expansion of, the evacuation of United States citizens and their dependents.[59] Lastly, the bill set aside the statutory funding prohibitions "only to the extent necessary to give effect to" authorization for the evacuation of United States citizens and their dependents.[60]

The Senate passed the bill in substantially the same form in which it had been reported, with the result that the conference committee was confronted with the same alternatives that the Senate Foreign Relations Committee had faced. Like the Senate Committee, the conference committee chose the route of authorizing and limiting use of the armed forces, and adopted the Senate language virtually without change in its report.[61]

Adoption of the conference report would have been an important reassertion of the congressional war-making power, reclamation of which had begun with the enactment of the various funding prohibitions and the War Powers Resolution. A specifically limited congressional authorization would have prevented the evacuation from serving as a precedent for independent presidential use of the armed forces to rescue endangered United States citizens, or any other persons, when there is time to seek the permission of Congress.[62] Indeed, it would have established a precedent for requiring congressional authorization. Such a precedent would have been most clearly justified insofar as it related to rescue of foreign nationals, for there

Footnotes at end of article.

the constitutional support for the President's independent action is particularly slim.[63]

Perhaps even more importantly, enactment of the conference report would have avoided the erosion of the congressional power over the purse that was bound to occur if the President was permitted to proceed with the planned evacuation in the face of statutory prohibitions on the use of funds for that purpose.[64] In particular, it would have undermined any claim by the executive branch that funding prohibitions could not curtail activities allegedly supported by the commander-in-chief clause.[65]

The conference report was passed by the Senate on April 25, the same day it was filed by the conferees. It was scheduled for consideration by the House the morning of April 29. However, that morning Speaker Carl Albert telephoned from the White House to remove the bill from the calendar.[66] The evacuation was already in progress. Later that day, President Duong Van Minh in Saigon announced the unconditional surrender of South Vietnam.[67]

On April 30, the President transmitted a report regarding the evacuation.[68] Again "taking note of the provision of section 4 of the War Powers Resolution," he reported that the operation involved 70 helicopters, fighter aircraft, and 865 marines. The fighters "suppressed" anti-aircraft fire, and ground forces occasionally returned enemy fire. Four members of the armed forces were killed, including two marines "on regular duty" at Tan Son Nhut Airfield. Approximately 19 hours elapsed from the time United States forces entered South Vietnamese airspace until the last elements of the ground security forces departed Saigon.

On May 1, the House took up the conference report and rejected it, 162–246.[69]

B. The Mayaguez incident

Early in the morning hours[70] of Monday, May 12, 1975, the *Mayaguez*, a merchant vessel of United States registry with a crew of United States citizens, was seized by a Cambodian motor torpedo boat six and one-half miles southeast of Poulo Wai Island and taken to Koh Tang Island. That afternoon, 1100 marines were ordered flown from Okinawa and the Philippines to Utapao Air Base in Thailand. This time the President did not request Congress to "clarify" the statutory funding prohibitions. At 1:00 a.m. Wednesday, May 14, United States aircraft sank a Cambodian patrol craft that had attempted to leave Koh Tang Island. Thereafter two other Cambodian patrol craft were destroyed and four immobilized. Several hours later the *Mayaguez* crew members were put in a fishing vessel and taken to Kompong Som on the Cambodian mainland. At 7:00 p.m. Phnom Penh radio was overheard in Bangkok announcing that the Cambodian government would release the *Mayaguez*. Afterwards, at 7:20 p.m., about 135 marines landed on Koh Tang Island under heavy fire. At 9:00 p.m. marines, boarding from the *U.S.S. Holt*, took possession of the *Mayaguez*. At 10:45 p.m. the destroyer *U.S.S. Wilson* reported a small boat approaching, flying a white flag; at 10:53 p.m. the *Wilson* sent word to the Pentagon that at least 30 caucasians were aboard the boat. (After the incident, Secretary Schlesinger stated that the crewmen "arrived at the *Wilson* as a result of what is presumed to be the decision of the Cambodians to deliver them up in order to terminate combat activities directed primarily at the mainland." [71]) At 11:00 p.m. United States aircraft struck the airfield at Ream and an oil storage depot on the Cambodian mainland.[72] The Pentagon said that 17 enemy planes had been destroyed on the ground, a hangar smashed and the runways cratered.[73] By the conclusion of hostilities 41 members of the United States armed forces had been killed.[74] The 39 members of the crew survived unharmed.

The President's report was submitted May 15.[75] Although "taking note of Section 4(a)(1) of the War Powers Resolution," it ignored Section 4(a)(3) in neglecting to mention the enlargement of United States forces in Thailand. Nor did it report any fatalities or refer to the statutory funding prohibitions.

C. Failure of the funding prohibitions

The statements of facts contained in the four reports submitted by the President under section 4 of the War Powers Resolution[76] leave little doubt that in each case United States forces carried out "military operations" or "combat activities" "in," "over," or "off the shores of" Cambodia or South Vietnam,[77] and thus that in each case the several statutory funding prohibitions were violated.

Indeed, in the case of the *Mayaguez* incident this conclusion is implicitly acknowledged by the report's reference to section 4(a)(1) of the War Powers Resolution—the section dealing with situations wherein forces are "introduced into hostilities."

Nevertheless, on May 7, just prior to the *Mayaguez* incident, Monroe Leigh expressed to a subcommittee of the House International Relations Committee the view that the statutory funding prohibitions did not apply to the evacuations because "there was . . . a very substantial legislative history that it was not the intent of Congress in the funds limitation statutes to curtail . . . [the] exercise of presidential authority [to evacuate Americans]." [78]

Is Mr. Leigh not familiar with the "plain meaning rule"? [79] Moreover, if the statutes were not applicable,[80] why did President Ford request, prior to the Vietnam evacuation, that they be "clarified immediately"? [81] In any event, the legislative history provides almost no support for Mr. Leigh's theory.[82] Only one reasonable inference can be drawn from Mr. Leigh's *ex post facto* claim of executive authority. The failure of Congress to pass the Vietnam Contingency Act and to object to the violation of the funding prohibitions during the evacuations had convinced the administration by the time of the *Mayaguez* incident that most members of Congress would not object to a further violation of the funding prohibitions if the activities constituting the violation were politically acceptable.[83] The law had become a mere inconvenience which—thanks to public support, the legal theories of the State Department, and the acquiescence of Congress—could be ignored.

III. NEED FOR STRENGTHENING THE WAR POWERS RESOLUTION

A. Prior Restraints

Clearly the parade of horribles predicted by President Nixon[84] has not been set to march by enactment of the War Powers Resolution. The evacuations and the *Mayaguez* incident demonstrate that the Resolution has not diminished the ability of the President to "act decisively and convincingly"—even in the face of statutory funding prohibitions.[85]

On the contrary, events during the spring of 1975 illustrate that the Resolution presents no bar to possible excesses of presidential war-making. The ratio of United States citizens evacuated to foreign nationals evacuated from Cambodia and Vietnam strongly suggests that, but for the dubiously constitutional evacuation of the latter,[86] the exposure of United States forces to hostilities would have been considerably shortened and possibly eliminated.[87] And during the *Mayaguez* incident, both the assault on Koh Tang Island *after* the Cambodian government had announced it would release the vessel and the attacks on the Cambodian mainland *after* the release of the *Mayaguez* crew were apparently retaliatory[88] and thus also unconstitutional.[89]

The validity of certain criticism of the Resolution has been vindicated; namely, lacking prior restraints it does not curb unwanted presidential uses of the armed forces. Major military operations can, in modern times, take far less than even 48 hours, let alone 60 or 90 days. The evacuations from Cambodia and Vietnam were completed before the reports required by the Resolution were submitted. Neither during those instances, nor during the *Mayaguez* incident, did the Resolution pose any obstacle to real or potential transgressions of the constitutional limits of the President's war-making power.

B. Subsequent limitations

The effectiveness of the subsequent limitations of the Resolution[90] as a deterrent to congressionally unauthorized use of military force by the President has not yet been tested, but the administration has suggested that it may ignore the subsequent limitations should the question arise. Mr. Leigh indicated, in testifying before the Subcommittee on National Security Policy and Scientific Developments of the House International Relations Committee, that if a President's use of the armed forces is pursuant to a constitutional grant of power—and what President will claim otherwise?—then any statutory provision (such as the 60-day limit of section 5(b)), to say nothing of a mere concurrent resolution (such as that provided for by section 5(c)),[91] purporting to cut short that use is unconstitutional.[92]

It is worth noting, in this connection, the wording of the four reports submitted by President Ford. They were not submitted "in accordance with" or "pursuant to" or "as required by" section 4(a) of the War Powers Resolution; the President simply "took note of" the reporting requirement.[93] Moreover, the reports submitted during the evacuations from Cambodia and Vietnam were not identified as "paragraph (1)" reports,[94] the only type that triggers the 60-day limit. Whether this represented an attempt to evade the law is unclear; however, also worth noting is an executive-branch objection to various provisions of the Vietnam Contingency Act[95] on the ground that they would "require the President to endorse the provisions of the War Powers Resolution." [96] In the light of these unsubtle warnings that the present administration, like the last,[97] considers the Resolution unconstitutional, it takes little prescience to realize that the day may come when a President chooses not to "take note of" the reporting requirement or any other provision of the Resolution.

And he may succeed in doing so, for the share of the warmaking powers exercised by each branch is and has been less a function of the textual allotment of that power by the Constitution than of the political ability of Congress or the President to claim and exercise that power. The ability of Congress to exact future compliance with section 5(b) and 5(c) of the Resolution, if and when the occasion to do so arises, may thus rest more on the political leverage it can exercise than on the force of its legal arguments. The *Mayaguez* incident would certainly suggest as much. A clearer case of presidential violation of statutory law[98] could hardly exist. But the President's actions were popular, as they normally are in such circumstances,[99] and compliance with the funding prohibitions was not politically necessary. The determinative factors in a President's decision to comply or not to comply with section 5 of the War Powers Resolution may likewise be primarily political rather than legal in nature.

Consequently, it is possible that an effort to bolster the Resolution will be successful only to the extent that legal logic is an ingredient of political power. But insofar as the logic of the law is all Congress can ever with certainty rely on, Congress should ensure now that the fullest measure of its authority under the Constitution is brought to bear behind section 5.

Footnotes at end of article.

IV. METHODS OF STRENGTHENING THE RESOLUTION

A. Use of the appropriations power to limit military activities

One exclusively congressional power—perhaps the most important of congressional powers—is the power over the purse.[100] What is the status of that power? Clearly, congressional acquiescence in its usurpation during the evacuation from Vietnam and Cambodia and the *Mayaguez* incident did not redound to congressional benefit. Those events could conceivably be cited by future Presidents as precedents for military operations for which Congress has denied funds.

The Legal Advisor of the Department of State, in fact, has already entered a two-pronged challenge to the power of Congress to employ funding limitations to restrict presidential military activities. He contends that funding prohibitions are unconstitutional to the extent that they prohibit the exercise of authority granted by the commander-in-chief clause and, in any event, constitutionally ineffective to limit such authority as long as funds are elsewhere available. Each proposition warrants examination.

1. General Constitutionality

As previously noted,[101] Mr. Leigh has indicated that he believes that the President possessed the authority to evacuate United States citizens from Cambodia and South Vietnam and to rescue the *Mayaguez* crew, notwithstanding prohibitions against the use of funds for those activities. Although he asserted that the prohibitions were inapplicable because of their legislative history,[102] he also indicated that had they been applicable, he would have considered them unconstitutional:

"I do believe personally that such matters [as the Cambodia and Vietnam evacuations] involve the inherent constitutional power of the President and I don't think that every limitation that Congress might enact on an appropriation or otherwise is necessarily a constitutional one. I think there are some that would be plainly unconstitutional." [103]

Which appropriations limitations would be "plainly unconstitutional"? The Constitution provides that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." [104] The Supreme Court has never held unconstitutional any use of the appropriations power to limit the exercise of power by the executive branch.[105] The only limitation on an appropriation act that the Court has invalidated [106] exceeded a constitutional limitation on the power of Congress—the prohibitions against bills of attainder.[107]

The only prohibitions in the Constitution against the use of the appropriations power to curtail the activities of another branch are the requirements that the Justices of the Supreme Court and the President receive a compensation that may not be diminished.[108] Had the Framers intended further limitations on the appropriations power they surely would have included them. Indeed, in the case of military matters they went to the other extreme. In addition to the power to appropriate funds—and to refuse to do so—they gave Congress the power to "raise and support Armies" [109] and to "provide and maintain a Navy" [110]—and to refuse to do so. Far from giving the President power over the purse so that he could carry out the commander-in-chief clause, as Mr. Leigh suggests, the Framers believed it "particularly dangerous to give the keys of the treasury, and the command of the army, into the same hands." [111] As a result, they transferred the war power, in the words of Jefferson, "from the Executive to the Legislative body, from those who are to spend to those who are to pay." [112] Thus Presidents Jefferson and Jackson, when requesting congressional instructions as to the proper course to pursue in the fact of threatened aggression by Spain and marauding by South American pirates, respectively, recognized that control of the "means" necessary to carry out any military effort lies exclusively wih Congress.[113] The supremacy of the purse power was recognized by the Nixon administration even as it asserted broad power under the commander-in-chief clause to prosecute the war in Vietnam.[114]

2. "Conditions Subsequent"?

The second basis for Mr. Leigh's denial that Congress may constitutionally employ funding prohibitions to restrict the President in what he believes to be a constitutional use of armed force is his unexplained theory that such prohibitions are "conditions subsequent." In order to cut off funds for a specific activity, Mr. Leigh argues, Congress must wait for the President to "use up all the moneys appropriated." [115]

Precisely what type of appropriation Mr. Leigh meant by "all the moneys appropriated" is not clear. Whether he meant the entire defense budget, something less, or something more, must be guessed, but is not important, for Mr. Leigh's point is clear. The President can use for one purpose funds that were designated for another until those funds are exhausted, notwithstanding a law prohibiting that use.

This is nonsense. Followed to its logical conclusion, Mr. Leigh's argument would deprive Congress of the power to specify the purpose for which funds are appropriated. The principle is long established that Congress has the exclusive power to specify how appropriated moneys shall be spent.[116] The only difference between an appropriation for a specified object (a "line-item") and an express prohibition against the use of funds for a certain activity is a semantic one, the positive language of the one contrasting with the negative language of the other. Every appropriations act thus contains "conditions subsequent" in the sense that each specifies the purposes for which funds are appropriated—and, by implication, not appropriated. Transfer authority to take funds from one appropriations account and place them in another is a statutorily granted privilege, not a constitutional right.

B. The purse and the war powers resolution

1. Subsequent Limitations

That, then, is the status of the congressional power over the purse: still intact, but under stress and in need of reassertion. Happily, the two desiderata dovetail at this point: there could be no more effective reassertion of the appropriations power, and no better means of strengthening the subsequent limitations of the Resolution, than placing the power over the purse behind those limitations—by prohibiting the expenditure of funds for the use of the armed forces in hostilities after the termination of the 60-day period [117] or after the adoption of a concurrent resolution.[118]

No statutory scheme constructed in the twilight zone [119] of the war powers can be entirely immune from constitutional attack. But a funding cutoff, because it is the product of an unquestionably [120] *exclusive* congressional power, is more forceful constitutionally than the simple termination provisions of sections 5(b) and 5(c), which derive from the often usurped [121] and much disputed congressional war-making power. For instance, because the authority of the President to expend appropriated funds is "delegated" while the President's authority to repel "sudden attacks" is not, use of the purse power to enforce the subsequent limitations would undermine Mr. Leigh's argument [122] that the concurrent resolution provided for by section 5(c) is an unconstitutional attempt to divest the President of an undelegated power.

Moreover, innumerable precedents would support the sort of funding cutoff discussed. Congress clearly has the authority to make funds available for only a given purpose and a specified period of time; it does so frequently by prescribing availability for a particular department or agency within a designated fiscal year. A prohibition against the use of funds following termination of the 60-day period of section 5(b) would differ from fiscal year availability only in the sense that the former is contingent upon the occurrence of a particular event, the submission of a section 4(a)(1) report. But a cutoff based on a contingency is hardly unprecedented.[123] Nor is a cutoff by concurrent resolution innovative.[124]

In summary, even were Mr. Leigh correct in asserting that a constitutional use of the armed forces cannot be terminated by the exercise of congressional war-making power,[125] it would not follow under any but the most extreme of constitutional theories that Congress cannot refuse to appropriate funds for that use or that in the absence of an appropriation such use may continue.

2. Prior Restraints

The advisability of using the appropriations power to bolster the subsequent limitations of the Resolution leads to an obvious question. Why should appropriated funds be available for uses of the armed forces in situations not recognized by section 2(c)? Why should Congress, if it really means what section 2(c) says, not use its power over the purse to add teeth to that section? This form of "prior restraint," unlike the prior restraints contained in the Senate version of the War Powers Resolution,[126] would not be subject to the objection that a constitutional power is being circumscribed by statute: [127] Whether the President's war-making power is broader than recognized by section 2(c) would be beside the point since no military activity can be carried out in the absence of funds. The question is not even whether the congressional power over the purse can be used to deprive the President of his powers as commander in chief (or vice versa), since it is possible to read the constitutional provisions together as contemplating a chief executive who exercises a war-making power as extensive as the Constitution and appropriated funds allow.[128] In fact, this is precisely the scheme the Framers intended.[129]

Thus there would be several advantages to including a funding prohibition in section 2(c) as well. First, it would prevent unwanted presidential military excursions at the outset by denying funds to a President who intended to operate beyond the congressionally recognized limits of his power. Second, it would obviate the need for Congress, in order to prevent unauthorized presidential use of armed force, to hurriedly legislate ad hoc authorizations, limitations, and prohibitions every time the occasion arises. The scope of the President's independent authority to use the armed forces in an emergency situation would already be defined. Third, as with the subsequent limitations of section 5, prior restraints tied to the purse strings would be virtually immune from constitutional challenge and would thus provide a needed predictability that they would be respected in times of crisis. Including funding cutoffs would ensure, in short, that during the next involvement of the armed forces in hostilities, the Resolution will not be largely irrelevant.

If section 2(c) is thus amended to impose prior restraints upon independent presidential action, however, it should also be modified in several other respects. First, as Professor Berger recommended in discussing the Senate version of the War Powers Resolution,[130] independent presidential introduction of armed forces into hostilities should be sanctioned only where Congress is unable to act rapidly enough to be effective. Such

Footnotes at end of article.

a qualification would conform the presidential war-making power to its most appropriate constitutional interpretation,[131] thus reducing the risk that the President will commit the nation to hostilities that Congress would have chosen to avoid.

Second, the section should be broadened to sanction, as did the Senate version of the Resolution,[132] independent presidential use of armed force to evacuate United States citizens endangered abroad under certain narrowly defined circumstances. Here again, however, the President should be permitted to act only where Congress cannot act rapidly enough.[133] This expansion is advisable because Presidents will probably assume the authority to act in such situations regardless of a lack of congressional authorization; thus Congress will be in a stronger position if it authorizes, rather than merely acquiesces in, their actions, for acquiescence would suggest that a President may constitutionally act without congressional authorization in still other situations not enumerated by the section.

Finally, the section, if so expanded to sanction certain presidential evacuations of United States citizens, should not purport, as it presently does, to define the constitutional scope of the President's power. In the first place, such a definition would be unnecessary if the section were coupled with purse-strings limitations. More importantly, it is not at all clear that the President can constitutionally evacuate United States citizens in any circumstances if Congress prescribes such action.[134] Therefore a congressional concession that he can would undermine later congressional action denying that the President has such authority. Moreover, such a concession would support presidential assertions of constitutional authority to use armed force in situations somewhat analogous to but potentially more explosive than evacuation of United States citizens—*e.g.*, the rescue of captured United States citizens, as in the *Mayaguez* incident.[135]

C. Other possibilities for improvement

The Article has dealt with only the major possibilities for strengthening the War Powers Resolution. The events discussed, however, suggest the possibility of further improvements.

(1) Reference to the "introduction" of the armed forces into hostilities may not cover all situations that should trigger the reporting requirement of section 4(a)(1) and the subsequent limitation of sections 5(b) and 5(c). During the evacuation of Saigon, two marines on "regular duty" at Tan Son Nhut Airfield were killed. No report was submitted with respect to this action. Arguably the incident did not constitute "hostilities." (Perhaps a definition of "hostilities" should be included in the Resolution, since in the absence thereof the executive branch has formulated its own.[136]) But the important question raised by the Tan Son Nhut incident is whether a report should be required when hostilities arise involving forces that have not been "introduced" into such hostilities. Use of the term "committed," as in the House version of the Resolution,[137] might be desirable.

(2) Section 5(b) provides that the 60-day time limit is triggered when a report is submitted or is "required to be submitted." The difficulty is, of course, who determines when the report was required to be submitted? Congress? The courts? There is no assurance that every President will "take note of" this requirement. Even if one assumes good faith on the part of a President, a gradual escalation of hostilities could generate honest differences of opinion as to the date on which the report was required to be submitted. This potential ambiguity can be easily remedied by allowing Congress, if it believes a report should have been submitted but was not, to so state by concurrent resolution and to set the date on which the 60-day requirement was triggered.

(3) It may be desirable to require the President to specify the paragraph of section 4(a) under which the report is submitted. President Ford did not do so in the second and third reports, submitted during the evacuations from Cambodia and Vietnam.[138] Had the hostilities gradually increased, serious disagreement could have arisen as to whether the 60-day period had been triggered by the report.

(4) Under section 5(c) the concurrent resolution termination procedure is not available in the event the 60-day period is extended or in the event specific statutory authorization is enacted. Any specific statutory authorization conferred in the future will probably solve this problem by including the language of section 5 of the Vietnam Contingency Act, which provided, in effect, that the concurrent resolution procedure remained applicable notwithstanding its inapplicability as a result of the enactment of that Act.[139] To eliminate the need to recite that paradoxical provision, section 5 should be amended to apply the concurrent resolution termination procedure to situations in which the armed forces are used pursuant to specific statutory authority.

(5) Section 8(a) of the Resolution prohibits the inference from any treaty or "provision of law," whether or not in effect prior to enactment of the Resolution, of presidential authority to introduce the armed forces into hostilities, unless the provision states that it is "intended to constitute specific statutory authorization within the meaning of this joint resolution." [140] Thus the Resolution prohibits any such inference from provisions of law such as the Middle East Peace and Stability Act [141] and the Cuban Resolution [142]—both of which were joint resolutions enacted prior to the War Powers Resolution and could be construed, in the absence of the latter, to authorize presidential introduction of the armed forces into hostilities.

As presently written, however, section 8(a) does not prohibit the President from inferring such authority from the Berlin Resolution,[143] because it is "a concurrent resolution, not a provision of law," or from various provisions of the September 1, 1975 Memorandum of Agreement between the Governments of Israel and the United States,[144] because the agreement was an executive agreement rather than a treaty. Therefore the section should be broadened to include concurrent resolutions and executive agreements as well as laws and treaties.

(6) The effect of subsection (d)(1) of section 8—providing that no provision of the Resolution is "intended to alter . . . the provisions of existing treaties"—is unclear, since presumably the purpose of subsection (a)(2) *is* to alter existing treaties (under domestic law) to the extent that they may be construed to authorize the introducion of armed forces into hostilities. Monroe Leigh, not surprisingly, has claimed independent constitutional authority on the part of the President to use the armed forces "to carry out the terms of security . . . treaties." [145]

The apparent conflict between subsections (d)(1) and (a)(2) should be clarified.

V. CONCLUSION

Enactment of the War Powers Resolution may have been "a crucial first step in reestablishing the constitutional balance so essential to the survival and proper functioning of our democratic political system." [146] But it was only a first step. During the *Mayaguez* incident and the evacuations from Cambodia and South Vietnam, Congress acquiesced in statutorily prohibited and constitutionally dubious military actions ordered by the President. The Resolution should not be viewed as a license for the abnegation by Congress of its constitutionally granted war and appropriations powers. Regardless of whether the policies behind those actions were wise, renunciation by Congress of its proper constitutional role can only abet excessive claims of executive authority and provide precedential support for military activities based on those claims. Enactment of amendments to the War Powers Resolution of the sort proposed in this Article would weaken those precedents and help secure a constitutional balance more in conformity with that intended by the Framers.

The criticisms recently directed at the Resolution by State Department Legal Advisor Monroe Leigh demonstrate that disagreements concerning the legal underpinnings of the Resolution have not been resolved since its enactment. They simply have not been forced to the surface by events. Consideration of amendments that would strengthen the Resolution and alleviate the discord could proceed more calmly now than amid the heated emotions and constitutional myopia inevitably generated by the nation's involvement in armed conflict. Peacetime legal arrangements have proven far more successful in preserving democratic principles than have wartime political accommodations.

FOOTNOTES

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[1] War Powers Resolution § 2(a), 50 U.S.C.A. § 1541(a) (Supp. 1975) [hereinafter cited as Resolution].

[2] The War Powers Resolution is set forth in the Appendix, *infra*.

[3] Joint Resolution of Nov. 7, 1973, Pub. L. No. 93-148, 87 Stat. 555. In his veto message the President explained that:

"[w]hile I am in accord with the desire of the Congress to assert its proper role in the conduct of our foreign affairs, the restrictions which this resolution would impose upon the authority of the President are both unconstitutional and dangerous to the best interests of our Nation."

Message from Richard Nixon to the House of Representatives, Oct. 24, 1973, in 9 WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS 1285 (1973). The President's constitutional objection was essentially that the Resolution "would attempt to take away, by a mere legislative act, authorities which the President has properly exercised under the Constitution for almost 200 years." *Id.* at 1286. The President's assertion represents one viewpoint in the controversy over the proper interpretation of the constitutional allocation of war-making powers between the President and Congress. *See* notes 19–29 *infra* and accompanying text.

The President's conclusion that the Resolution would be "dangerous to the best interests of our Nation" derived from his opinion that it would "seriously undermine this Nation's ability to act decisively and convincingly in times of international crisis." Message from Richard Nixon to the House of Representatives, Oct. 24, 1973, in 9 WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS 1285, 1286 (1973). He hypothesized that had the Resolution been in effect in recent years, "[w]e may well have been unable to respond in the way we did during the Berlin crisis of 1961, the Cuban missile crisis of 1962, the Congo rescue operation in 1964, and the Jordanian crisis of 1970—to mention just a few examples." *Id.*

The President's veto message was apparently written before enactment of the Resolution, on the assumption that the conference committee would report the Senate version of the Resolution. It did not. *See* text accompanying note 13 *supra*.

[4] Resolution § 4(a)(1). For the sake of convenience, and unless otherwise indicated, the word "hostilities" will hereinafter encompass "situations where imminent involvement in hostilities is clearly indicated by the circumstances," as well as hostilities per se.

[5] *Id.* § 4(a). The report must set forth the circumstances necessitating, the legal authority for, and the estimated duration of the involvement. *Id.* § 4(a)(A)–(C). In addition, the President must report periodically on the status of the involvement. *Id.* § 4(c).

[6] *Id.* § 5(b). The 60-day period may be extended up to 30 days if the President determines and certifies to Congress in writing that the safe removal of the troops so requires. *Id.* This automatic termination does not apply if Congress has declared war, specifically authorized the involvement, extended the 60-day period, or is "unable to meet as a result of armed attack upon the United States." *Id.*

[7] *Id.* § 5(c).

[8] *Id.* § 3.

[9] *Id.* § 4.

[10] Other provisions of the Resolution require that Congress give expedited consideration to a concurrent resolution terminating hostilities, *id.* § 7, and to proposals to extend the 60-day limit on involvement, *id.* § 6; prohibit the inference that any law or treaty authorizes introduction of the armed forces into hostilities, unless such law or treaty "states that it is intended to constitute specific statutory authorization [for the introduction] within the meaning of this joint resolution," *id.* § 8(a); and states that the Resolution does not alter the constitutional authority of the President or Congress or grant any authority to the former that "he would not have had in the absence of this joint resolution." *Id.* § 8(d).

[11] *Id.* § 2.

[12] *Id.* § 2(c).

[13] The bill, introduced by Senator Jacob Javits, provided in section 2 that

[i]n the absence of a declaration of war by the Congress, the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, only—

(1) to repel an armed attack upon the United States, its territories and possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack;

(2) to repel an armed attack against the Armed Forces of the United States located outside of the United States, its territories and possessions, and to forestall the direct and imminent threat of such an attack;

(3) to protect while evacuating citizens and nationals of the United States, as rapidly as possible, from (A) any situation on the high seas involving a direct and imminent threat to the lives of such citizens and nationals, or (B) any country in which such citizens and nationals are present with the express or tacit consent of the government of such country and are being subjected to a direct and imminent threat to their lives, either sponsored by such government or beyond the power of such government to control; but the President shall make every effort to terminate such a threat without using the Armed Forces of the United States, and shall, where possible, obtain the consent of the government of such country before using the Armed Forces of the United States to protect citizens and nationals of the United States being evacuated from such country; or

(4) pursuant to specific statutory authorization. . . .

S. 440, 93d Cong., 1st Sess. § 3 (1973).

[14] *Compare id.* § 3(3), *with* Resolution § 2(c).

[15] *Compare* S. 440, 93d Cong., 1st Sess. § 3 (1973), *quoted in* note 13 *supra, with* Resolution § 2(c). The controversy over the proper interpretation of the constitutional allocation of war-making powers between the President and Congress is discussed generally in notes 19–29 *infra* and accompanying test.

Section 2(c) of the Resolution reflects a compromise reached in conference committee between section 3 of the Senate bill and the House bill, H.J. Res. 542, 93d Cong., 1st Sess. (1973), which contained no provision similar to either of those sections. (Otherwise the two bills were essentially similar, except that the Senate bill's counterpart of Resolution § 5(b) provided a basic 30-day limit, S. 440, 93d Cong., 1st Sess. § 5 (1973), while that of the House bill, H.J. Res. 542, 93d Cong., 1st. Sess § 4(b) (1973), allowed 120 days.) The prior restraints provision of the Senate bill was opposed on primarily two grounds. Some considered the President's powers to be more extensive than those recognized by that provision. Senator Strom Thurmond, for example, expressed this view during debate on the bill:

"The legislation provides only four situations in which immediate response is allowed, and it may well be questioned whether it is possible to define and describe in advance all possible potential emergency situations to which the President might be called on to respond.

". . . It should also be pointed out that some constitutional law experts maintain that the independent authority of the President under the Constitution is substantially broader than the four categories specified in the bill."

119 Cong Rec. 25,104 (1973). Similarly, Senator Griffin believed that section 3 was "an arbitrary restriction" on the President's constitutional powers. *Id.* at 25,099.

Others expressed a contrary fear—that "spelling out" powers not recognized by the Constitution would only support further presidential usurpation of the war-making powers by providing statutory language on which unconstitutional military operations could be based. Senator Fulbright observed:

"The list of conditions spelled out in Section 3 of the bill is, in my opinion, about as precise and comprehensive a list as can be devised, and its purpose, I fully recognize, is not to expand Presidential power but to restrict it to the categories listed. Nevertheless, I am apprehensive that the very comprehensiveness and precision of the contingencies listed in Section 3 may be drawn upon by future Presidents to explain or justify military initiatives which would otherwise be difficult to explain or justify. A future President might, for instance, cite "secret" or "classified" data to justify almost any conceivable foreign military initiative as essential to "forestall the direct and imminent threat" of an attack on the United States or its armed forces abroad." S. Rep. No. 220, 93d Cong., 1st Sess. 34–35 (1973) (supplemental views of J. W. Fulbright).

The absence of prior restraints in the House bill and in the Resolution itself, on the other hand, was opposed on the ground that it rendered ineffectual any legislation purporting to inhibit presidential initiation of wars unwanted by Congress. Thus Senators Thomas Eagleton and Gaylord Nelson, cosponsors of the Senate bill, voted against the Resolution. Senator Eagleton explained:

"If we are reluctant to deal with the constitutional issue of prior authority, then we will continue to be confronted in years to come with the prospect of desperately trying to stop misbegotten wars.

"War powers legislation that is meaningful has to deal with the fundamental causes of the constitutional impasse that plagued the Nation for the past decade. It must, in my judgment, in the most precise legal language, carefully spell out those powers which adhere to the Executive by reason of his status as Commander in Chief and his obligation to act in emergencies to repel attacks upon the Nation, its forces, and its citizens abroad. For the rest, such legislation must make clear that all remaining decisions involved in taking the Nation to war are reserved to the elected representatives of the people—as the Constitution so says, the Congress." 119 Cong. Rec. 33,557 (1973). Representative Elizabeth Holtzman also voted against the Resolution, stating that "it does not prevent the commencement of an illegal war, but allows one to continue for from 60 to 90 days." *Id.* at 33, 872 (1973).

[16] S. 440, 93d Cong., 1st Sess. § 3 (1973), *quoted in* note 13 *supra.*

[17] *See* note 15 *supra.*

[18] U.S. Const. art I, § 9, cl. 7.

[19] *See, e.g.*, E. Corwin, The President: Office and Powers 1787–1957 (4th rev. ed. 1957); M. Pusey, The Way We Go to War (1969); A. Schlesinger, Jr., The Imperial Presidency (1973); F. Wormuth, The Vietnam War: The President versus the Constitution (1968); Corwin, *The President's Power*, in The President: Role and Powers 361 (1965); and sources cited in notes 21, 23, and 26 *infra.*

[20] *Hearings on Compliance with the War Powers Resolution Before the Subcomm. on International Security and Scientific Affairs of the House Comm. on International Relations*, 94th Cong., 1st Sess. 90–91 (1975) [hereinafter cited as *Hearings*].

[21] As indicated by the testimony of Mr. Leigh, *see* text accompanying note 20 *supra*, the primary source of the President's war-making power, whatever its scope, is the commander-in-chief clause: "The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States . . . ." U.S. Const. art. II, § 2, cl. 1.

Article II, section 1, clause 1, vests the "executive Power" of the United States in the President. This clause is properly viewed not as a grant of independent authority to the chief executive, but rather as imposing upon him the duty to "take Care that the Laws [including treaties and customary international laws] be faithfully executed," art. II, § 3. Nevertheless, it has been cited by Presidents as justification for their claims that United States treaty commitments authorized them to send troops abroad for purposes short of war, even when Congress had not enacted implementing legislation. *See* L. Henkin, Foreign Affairs and the Constitution 55 (1972) (citing examples) [hereinafter cited as Henkin].

The grants to Congress of war-related powers are numerous: Article I, section 8, vests Congress with the power "to lay and collect Taxes . . . to . . . provide for the common Defense," clause 1; "[t]o define and punish . . . Offenses against the Law of Nations," clause 10; "[t]o declare War," clause 1; "[t]o raise and support Armies . . .," clause 12; "[t]o provide and maintain a Navy," clause 13; "[t]o make Rules for the Government and Regulation of the land and naval Forces," clause 14; "[t]o provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions," clause 15; and "[t]o provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States," clause 16.

Also important in this regard are the general provisions vesting in Congress "[a]ll legislative Powers" granted to the federal government, art. I, § 1, cl. 1; the power to "make all Laws which shall be necessary and proper for carrying into Execution . . .

all . . . powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof," art. I, § 8, cl. 13; and the exclusive power to appropriate funds from the Treasury, art. I, § 9, cl. 7. The first of these, in conjunction with article II, section 1, clause 1, placing the "executive Power" in the President, establishes Congress as the fount of federal laws and the President as their executor.

The second, as the late Professor Alexander Bickel of Yale Law School has noted, gives to Congress the sole power to implement not only its own powers, but also those of the Executive:

"Whatever is needed to flesh out the slender recital of Executive functions must be done by Congress under the "necessary-and-proper" clause. Congress alone can make the laws which will carry into execution the powers of the Government as a whole, and of its officers, including the President."

Hearings on War Powers Legislation Before the Senate Comm. on Foreign Relations, 92d Cong., 1st Sess. 551 (1971) [hereinafter cited as *War Powers Legislation*]. Note, in this context, that section 2(b) of the War Powers Resolution cites the "necessary-and-proper" clause as authority for the Resolution, emphasizing that that clause authorizes Congress to implement "not only its own powers but also all other powers vested . . . in the Government . . . or in any department or officer thereof." For a discussion of the power over the purse in the war powers context see notes 100–39 *infra* and accompanying text.

[22] Writing in 1793, Madison, the principal architect of the Constitution, addressed the problem of executive power to make war:

"Every just view that can be taken of this subject, admonishes the public of the necessity of a rigid adherence to the simple, the received, and the fundamental doctrine of the constitution, that the power to declare war, including the power of judging of the causes of war, is *fully* and *exclusively* vested in the legislature; that the executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war; that the right of convening and informing congress, whenever such a question seems to call for a decision, is all the right which the constitution has deemd requisite or proper . . ."—VI THE WRITINGS OF JAMES MADISON 174 (G. Hunt, ed. 1906).

Likewise Thomas Jefferson. In an oft-quoted letter to Madison in 1789, he wrote:

"We have already given in example one effectual check to the dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay."—15 THE PAPERS OF THOMAS JEFFERSON 397 (J. Boyd ed. 1958).

Alexander Hamilton, among the founding fathers a relative admirer of the executive, concurred:

"The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate, created and circumstanced, as would be a president of the United States."—THE FEDERALISTS No. 75, at 505–06 (J. Cooke ed. 1961) (A. Hamilton).

And in Federalist No. 69 he explained the commander-in-chief clause:

"[T]he President is to be Commander in Chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the King of Great-Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the confederacy; while that of the British King extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies; all which, by the Constitution under consideration, would appertain to the Legislature."—THE FEDERALIST No. 69, at 465 (J. Cooke ed. 1961) (A. Hamilton).

The Framers' concept of the commander in chief as "first general" derives from the relationship between the Continental Congress and General Washington during the Revolutionary War. The commission given Washington as commander in chief reflects the subordination of that officer to the will of Congress. After reciting their "especial trust and confidence" in Washington and enjoining him to cause "strict discipline and order to be observed in the army and that the soldiers are duly exercised and provided with all convenient necessaries," the commission concluded:

"And you are to regulate your conduct in every respect by the rules and discipline of war (as herewith given you) and punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future Congress of the said United Colonies or a committee of Congress for that purpose appointed."—THE WASHINGTON PAPERS 124–25 (S. Padover ed. 1955).

Professor Louis Henkin of Columbia Law School has noted in this connection that generals, "even when they are 'first,' do not determine the political purposes for which troops are to be used; they command them in the execution of policy made by others." HENKIN, *supra* note 21, at 50–51.

[23] Early drafts of the Constitution gave Congress the power to "make war." On the motion of James Madison and Eldridge Gerry "declare" was substituted for "make." 2 THE RECORDS OF THE FEDERAL CONVENTION OF 1787, at 318–19 (M. Farrand ed. 1911). The reason given in Madison's notes was to "[leave] to the Executive the power to repel sudden attacks." *Id.* at 318. Rufus King added that "'make' war might be understood to 'conduct' it which was an Executive function." *Id.* at 319.

It has been argued that the change from "make" to "declare" recognized "the war-making authority of the President, implied by his role as executive and commander-in-chief and by congressional power to declare, but not make, war." Ratner, *The Coordinated Warmaking Power—Legislative, Executive and Judicial Roles*, 44 S. CAL. L. REV. 461, 467 (1971). But, as Professor Raoul Berger of Harvard Law School points out in refuting this contention, the commander-in-chief clause conferred only the first generalship of the forces and the "executive powers . . . do not include the rights of war and peace." Berger, *War-Making by the President*, 121 U. PA. L. REV. 29, 41 (1972) (citing 1 THE RECORDS OF THE FEDERAL CONVENTION OF 1787, at 66–67 (M. Farrand ed. 1911)) [hereinafter cited as Berger]. Professor Berger concludes that "[o]nly in a very limited sense—command of the armed forces plus authority to repel sudden attacks—can one accurately refer to a presidential war-making power." *Id.* Professor Berger adds that the sudden attacks to be repelled were those on the United States or its armed forces, *id.* at 42 & n.99, not on its allies. He also makes a cogent argument, based on original materials, that the term "sudden attacks" was not meant to include threats of attack, for in such cases the ability of Congress to respond promptly would obviate the need for immediate presidential action that the change from "make" to "declare" had recognized. *Id.* at 43–45.

Section 2(c) of the War Powers Resolution conforms precisely, it will be noted, with Professor Berger's views. The Senate version of the Resolution, on the other hand, would have allowed the President to use force to evacuate United States citizens and nationals in certain emergency situations, S. 440, 93rd Cong., 1st Sess. § 3(3) (1973), *see* note 13 *supra*, and to "forestall direct and imminent" threats of attack on the United States, its territories and possessions, and its armed forces abroad, *id.* §§ 3(1)–(2), *see* note 13 *supra*. But the Senate version did not indicate that such uses were the constitutional prerogative of the President. *See* text accompanying note 15 *supra*. Addressing the "forestall direct and imminent" threats provision of this bill, Professor Berger concluded that it represented a constitutionally permissible delegation of power. Berger, *supra*, at 45–47. The evacuation provision might have been similarly viewed; on the other hand, there is some reason to believe that the Framers intended that the President be able to use force to rescue United States citizens abroad when there is no time for Congress to authorize such use and Congress has not explicitly prohibited it. *See* note 24 *infra* (message of President Jefferson).

[24] *See War Powers Legislation, supra* note 21, 75 *et seq.* (testimony of Professor Richard B. Morris of Columbia University); *Presidential Statements Acknowledging Need for Explicit Congressional Exercise of the War Power*, app. A to Statement of Leon Friedman, Special Counsel, ACLU, *id.* at 805–08; *Berger, supra* note 23, at 61–63. Two examples are particularly relevant to this Article in that they reflect not only presidential deference to the congressional war-making power, but also presidential recognition of the need for congressional authorization of the funds necessary to any use of the armed forces. Confronted with a dispute with Spain on the Florida border, President Jefferson requested instruction from Congress:

"That which they have chosen to pursue will appear from the documents now communicated. They authorize the inference that it is their intention to advance on our possessions until they shall be repressed by an opposing force. Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided. I have barely instructed the officers stationed in the neighborhood of the agressions to protect our citizens from violence, to patrol within the borders actually delivered to us, and not to go out of them but when necessary to repel an inroad or to rescue a citizen or his property; and the Spanish officers remaining at New Orleans are required to depart without further delay. . . .

* * * * *

"But the course to be pursued will require the command of *means which it belongs to Congress exclusively to yield or to deny*. To then I communicate every fact material for their information and the documents necessary to enable them to judge for themselves. To their wisdom, then, I look for the course I am to pursue, and will pursue with sincere zeal that which they shall approve."—Message from Thomas Jefferson to the Senate and House of Representatives, Dec. 6, 1805, in 1 MESSAGES AND PAPERS OF THE PRESIDENTS 389–90 (J. Richardson ed. 1897) (emphasis added).

President Jackson similarly looked to Congress for guidance and "means" when United States shipping was plagued by marauders in South American waters:

"In the course of the present year one of our vessels, engaged in the pursuit of a trade which we have always enjoyed without molestation, has been captured by a band acting, as they pretend, under the authority of the Government of Buenos Aires. I have therefore given orders for the dispatch of an armed vessel to join our squadron in those seas and aid in affording all lawful protection to our trade which shall be necessary, and shall without delay send a minister to inquire into the nature of the circumstances and also of the claim, if any, that is set up

by that Government to those islands. In the meantime, I submit the case to the consideration of Congress, to the end that they may clothe the Executive with such authority and *means as they may deem necessary for providing a force* adequate to the complete protection of our fellow-citizens fishing and trading in these seas."—1 STATE OF THE UNION MESSAGES OF THE PRESIDENTS 1790–1966, at 352 (F. Israel ed. 1966) (emphasis added).

[25] S. REP. No. 797, 90th Cong., 1st SESS. 24 (1967). A 1966 State Department memorandum states that "[s]ince the Constitution was adopted there have been at least 125 instances in which the President has ordered the armed forces to take action or maintain positions abroad without obtaining prior Congressional authorization, starting with the 'undeclared war' with France (1798–1800)." OFFICE OF THE LEGAL ADVISOR, U.S. DEP'T OF STATE, THE LEGALITY OF THE UNITED STATES PARTICIPATION IN THE DEFENSE OF VIETNAM, *reprinted* in 75 YALE L.J. 1085, 1101 (1966).

It has been demonstrated, however, that "most of these [instances] were relatively minor uses of force." *See* Mora v. McNamara, 389 U.S. 934, 936 (1967) (Douglas J., dissenting) (quoting statement of Under Secretary of State Nicolas Katzenbach); Corwin, *The President's Power*, in THE PRESIDENT: ROLE AND POWERS 361 (1965) (the "vast majority" of the instances "involved fights with pirates, landings of small naval contingents on barbarous or semi-barbarous coasts [to protect American citizens], the dispatch of small bodies of troops to chase bandits or cattle rustlers across the Mexican border"); Wormuth, *The Vietnam War: The President Versus the Constitution*, in 2 THE VIETNAM WAR AND INTERNATIONAL LAW 711, 740–54 (1969). Examining these and other authorities, Professor Berger concludes that "'only since 1950 have Presidents regarded themselves as having authority to commit the armed forces to full scale and sustained warfare.'" Berger, *supra* note 23, at 67 (quoting S. REP. No. 797, 90th Cong., 1st Sess. 24 (1967)).

[26] *See, e.g., War Powers Legislation, supra* note 21, at 551 (testimony of Alexander Bickel):

"The text of the Constitution and its history thus plainly limit the President. But the law of the Constitution under our system is defined not only by the text and by the history of the text, but by practice long accepted. The earliest practice, as the committee has heard, conformed to the division of warmaking powers envisioned by the framers. But later practice, which again has been recited to this committee in the hearings of 1967 and more recently, the later practice, particularly in this century, has gone beyond."—*See also* McDougal & Lans, *Treaties and Congressional-Executive or Presidential Agreements: Interchangeable Instruments of National Policy*, 54 YALE L.J. 181 (1945) ("continuance of [a] practice by successive administrations throughout our history makes its contemporary constitutionality unquestionable"). *But compare* Berger, *supra* note 23, at 57–58 (footnotes omitted), challenging this doctrine of "adaptation by usage:"

"To a believer in constitutional government, in the separation of powers as a safeguard against dictatorship, there is no room for a take-over by the President of powers that were denied to him and, as our own times demonstrate, denied with good reason. . . . For me Washington's advice remains the pole-star:

"The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the Guardian of the Public Weal against invasion by the others, has been evinced. . . . To preserve them must be as necessary as to institute them. If in the opinion of the people, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly over-balance in permanent evil any partial or transient benefit which the use can at any time yield."

In any event, it is clear that the congressional war powers have not diminished with disuse. Thus Professor Bickel's testimony before the Senate Foreign Relations Committee:

"Whatever aggrandizement of Presidential power may have occurred during the past generation, whether or not Presidential initiatives taken in the absence of legislation to the contrary were constitutional, the practice of recent decades or of a century cannot have worked a reduction of congressional power, which may in the last two or three decades have lain largely in disuse, but which is as legitimate now as the day it was conferred."—*War Powers Legislation, supra* note 21, at 555.

[27] In Powell v. McCormack, 395 U.S. 486 (1969) (holding that in judging the qualifications of its members under article I, section 5, Congress is limited to the qualifications expressly prescribed by the Constitution), Chief Justice Warren stated, in an opinion for seven of the Justices, "[t]hat an unconstitutional action has been taken before surely does not render that same action any less unconstitutional at a later date." *Id.* at 546–47.

[28] Generally, all now know, the Constitution is what the Supreme Court says it is, but since the Court has not said much about its foreign affairs aspects, and promises to say little more, many of these have no final, "infallible" arbiter and expositor and are "resolved" only *ad hoc* without resolution in principle. Powerful Presidents and determined Congresses (or Congressmen) take constitutional positions and provide precedents to encourage even their weaker successors, but the issues remain to be fought again some new day. If old and not-so-old Supreme Court constitutional decisions do not escape reexamination, there is even less *stare decisis* for what former Presidents and earlier Congressmen asserted in word or action. And so, major constitutional issues of foreign policy today are at bottom of the struggles for constitutional power of our early history. The world is changed, the United States is changed, the institutions of government are changed, the Constitution itself is changed, but the constitutional materials, the Federalist Papers, the debates of Hamilton versus Jefferson or Hamilton versus Madison, remain fresh and relevant and are played back again and again by new voices in new contexts.—HENKIN, *supra* note 21, at 5, 6–7 (footnotes omitted).

[29] In his famous concurring opinion in Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952), Justice Jackson espoused the following theory of the relationship between presidential action and the will of Congress:

"[Presidential action] pursuant to an Act of Congress would be supported by the strongest of presumptions and the widest latitude of judicial interpretation . . . .

"When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. . . .

"When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter."—*Id.* at 637.

[30] There are seven such provisions. Section 30 of the Foreign Assistance Act of 1973 is typical except in referring to "military or paramilitary operations" rather than to "combat activities" or "involvement . . . in hostilities." Section 30 provides: "No funds authorized or appropriated under this or any other law may be expended to finance military or paramilitary operation by the United States in or over Vietnam, Laos, or Cambodia." 87 Stat. 732. The other provisions are: Department of Defense Appropriation Act, 1975 Pub. L. No. 93–437, § 839, 1974 U.S. CODE CONG. & ADM. NEWS 1400 (1974); Department of Defense Appropriations Act, 1974 § 741, 87 Stat. 1045; Department of Defense Appropriation Authorization Act, 1974, § 806, 87 Stat. 615 (1973); Department of State Appropriations Authorization Act of 1973 § 13, 87 Stat. 454; Joint Resolution of July 1, 1973, Pub. L. No. 93–52, § 108, 87 Stat. 134; Second Supplemental Appropriations Act, 1973 § 307, 87 Stat. 129.

[31] Communication from Gerald R. Ford to James Eastland, President Pro Tempore of the Senate, Apr. 4, 1975, in 121 CONG. REC. 5280 (daily ed. Apr. 7, 1975).

[32] XXXIII CONG. Q. WEEKLY REPORT 687 (1975).

[33] *Id.*

[34] Communication from Gerald R. Ford to James Eastland, President Pro Tempore of the Senate, Apr. 4, 1975, in 121 CONG. REC. 5280 (daily ed. Apr. 7, 1975).

[35] *Id.* If the President was correct that the action he had taken did not amount to an introduction of armed forces into a situation "where imminent involvement in hostilities was clearly indicated by the circumstances," Resolution § 4(a)(1), then the report was properly submitted under section 4(a)(2) and did not trigger the 60-day limit imposed by section 5(b) upon section 4(a)(1) involvements.

[36] XXXIII CONG. Q. WEEKLY REPORT 730 (1975).

[37] *See* note 30 *supra* and accompanying text.

[38] Resolution § 5(b).

[39] Although the President requested only "clarification," his speech also contained a cryptic reference to "authority":

"And now I ask Congress to clarify immediately its restrictions on the use of U.S. military forces in Southeast Asia for the limited purposes of protecting American lives by ensuring their evacuation, if this should become necessary. I also ask prompt revision of the law to cover those Vietnamese to whom we have a very special obligation and whose lives may be endangered, should the worst come to pass.

"I hope that this *authority* will never be used, but if it is needed there will be no time for Congressional debate."—XXXIII CONG. Q. WEEKLY REPORT 730 (1975) (emphasis added).

The significance of this reference was apparently made clear, however, to at least some members of the House during the ensuing consideration of the President's request. Representative Stephen Solarz, questioning State Department Legal Advisor Monroe Leigh concerning Mr. Leigh's assertion that "clarification" had not been needed to evacuate American citizens because the President had constitutional authority to do so regardless of the funding prohibitions, stated:

"Based on your testimony, I gather you were suggesting that this [clarification] was requested largely for political rather than constitutional purposes because the President wanted, I gather, broad-based constitutional [*sic*? political?] support for the action he was taking. Yet, if in fact, that was the

underlying rationale for the request, I must tell you that as one member of the International Relations Committee I feel that I was misled because during the course of the testimony and debates before our committee and during the course of the debates on the floor of the House, the argument was made not simply that the President wanted political legitimation of his efforts but rather that this authority was specifically needed."—*Hearings, supra* note 20, at 25.

[40] Communication from Gerald R. Ford to the Speaker of the House and to the President of the Senate, Apr. 12, 1975, in 11 WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS 378 (1975).

[41] *Id.* The only provision of the Resolution specifically mentioned in the report was section 4. *Compare* text accompanying note 34 *supra*. In this case the President's apparent conclusion that "imminent involvement in hostilities" had not occurred is highly dubious, as even the administration's definition of that phrase indicates:

"As applied in the first three war powers reports, 'hostilities' was used to mean a situation in which units of the U.S. armed forces are actively engaged in exchanges of fire with opposing units of hostile forces, and "imminent hostilities' was considered to mean a situation in which there is a serious risk from hostile fire to the safety of United States Forces."—*Hearings, supra* note 20, at 38–39.

[42] S.J. Res. 72, 94th Cong., 1st Sess. (1975).

[43] *Id.* § 2(c). This provision was virtually identical to § 3(3) of S. 440, the Senate version of the War Powers Resolution. *See* note 13 *supra*.

[44] S.J. Res. 72, 94th Cong., 1st Sess. § 1(c) (1975).

[45] H.R. Doc. No. 103, 94th Cong., 1st Sess. 2 (1975).

[46] *See* notes 42–44 *supra* and accompanying text.

[47] *See* note 13 *supra*.

[48] Senator Frank Church, a member of the Senate Foreign Relations Committee, described the administration's proposal as being "as broad as the Gulf of Tonkin Resolution." XXXIII CONG. Q. WEEKLY REPORT 777 (1975).

[49] H.R. 6096, 94th Cong., 1st Sess. (1975).

[50] An amendment added on the House floor purported to limit "the authority granted by this section," *id.* § 4, but section 4 contained no authority; it merely defined the word "evacuation" for the purposes of section 2, which authorized appropriations.

[51] *Id.* § 2. The bill did not prohibit the use of funds authorized under *other* acts for the purpose of carrying out the evacuation of the designated persons. Funds authorized elsewhere were in fact used.

[52] *Id.* § 4.

[53] This approach was favored by Senator Joseph Biden, who recommended that the Senate "[c]all to the attention of the President that he already has the authority to evacuate endangered Americans and their dependents from South Vietnam." S. REP. No. 88, 94th Cong., 1st Sess. 26 (1975).

[54] *See* notes 42–44 *supra* and accompanying text.

[55] S. REP. No. 129, 91st Cong., 1st Sess. 32–33 (1969).

[56] S. 1484, 94th Cong., 1st Sess. (1975).

[57] *Id.* § 3(a).

[58] *Id.* §§ 3 (b), (c).

[59] *Id.* § 4.

[60] *Id.* § 6.

[61] *See* H.R. REP. No. 176, 94th Cong., 1st Sess. (1975).

[62] *See* note 23 *supra* and accompanying text.

[63] *Id.*

[64] *See* note 30 *supra* and accompanying text. In the past, Presidents have occasionally withdrawn funds from the Treasury without congressional approval. *See generally* L. WILMERDING, THE SPENDING POWER (1943). Most of these incidents occurred in the last century (when congressional sessions were shorter and transportation slower), while Congress was adjourned and unable to appropriate funds. In some cases Congress later ratified the President's action. In any event, it appears that no previous President expended funds in contravention of an express statutory prohibition.

[65] Predictably, such claims were in fact made. *See Hearings, supra* note 20, at 34–35, 88; note 103 *infra* and accompanying text.

[66] *See* 121 CONG. REC. 3401–02 (daily ed. Apr. 29, 1975). The reasons for the Speaker's action were not clear. Apparently Mr. Albert and other Representatives thought that section 4 of the conference report, H.R. REP. No. 176, 94th Cong., 1st Sess. § 4 (1975) (corresponding to section 3 of the Senate's Vietnam Contingency Act, *see* notes 57–58 *supra* and accompanying text), provided potential statutory support for reintroduction of United States forces into South Vietnam:

"Ms. ABZUG. I am glad to see that at this time we are not forced to give the President authority which he could use to justify armed intervention here in Vietnam or in other conflict situations. I believe that removing the rule from the floor of the House this morning for the consideration of the conference report was a wise act.

"Mr. ALBERT. Mr. Speaker, will the gentlewoman yield?

"Ms. ABZUG. I am happy to yield to our Speaker, the gentleman from Oklahoma (Mr. ALBERT).

"Mr. ALBERT. Mr. Speaker, I have just returned from the White House, where it was agreed there by the President that we would take this whole matter off for today because the section 4 part, which was the controversial part, may be moot before the day is over. If so, when we consider the bill, the parliamentary situation may permit removal of that part from the final version.

"Ms. ABZUG. I thank the Speaker. I requested that the Chairman of the Rules Committee and the Chairman of the International Relations Committee not to call up the rule of the report today, because I too believe it to be moot."—*Id.* at 3405–06.

Those who understood the issues were less pleased. Representative Thomas Morgan, Chairman of the House International Relations Committee, was later reported to be "extremely angry" with Majority Leader Thomas P. O'Neill for the latter's opposition to the conference report. N.Y. Times, May 2, 1975, at 1, col. 1. Representative Clement Zablocki, chief sponsor of the War Powers Resolution in the House, responded to Ms. Abzug and Mr. Albert as follows:

"Mr. ZABLOCKI. Mr. Speaker, I sincerely hope that as expeditiously as possible and as soon as possible we do act on the conference report. I submit that it is necessary. . . .

* * * * *

"Of course, the President would want us to strike section 4. That section clarifies the relationship of the evacuation with regard to the war powers resolution and sets a good precedent of congressional action pursuant to that resolution. It is understandable why the President would not want us to insist on retaining that section."—121 CONG. REC. 3406 (daily ed. Apr. 29, 1975). Speaking in the Senate the next day, Senator Javits termed the failure of the House to deal with the conference report "very unfortunate." *Id.* at 7114 (daily ed. Apr. 30, 1975).

[67] XXXIII CONG. Q. WEEKLY REPORT 907 (1975).

[68] Communication from Gerald R. Ford to the Speaker of the House of Representatives, Apr. 30, 1975, in 121 CONG. REC. 3592 (daily ed. May 1, 1975).

[69] 121 CONG. REC. 3551 (daily ed. May 1, 1975).

[70] Eastern Daylight Time, here and in remainder of paragraph. Unless otherwise indicated, the description of events in this paragraph is based on the memorandum, Congressional Research Service, U.S. Library of Congress, A Chronology of Events in the Mayaguez Incident, May 30, 1975, *reprinted in Hearings, supra* note 20, app., at 105.

[71] N.Y. Times, May 16, 1975, at 14, cols. 2–3.

[72] *Id.* May 20, 1975, at 14, col. 5.

[73] *Id.* May 16, 1975, at 14, col. 2.

[74] Telephone conversation with Congressional Research Service, U.S. Library of Congress, Sept. 5, 1975.

[75] Communication from Gerald R. Ford to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, May 15, 1975, in 11 WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS 514 (1975).

[76] *See* text accompanying notes 35, 41, 68, and 75 *supra*.

[77] *See* note 30 *supra* and accompanying text.

[78] *Hearings, supra* note 20, at 16–17. At the June 4 session of the hearings Mr. Leigh extended his opinion to the *Mayaguez* incident. *Id.* at 88–89.

In addition, Mr. Leigh questioned the constitutional authority of the Congress to circumscribe by means of funding prohibitions the President's supposed authority as commander in chief to order such operations as the evacuations and the rescue of the *Mayaguez* crew. *See* text accompanying notes 103–16 *infra*.

[79] "One of the most common of insights about the process of communication," says Sutherland, "was given classic expression by the Supreme Court . . . in the declaration that 'the meaning of the statute must, in the first instance, be sought in the language in which the act is framed, and if that is plain, . . . the sole function of the courts is to enforce it according to its terms.' [Caminetti v. United States, 242 U.S. 470 (1917).]" 2a C. SANDS, STATUTES AND STATUTORY CONSTRUCTION § 46.01 (4th ed. 1973).

Expressing that insight from the layman's viewpoint, Representative Stephen Solarz remarked, in commenting on Mr. Leigh's theory, that "one of the disadvantages of not being a lawyer [is that] you tend to think language means what it appears to mean. . . ." *Hearings, supra* note 20, at 28.

[80] Or if the statutes were unconstitutional, as Mr. Leigh also suggested. *See* notes 103-16 *infra* and accompanying text.

[81] *See* note 39 *supra* and accompanying text. Mr. Leigh's answer is that "the President thought he had adequate constitutional power despite the funds limitation provisions to take out Americans . . .," *Hearings, supra* note 20, at 26, but not to take out foreign nationals. *Id.* at 25. If this was the President's thought, he certainly did not reveal it in his request that Congress "clarify" the funding prohibitions. Clarification was sought for evacuation of Americans as well as South Vietnamese. *See* XXXIII CONG. Q. WEEKLY REPORT 730 (1975); note 39 *supra* and accompanying text.

[82] Mr. Leigh has offered only two items in support of his reference, *see note* 78 *supra* and accompanying text, to a "very substantial" legislative history indicating the inapplicability of the funding prohibitions to the evacuations and the *Mayaguez* incident. *See Hearings, supra* note 20, at 27, 31. Each item relates to only one of the several prohibitions. One is a statement by Congressman Joseph Addabbo that seems to imply that the prohibition in question, Joint Resolution of July 1, 1973, Pub. L. No. 93–52, § 108, 87 Stat. 134, was not intended to prohibit the President from exercising any of his commander in chief powers. 119 CONG. REC. 21,313 (1973). There is no evidence that other members of Congress shared Mr. Addabbo's view. Representative Jonathan Bingham, for one, disagreed. Responding to Mr. Leigh's interpretation of the legislative history, he said:

"Well, I would suggest to you that those provisions were put into the law to curtail what President Nixon at the time said was his authority as Commander in Chief to protect and safeguard the evacuation of American troops which was the reason he gave, for example, for going into Cambodia. If your interpretation is correct, then that statutory limitation had no effect."—*Hearings, supra* note 20, at 17.

The other item is an exchange of remarks that Mr. Leigh claims occurred during testimony given "in executive session . . . before the Senate Foreign Relations Committee" on August 3, 1973 by Admiral Moorer, then Chairman of the Joint Chiefs of Staff. *Id.* at 31. In fact, the Admiral did not testify before the Committee on that date. He did meet unofficially with congressional leaders at that time, but the transcript of that proceeding remained classified as of September 15, 1975. Thus the remarks, whatever their content were heard by no more than a handful of the members of Congress who voted on the funding prohibition in question and are not part of its legislative history.

[83] The apex of congressional legal acuity during the *Mayaguez* incident was reached by Senator Henry Jackson, who revealed on NBC's "Today" program of May 15 that the War Powers Resolution had "superseded" the statutory funding prohibitions. Four such prohibitions were enacted after passage of the Resolution.

[84] *See* note 3 *supra*.

[85] It appears that the primary burden imposed upon the President by the Resolution has been the interruption of his sleep to sign his name to a report. *See Hearings, supra* note 20, at 77 (testimony of Mr. Leigh).

[86] *See* note 23 *supra*. Even Mr. Leigh declined to assert a presidential prerogative to evacuate foreign nationals without congressional authorization. *See Hearings, supra* note 20, at 34–35, 88.

[87] A total of 82 United States citizens and 194 foreign nationals were evacuated during the four-hour operation in Phnom Penh. *See* Communication from Gerald R. Ford to the Speaker of the House and to the President of the Senate, Apr. 12, 1975, in 11 WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS 378 (1975). In the final removal from Saigon, about 1000 United States citizens and 5500 South Vietnamese were evacuated. Four marines were killed in the final withdrawal. XXXIII CONGRESSIONAL Q. WEEKLY REPORT 907 (1975).

[88] *See* text accompanying notes 71–73 *supra*. The *New York Times* reported that the administration's rationale for the strikes on the mainland was:

"To keep Cambodian forces from reinforcing the defenders of Tang Island.

"But, judging by the Government's own reports, the Cambodians had no ships and planes that could not have been interdicted by the warships and aircraft that the United States had on the scene."—Schabecoff, *Questions on Ship Rescue Persist Despite Briefings*, N.Y. Times, May 20, 1975, at 1, col. 2, at 14, col. 5.

Senator Javits made the following observation concerning the incident:

"Facts which were not revealed to the Congress in the unsatisfactory consultation process concerning the *Mayaguez*, but which have subsequently come to light, raise profound questions concerning the military actions taken in connection with securing release of the ship and the crew. For instance, we have learned that the amphibious assault by our Marines was conducted against the *wrong* island, 20 minutes *after* the crew had been released. The lives of 41 U.S. servicemen were lost in connection with the release of 39 crew members. Bombing missions were conducted against an oil refinery and aircraft on the Cambodian mainland both known to our government to be nonoperational. In addition, it appears that the standard warning being given to all ships of the risk of being stopped in those waters was not given to the *Mayaguez*."—*Hearings, supra* note 20, at 68 (emphasis added).

The President reportedly rejected the advice of the Joint Chiefs of Staff that he employ only the minimum amount of force required—the "rule of proportionality"—and instead employed a higher degree than was actually necessary, opting for "equivalence plus." Evans & Novak, *Retrieving the Mayaguez: "It Was Pure Ford,"* Washington Post, May 19, 1975, § A, at 23, col. 1.

[89] *See* notes 22–23 *supra* and accompanying text. The President's use of armed force to rescue (without retaliation) *captive* United States citizens would seem to stand on approximately the same constitutional footing as his use of armed force to evacuate imminently endangered United States citizens from foreign territory. *Id.* As in the case of evacuations, independent presidential rescue actions will have greater constitutional support where inspired by emergencies necessitating action more rapid than Congress can provide, *id.*, and where tacitly approved, or at least not formally opposed, by Congress. *See* note 29 *supra*. As the danger of large-scale or protracted hostilities increases, however, the President's independent authority becomes doubtful. *See* notes 22–23 *supra* and accompanying text.

[90] Resolution §§ 5(b), (c).

[91] A concurrent resolution requires approval by a majority of both houses, but because it is not signed by the President or subject to his veto, is without the force and effect of law. A joint resolution, on the other hand, is signed by the President and has the force and effect of law.

It is curious that proponents of a broad presidential war-making power argue that "adaptation by usage" has legitimized otherwise unconstitutional presidential activities, *see* note 26 *supra* and accompanying text, and yet refuse to apply the same principle to use of the "legislative veto"—a statutory provision authorizing Congress, by concurrent resolution (or one house, by simple resolution, or in some cases a congressional committee), to prevent a particular presidential action, otherwise permitted by the statute, from taking effect. The practice is well established. For a discussion of various laws employing the legislative veto, see Congressional Research Service, U.S. Library of Congress, Constitutionality of the Legislative Veto Amendment to the Foreign Military Sales and Assistance Act, Sept. 4, 1973, *reprinted in* 120 CONG. REC. 9855 (daily ed. June 6, 1974); Note, *Congressional Adaptation: The Come-into-Agreement Provision*, 37 GEO. WASH. L. REV. 387 (1968); Large, *New Veto Powers for Congress*, Wall Street Journal Feb. 6, 1975, at 14, col. 4.

[92] Mr. Leigh testified as follows:

"I think it would be unconstitutional on the simple logic that if the President had the power to put the men there in the first place that power could not be taken away by concurrent resolution because the power is constitutional in nature. There might, however, be all sorts of reasons as to why the political process would force him to wish to comply with that concurrent resolution." *Hearings, supra* note 20, at 91. Representative Zablocki responded that "our statutes are replete with cases where Congress has given temporary authority to the President . . . But what Congress gives in this way it can also take back—by concurrent resolution." *Id.* at 94. To this Mr. Leigh replied,

"[the Resolution] does not delegate anything to the President. It is not an act of delegation by the Congress of power to the President. It is, as Senator Javits was saying, a procedural scheme for arranging an interchange in what is obviously a difficult area between the two branches of the Government.

"Therefore, the argument that this is like some of the earlier examples where Congress created a concurrent resolution procedure to control the exercise of authority delegated to the President—namely, the Legislative Reorganization Acts where Congress did delegate certain legislative powers—is arguable [*sic?* inapposite?] . . . .

"Therefore, to say that Congres would later by concurrent resolution take back what it had previously delegated overlooks the fact that nothing was delegated."—*Id.* at 96–97.

These arguments were also raised by opponents of the Resolution at the time of its enactment. *See* note 15 *supra*. They overlook the fact that any congressionally unauthorized "introduction" of the armed forces that fits the description of Section 4(a)(1) of the Resolution will be constitutionally justified only in relation to the emergency nature of the circumstances supposedly necessitating the introduction. *See* notes 22–23 *supra* and accompanying text. The theory is that an emergency justifies independent presidential action if Congress cannot act effectively in the available time. Once Congress acts to prevent or to terminate such an action, the emergency is over for constitutional purposes. (A preexisting statutory funding prohibition constitutes such a preventive measure, of course, because it indicates a congressional intent that no set of circumstances shall justify independent presidential action.)

[93] *See* text accompanying notes 34, 41, 68, and 75 *supra*.

[94] *See* note 41 *supra*.

[95] S. 1484, 94th Cong., 1st Sess. (1975).

[96] Comment from the executive branch submitted to Senate Foreign Relations Committee, April 22, 1975.

[97] *See* note 3 *supra*.

[98] *See* text accompanying note 76 *supra*.

[99] Presidential popularity has almost invariably increased during international crises—even embarrassing ones—as polls indicate:

"Do you approve of the way the President is handling his job?"

Date, time, and percentage saying yes

June 1950—Before Korean outbreak—37.

July 1950—After U.S. entry—46.

August 1956—Before Israeli, British, French Attack on Suez—67.

December 1956—After U.S. opposition to the attack—75.

July 1958—Before Lebanon—52.

August 1958—After U.S. marine landing—58.

May 1960—Before U-2 incident—62.

June 1960—U-2 debacle; collapse of Summit—68.

March 1961—Before Bay of Pigs—73.

April 1961—After Bay of Pigs—83.

October 1962—Eve of Cuba crisis—61.

December 1962—After missile crisis—74.

October 1966—Before tour of Pacific—44.

November 1966—After tour of Pacific—48.

June 1967—Before Glassboro conference—44.

June 1967—After Glassboro conference—52.

T. LOWI, THE END OF LIBERALISM 184 (1969).

[100] U.S. CONST. art. I, § 9, cl. 7.

[101] *See* note 78 *supra* and accompanying text.

[102] *See* text accompanying note 78 *supra*.

[103] *Hearings, supra* note 20, at 35. Mr. Leigh's argument in this context is basically the same, of course, as is his contention that the subsequent limitation contained in section 5(b) and (c) of the War Powers Resolution are unconstitutional insofar as they purport to terminate presidential exercise of a power constitutionally his. *See* notes 91–92 *supra* and accompanying text.

[104] U.S. CONST. art. I, § 9, cl. 7.

[105] CONGRESSIONAL RESEARCH SERVICE, U.S. LIBRARY OF CONGRESS, THE CONSTITUTION OF THE UNITED STATES OF AMERICA: ANALYSIS AND INTERPRETATION, S. Doc. No. 82, 92d Con.,

2d Sess. 1597–1619 (1973) (setting forth a summary of all acts of Congress held unconstitutional in whole or in part).

[106] United States v. Lovett, 328 U.S. 303 (1946).

[107] U.S. CONST. art I, § 9, cl. 3.

[108] *Id.* art II, § 1, cl. 6; *Id.* art. III, § 1.

[109] *Id.*, art. I, § 8, cl. 13.

[110] *Id.* art, I, § 8, cl. 13.

[111] THE FEDERALIST No. 38, at 247 (J. Cooke ed. 1961) (J. Madison).

[112] 15 THE PAPER OF THOMAS JEFFERSON 397 (J. Boyd ed. 1958).

[113] *See* note 24 *supra*.

[114] The following exchange took place between Senator Frank Church and Secretary of State William Rogers when the latter testified before the Senate Foreign Relations Committee on May 14, 1971:

"Senator CHURCH. If the Congress were to decide to limit the funds for the purpose of effecting a withdrawal of our forces from Indochina and such defensive action as may be needed to protect them against imminent danger in the event that became necessary, as they withdrew, do you think that that falls within the constitutional power of the Congress to determine how public money is spent, or do you think that that would be an interference with the President's inherent powers as Commander in Chief?

"Secretary ROGERS. Here again, I would want to see the language, of course, but I fully recognize the power of the Congress to appropriate funds, and we do respect the wishes of Congress. For example, Congress included some restrictions on the use of ground troops in that area, and we have observed those restrictions. So we are not at odds with the Congress."—*War Powers Legislation, supra* note 21, at 508.

[115] "Mr. SOLARZ. Do you believe that in a situation where the President would commit American troops into combat pursuant to what he believed was his inherent constitutional authority that the Congress, if it determined that it did not want the troops there—would the Congress have the authority, in your judgment, to pass a law cutting off funding for the troops and thereby in effect requiring the President to withdraw them?

"Mr. LEIGH. Again, I make the distinction as between the condition subsequent in an appropriation not yet completely spent and new appropriations.

"Mr. SOLARZ. I have to confess that without a legal background—

"Mr. LEIGH. If he has used up all money appropriated and then Congress refuses to provide any more, I think the Congress has effectively stopped the President from continuing the military action. I don't know how he can go on. If, on the other hand, he still had moneys that were unexpended, he could continue to spend those until such time as there was a court challenge and the court found that he was acting illegally."—*Hearings, supra* note 20, at 92. The funding prohibitions are not, of course, conditions subsequent under any accepted legal definition of that term. Nor would it matter if they were.

[116] After 1665, states Hallam, it became "an undisputed principle" that moneys "granted by Parliament, are only to be expended for particular objects specified by itself . . . ." The Framers were quite familiar with parliamentary practice; and we may be sure that in reposing in Congress the power of raising revenues and of making and reviewing appropriations for support of the armies they conferred the concomitant right to "specify" the "particular objects upon which its appropriations are to be expended."—Berger, *supra* note 23, at 78–79.

[117] Resolution § 5(b).

[118] *Id.* § 5(c)

[119] *See* Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 637 (1952) (Jackson, J., concurring), *quoted in* note 32 *supra*.

[120] *Cf.* text accompanying note 115 *supra*.

[121] *See* note 25 *supra* and accompanying text.

[122] *See* note 92 *supra*.

[123] *See, e.g.*, Foreign Assistance Act of 1961 § 620(x), 22 U.S.C.A. § 2370(x) (Supp. 1, Feb. 1975); International Peace and Security Act of 1961 § 201(a), 22 U.S.C. § 2314(d) (1970).

[124] *See, e.g.*, Foreign Military Sales Act § 36(b), 22 U.S.C.A. § 2776(b) (Supp. 1, Feb. 1975); Foreign Assistance Act of 1961 § 617, 22 U.S.C. § 2367 (1970), *as amended*, 22 U.S.C. § 2367 (Supp. III, 1973).

[125] *See* notes 91–92 *supra* and accompanying text.

[126] S. 440, 93d Cong., 1st Sess. § 3 (1973), *quoted in* note 13 *supra*.

[127] *See* note 15 *supra*.

[128] *See* notes 104–14 *supra* and accompanying text.

[129] *Id.*

[130] Berger, *supra* note 23, at 47.

[131] *See* notes 22–23 *supra* and accompanying text; note 92 *supra*.

[132] S. 440, 93d Cong., 1st Sess. § 3(3) (1973).

[133] With this modification, the Vietnam Contingency Act, S. 1484, 94th Cong., 1st Sess. § 3 (1975), *see* notes 56–58 *supra* and accompanying text, would provide a good model for broadening section 2(c).

[134] *See* notes 22, 23, and 29 *supra* and accompanying text.

[135] *See* note 89 *supra*.

[136] *See* note 41 *supra*.

[137] H.J. Res. 542, 93d Cong., 1st Sess. §§ 3(1), (2) (1973).

[138] *See* notes 40, 41, and 68 *supra* and accompanying text.

[139] S. 1484, 94th Cong., 1st Sess. § 5 (1975).

[140] Resolution §§ 8(a)(1), (2).

[141] 22 U.S.C. §§ 1961–65 (1970).

[142] 76 Stat. 697 (1962).

[143] 76 Stat. 1429 (1962).

[144] *Hearings on Memoranda of Agreements Between the Governments of Israel and the United States Before the Senate Comm. on Foreign Relations*, 94th Cong. 1st Sess. 249–51 (1975). During the Senate debate on the Sinai Implementation Agreement, Pub. L. No. 94–110 (Oct. 13, 1975), there was considerable controversy over whether the September 1 Memorandum could be construed to authorize introduction of the armed forces into hostilities.

[145] *Hearings, supra* note 20, at 90.

[146] *War Powers Legislation, supra* note 21, at 129 (remarks of Senator Javits).

APPENDIX

Joint resolution concerning the war powers of Congress and the President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "War Powers Resolution".

PURPOSE AND POLICY

SEC. 2. (a) It is the purpose of this joint resolution to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

(b) Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

(c) The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

CONSULTATION

SEC. 3. The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

REPORTING

SEC. 4. (a) In the absence of a declaration of war, in any case in which United States Armed Forces are introduced—

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

(2) into the territory, airspace or waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; or

(3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation;

the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

(b) The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

(c) Whenever United States Armed Forces are introduced into hostilities or into any situation described in subsection (a) of this section, the President shall, so long as such armed forces continue to be engaged in such hostilities or situation, report to the Congress periodically on the status of such hostilities or situation as well as on the scope and duration of such hostilities or situation, but in no event shall he report to the Congress less often than once every six months.

CONGRESSIONAL ACTION

SEC. 5. (a) Each report submitted pursuant to section 4(a)(1) shall be transmitted to the Speaker of the House of Representatives and to the President pro tempore of the Senate on the same calendar day. Each report so transmitted shall be referred to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations of the Senate for appropriate action. If, when the report is transmitted, the Congress has adjourned sine die or has adjourned for any period in excess of three calendar days, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable (or if petitioned by at least 30 percent of the membership of their respective Houses) shall jointly request the President to convene

Congress in order that it may consider the report and take appropriate action pursuant to this section.

(b) Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such sixty-day period shall be extended for not more than an additional thirty days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

(c) Notwithstanding subsection (b), at any time that United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or specific statutory authorization, such forces shall be removed by the President if the Congress so directs by concurrent resolution.

CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL

SEC. 6. (a) Any joint resolution or bill introduced pursuant to section 5(b) at least thirty calendar days before the expiration of the sixty-day period specified in such section shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and such committee shall report one such joint resolution or bill, together with its recommendations, not later than twenty-four calendar days before the expiration of the sixty-day period specified in such section, unless such House shall otherwise determine by the yeas and nays.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out not later than fourteen calendar days before the expiration of the sixty-day period specified in section 5(b). The joint resolution or bill so reported shall become the pending business of the House in question and shall be voted on within three calendar days after it has been reported, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than four calendar days before the expiration of the sixty-day period specified in section 5(b). In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than the expiration of such sixty-day period.

CONGRESSIONAL PRIORITY PROCEDURES FOR CONCURRENT RESOLUTION

SEC. 7. (a) Any concurrent resolution introduced pursuant to section 5(c) shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and one such concurrent resolution shall be reported out by such committee together with its recommendations within fifteen calendar days, unless such House shall otherwise determine by the yeas and nays.

(b) Any concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a concurrent resolution passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted upon within three calendar days, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a concurrent resolution passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such concurrent resolution within six calendar days after the legislation is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement.

INTERPRETATION OF JOINT RESOLUTION

SEC. 8. (a) Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances shall not be inferred—

(1) from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution; or

(2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of United States Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of this joint resolution.

(b) Nothing in this joint resolution shall be construed to require any further specific statutory authorization to permit members of United States Armed Forces to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this joint resolution and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.

(c) For purposes of this joint resolution, the term "introduction of United States Armed Forces" includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.

(d) Nothing in this joint resolution—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties; or

(2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

SEPARABILITY CLAUSE

SEC. 9. If any provision of this joint resolution or the application thereof to any person or circumstance is held invalid, the remainder of the joint resolution and the application of such provision to any other person or circumstance shall not be affected thereby.

EFFECTIVE DATE

SEC. 10. This joint resolution shall take effect on the date of its enactment.

WATER POLLUTION

Mr. MUSKIE. Mr. President, on October 18, 1972, I urged our colleagues to override a Presidential veto and begin a dramatic effort to clean up the once-pure waters of this country. Congress rose to the occassion and enacted Public Law 92-500—the Clean Water Act of 1972.

Unfortunately, because the law called for a new way of doing business, and because of the administration's manifest opposition, our progress in the first 3 years has been considerably less than our expectations. Recent findings by the National Commission on Water Quality, chartered by the Clean Water Act, and charged with assessing the impacts of the law's implementation, confirm this finding. But the report goes on to say that the program spawned by Public Law 92-500 has gathered momentum, that is beginning to work, and that the bureaucratic community is becoming familiar, and even supportive, of its provisions.

It is difficult for anyone—even Congress—to learn to do things differently. We cannot legislate a change in attitude, or orientation, that will instantly take place. But Congress can, and did, stimulate the entire water pollution control establishment—and it is a large establishment—to take the first, tentative steps toward thinking of our lakes, rivers, and oceans as something more than elements of the waste treatment system, to be used for their ability to transport or dilute our pollution, and to be used up to the limits of their assimilative capacity. We are finally beginning to view our waters and its indigenous ecosystems as a precious natural resource, and our waste as a potential source of valuable materials.

Having completed its findings, the Commission is now entering its most critical phase, that of preparing recommendations for Congress. Although the

findings cover a broad spectrum, they do not point toward any precise direction or demonstrate any clear need for change. Hearings by the Commission showed that different people find different facts in the report to support different and sometimes diametrically opposite positions.

Mr. President, this Commission, created by Congress, has given me a unique opportunity—to study in depth the course of a major piece of legislation which I helped develop. With that participation came a unique and frankly difficult responsibility, for I am also chairman of the congressional subcommittee with legislative responsibility for this act.

Many people have been counting on the Commission to tell Congress what to do—to come up with a legislative package of recommendations. I have resisted that and continue to resist it. Congress should look to the Commission for facts and findings, for distillation of issues, for the Commission's judgment on areas of law that Congress should address, and for the options that Congress may choose to pursue and the implications of those options. But the ultimate decisions must be made by Congress through its procedures. I have urged colleagues on the Commission to keep this in mind.

I order to be sure that its findings were accurate, and to elicit ideas from the public on what direction the water pollution program should take, the Commission held a series of hearings throughout the country last month.

I was extremely gratified by the testimony of the Department of Environmental Protection of my home State. While unable to participate personally because of adverse weather conditions, the department submitted a letter in which they argued eloquently and persuasively for the objectives that Congress set forth 3½ years ago—to stop using our waters as sewers by applying feasible technology to keep pollutants out of the water.

Maine is not a wealthy State; Maine needs the industry she has. Maine needs new jobs. Yet Maine embarked on a program that exceeded the Federal program, and none—not one—of her paper mills is going to close due to water pollution control expenditures.

The Maine Department of Environmental Protection urges us to stick with the ideas we wrote into law. Because I intend to rely heavily on the views expressed by the Maine Department of Environmental Protection as we examine proposed recommendations from the National Commission on Water Quality, I think its contents ought to be in the RECORD and I ask unanimous consent that this letter be printed in the RECORD.

STATE OF MAINE,
DEPARTMENT OF
ENVIRONMENTAL PROTECTION,
February 4, 1976.

NATIONAL COMMISSION ON WATER QUALITY,
Attention: JOHN FRESHMAN,
1111 18th Street,
Washington, D.C.

DEAR COMMISSION MEMBERS: I would like to bring to the attention of the National Commission on Water Quality several important trends in Maine industrial and municipal pollution abatement, some of which are contrary to Commission findings.

First, the Commission's report indicates there may be significant closing of factories and jobs lost in New England in the future because of the 1977 waste treatment requirements of the Amended Federal Water Pollution Control Act. Maine industries initially had the same deep concerns about PL 92-500; however, the contrary has happened.

In Maine the pulp and paper industry has just completed the most extensive expansion in the state's history, while completing treatment facilities for operation by October 1, 1976, nine months ahead of the federal deadline. We will experience no plant closings in any industry due solely to the requirement for secondary treatment by 1977. In some instances, abatement programs have actually helped Maine industries save money. For example, one pulp and paper company has offset wastewater treatment costs through fiber recovery from better housekeeping practices.

It is our feeling that Maine's experience with PL 92-500's 1983 goals will be similar. We feel that the 1983 goals are valuable, and that if needed, suitable compromises will be worked out to meet the goals.

I must stress that I feel it is imperative that all states are held to the July 1, 1977, deadline, and that treatment standards are not relaxed so Maine industries can compete in the marketplace on equal ground with industry in other states. Interior Secretary Udall's 1967 guidelines, which proposed a minimum of secondary waste treatment systems for all, must not be altered now. Maine has come too far; too much time and money has gone to industrial waste treatment to allow those in other parts of the country a cost and resultant competitive advantage of providing something less than secondary treatment.

Maine's municipal program is progressing as fast as funds will allow. Towns and cities are working hard to meet state and federal goals for wastewater treatment. The federal funding program must continue if municipalities are to complete installation of secondary treatment facilities. If funds eligibility is held to interceptor systems, treatment facilities and outfalls, Maine will need federal monies for 6 more years at a rate of $40 million each year. If the Maine Department of Environmental Protection (DEP) expands eligibility to include collector systems, we will need $40 million each year for 15 years.

While we feel strongly that a state's needs should determine how much money it receives, we realize that federal programs must at least consider a distribution of funds which takes state population into account. We feel, however, that the Commission should consider changing the distribution formula so that before pollution abatement funds are spent on stormwater treatment, all municipalities nationwide have secondary treatment for sanitary waste discharges. We feel that exceptions could be made in areas such as water quality limited segments and shellfishing areas closed due to combined stormwater overflows, where stormwater treatment could provide significant positive impact.

In addition, if the DEP is to continue to manage this massive construction and administrative effort, 106 programs must continue. We feel that if, due to severe economic problems, a state's general fund allocation for pollution abatement must be reduced below its 1971 level, the state should not lose its entire federal 106 program grant; however, the grant should be proportionately reduced.

I strongly urge, further, that any recommendations made by the National Commission on Water Quality in respect to midcourse corrections in PL 92-500 should be subject to discussion among state and regional administrators. The impact of any such changes will first be felt by these administrators and their departments. We deserve a voice in any final recommendations to Congress.

Finally, another important point I would like to make is that the law and its procedures should not be significantly changed in midstream. At the inception of PL 92-500, federal, state and local governments began a 2-year learning process to set in motion the law's many requirements. Any substantial change in procedures will seriously hamper our efforts in the management of pollution abatement construction programs. Let us work with the law and make any procedural changes at regional levels where their impact on the program will be minimized.

The Commission should ensure that waste treatment be based on what we are technically and financially capable of doing, not on what our rivers and oceans can handle short of becoming open sewers. This is the ideal and goal of PL 92-500 and must not be altered. It is the only path to swimmable, fishable waters and the benefits which American people will accrue.

Thank you for giving me the opportunity to voice the opinions of the Maine Department of Environmental Protection.

Sincerely,

WILLIAM R. ADAMS, Jr.,
Commissioner.

THE THREAT OF THE SOVIET MERCHANT MARINE AND THE PROPER ROLE FOR THE FEDERAL GOVERNMENT IN PORT AFFAIRS

Mr. THURMOND. Mr. President, recently Mr. W. Don Welch, executive director of the S.C. State Ports Authority, delivered an inspiring, poignant address to the Propeller Club of the Port of Charleston, S.C. Among other things, Mr. Welch warned of the increasing threat of the Soviet Union's Merchant Marine to the American merchant fleet, and he also voiced some thoughtful ideas concerning the dangers of Federal involvement in the financing of port development projects. I believe Mr. Welch's remarks on these matters deserve the attention of my colleagues in Congress and other public-minded citizens.

Don Welch is one of South Carolina's most outstanding citizens, and he enjoys a national reputation as an expert in maritime affairs. He currently serves as a director of both the American Association of Port Authorities and the International Association of Ports and Harbors. Mr. Welch has also been appointed by the Secretary of Commerce to membership in the National Defense Executive Reserve.

Regarding the Soviet Merchant Marine threat, Mr. Welch points out very lucidly that the post-World War II era has seen Russia climb from 23rd place among the world's merchant fleets in tonnage to its present sixth place. At the same time, the United States has declined from first place to eighth place, and the disparity is widening. By 1980, the Soviets will likely have the largest intermodal container fleet in the world and will be in a position to virtually control the most lucrative ocean shipping lanes.

Mr. President, it appears that the Soviets have deliberately sought to gain control of ocean freight transportation, and it seems they have been unscrupulous in the use of predatory rate practices to achieve this end. Unlike privately owned American shipping firms, the Rus-

sians do not have to be concerned with recovering operating costs. Rather, they can, over a period of years, continue to subsidize their merchant fleet as necessary from other segments of their economy, while allowing their ships to freely undercut the rates of shipping firms from other nations.

There is no doubt that the Russians have used these predatory rate practices very successfully to gain business and build up their own cargo fleet. Furthermore, the United States has lately been a most cooperative party in this respect. As Mr. Welch mentions in his address, the United States has opened up 40 of our ports to Russian cargo ships in the name of détente. This gesture of good will has resulted in enormous economic benefits for the Soviets.

I am advised that legislation has been introduced in Congress to prevent these predatory rate practices by the Soviet Union. The pertinent bills, S. 868 and H.R. 7940, would prevent any third-flag shipping carrier—this is, carriers which belong to neither the exporting nor the importing nations involved in a transoceanic commercial shipment—from charging rates lower than their operating costs would justify.

There is no doubt that this legislation is well meaning, and I will be glad to give it my fullest consideration if it should come before the Senate. However, I believe any such legislation must be carefully drawn to combat the Soviet predatory rate practices, without reducing competition in shipping and thereby increasing transportation costs to exporters and potentially reducing U.S. exports. In other words, Congress should be careful to deal effectively with the specific problem, without damaging the concept of free trade and the free movement of goods among nations that is so vitally important to the U.S. people and economy.

As long as ocean freight rates are not subsidized by the nation whose flag the ship is flying, I think it is beneficial to let the competitive market forces determine rates to be charged. Fair competition in the shipping industry is good for that industry, just as it is good for others, and it certainly benefits users of ocean freight carriers, and, ultimately, American consumers.

Furthermore, it is my understanding that the Federal Maritime Commission now has authority under section 15 of the Shipping Act (46 U.S.C. 17(b)(5) to take action against ocean freight carriers which attempt to establish unreasonably high or low rates that are detrimental to U.S. commerce. I hope the Commission will thoroughly review this matter and take appropriate remedial steps.

Mr. President, in his recent speech to the Charleston Propeller Club, Mr. Welch also warned against getting the Federal Government involved in port development, beyond the traditional role of harbor and channel maintenance. The Port of Charleston, S.C., has achieved great success without Federal handouts and does not need Federal restrictions and the kind of Federal involvement that might disrupt the competitive relationship among ports. It is far better for the Federal Government, through the Corps of Engineers, to concentrate on waterway maintenance and harbor improvement. Along these lines, the Cooper River rediversion project is critical to the future success of the Port of Charleston, and I hope Congress will provide adequate funding for early completion of this important civil work.

Mr. President, I ask unanimous consent that excerpts from the excellent speech by Mr. Don Welch be printed in the RECORD.

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

AN EXCERPT OF SPEECH OF MR. DON WELCH

(From the annual "State of the Port" presentation to the members and guests of the Propeller Club of the Port of Charleston, delivered by W. Don Welch, executive director of the South Carolina State Ports Authority, January 20, 1976)

Another area of strength for Charleston exists in the fine level of services provided by American-flag shipping lines in the port. American President Lines, Prudential Line, Moore-McCormack Lines, Waterman Line, Farrell Lines, Sea-Land Service, United States Lines, American Export Lines, and the Puerto Rican Marine Management Service are all leading port citizens. This should be of particular interest to the membership of the Propeller Club of the Port of Charleston inasmuch as one of the two main goals of the Propeller Clubs throughout the Nation is the promotion of the American Merchant Marine.

In this connection, I am compelled to point to an issue of serious concern to many members of the port industry throughout the Nation and to many leaders of the American-flag steamship industry.

A major challenge to the strength of the American shipping industry exists in the growing strength of the merchant fleet of the Soviet Union. In the years since World War II, Russia has climbed from a ranking of 23rd among the world's merchant marine tonnage to sixth place. In the same period, the United States has fallen from first place to seventh place, right behind Russia. Today the Soviet Union has 16 companies operating 7,000 ships on 65 trade routes. Ninety new vessels were added to their merchant fleet in 1975.

A major growth component of the Soviet merchant marine power is their container fleet, which did not even exist in 1970. By 1980, Russia will be the largest intermodal operator in the world, with more than 300 container vessels. It is estimated that their fleet will be large enough by 1980 to monopolize the entire U.S.-Atlantic or Pacific foreign trade tonnage. In addition, the Soviet Union also controls the Communist Council of Economic and Mutual Assistance, which consists of Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, East Germany and Cuba. This organization provides a combined front for competing with the free world merchant marine, and serve the long-range Soviet goal for complete domination and control of the world's ocean trade lines.

This is especially frightening when one considers the declining state of the American Merchant Marine. Our liner fleet consists now of only 302 vessels of which 140 are modern, technologically-advanced intermodal ships such as containerships.

What has caused this great leap forward for the Soviet fleet? A look at the practices of Communist-flag lines provides the answer. The Soviets usually do not abide by the rates charged by most lines which are members of the rate-making conferences. Because the Russians have no real cost system within their economy, they can set whatever prices they desire to undercut the American merchant fleet and the rest of the non-Communist world.

With their predatory rate practices, the Communist-flag lines attempt to seek out and monopolize the most valuable cargoes, leaving the lower paying cargoes for the other carriers. Over the long run, the Russians intend to gobble up the majority of the world's maritime trade.

What does this mean to America? In the name of detente, we now permit the Russians to put in to 40 American ports. Their business is booming and the trade of the American-flag shipping companies is continuing to decline. The long-range prospect is an effective crippling of the American Merchant Marine. Eventually, the Russians could be in a position to set up a trade embargo similar to the Arab oil embargo but more serious. The impact on the West of the Communist competition has been stated most forthrightly, not by an American ship operator, but by Karl-Heinz Sager, president of the European Common Market Shipping Association. At the Association's recent annual meeting, he warned that the practices of the Communist merchant fleets represent the most serious threat to the viability of the western cargo line operators. Since Soviet competition cannot be fought with commercial means, state regulatory measures are necessary, he said. For the health of the American shipping industry and for the economic stability of our nation, we must prevent the establishment of a Russian monopoly power in trade. It is clear that the Russians intend to use their merchant fleet as an instrument of national policy, aimed at destroying the economic structure of the free world.

Legislation properly known as the "Third-Flag Bill" is pending in Congress. The thrust of this bill would be to require state-owned cargo lines, like the Russians, to abide by the minimum rates charged by a national flag carrier unless an analysis of the lower rate shows that it fully covers all the costs incurred by the third flag line. This would effectively prevent the state-owned lines from cut-throat pricing, and we endorse this principle as in the best interests of America and the rest of the free world.

Clearly, America needs a recommitment of national policy to the strength of the nation's merchant marine. Some shippers may find the cut-rate shipping costs offered by the Communists attractive. But the interest of the nation and the shipping industry surely cannot be served by a potential Russian monopoly on America's seaborne trade—which is the largest in the world.

The "third-flag bill" represents an area of significant federal concern affecting ports and shippers. We welcome federal concern on these and other areas of clear federal scope. At the same time, like the majority of port executives, I am not at all eager to see federal participation in areas such as port development beyond the traditional role of harbor and channel maintenance. Recently, a number of ports have expressed interest in securing capital funds from federal sources to help in their development projects. We are opposed to this.

The record is clear. When the Federal Government spends money on development, priorities are set, controls are placed and restrictions follow. The Federal Government could not get involved in port construction without disrupting competitive relationships among ports. That would bring complete dislocation of our industry as we know it today. Federally selected and supported ports would become the order of the day.

It seems to us that the Federal Government faces enough demands without add-

ing more. As an example, take Charleston's critical rediversion project. The rediversion project represents without doubt the most vital single need of the Port of Charleston. On it rests the ultimate salvation of our harbor. Fortunately, we're able to report this year that significant progress has been made on moving forward on this essential project. Funds for a major step forward on rediversion have been placed in the Federal budget. We understand that final agreement is imminent between the Corps of Engineers and Santee-Cooper on the contractual agreement that must be signed before construction can begin. We are still on the tightrope on this project but we are very near the end. The port community must watch this project closely to make certain there is no fall in the last few steps. A general awareness now exists concerning the imperative nature of this project to the overall economic well-being of the region.

THE DUBIOUS VALUE OF THE B-1 BOMBER

Mr. CLARK. Mr. President, I would like to call the attention of the Senate to an important study recently released by the Brookings Institution. This painstakingly documented study, written by Alton H. Quanbeck and Archie L. Wood, is entitled "Modernizing the Strategic Bomber Force: Why and How." Quanbeck and Wood conclude that the United States should not commit itself to producing the B-1 bomber.

I believe that the United States should spend whatever is necessary for protection against possible attack. But I do not think that we should spend vast sums on weapons systems which are, at best, of dubious value in increasing our national security. Such wastefulness only ends up by weakening us, since it assures that we do not spend our defense dollars where they are needed. This Brookings study makes an important contribution in helping us to see just what our priorities should be in weapons systems for the years immediately ahead.

While this study deserves our careful consideration in its entirety, its principal arguments are included in the introduction and conclusions and recommendations. I ask unanimous consent that these portions of the paper be printed in the RECORD.

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

MODERNIZING THE STRATEGIC BOMBER FORCE: WHY AND HOW

INTRODUCTION

Uniquely, strategic bombers and strategic bombardment continue to play a major role in the contemporary American military posture. Although other nations have built and employed such weapons, none have lavished as much energy and wealth on their development as the United States has. The United States first developed a sizable strategic bombing force during World War II and emerged from the war with nuclear weapons for which bombers were the only means of delivery.

During the postwar period the United States developed the B-36, B-47, B-52, and B-58 bomber aircraft and in the late 1950s initiated the development of the B-70, a high-altitude supersonic heavy bomber, but terminated the program after two test vehicles were built. A program to build about 200 FB-111s—a smaller bomber—was begun in the mid-sixties; this, too, however, was stopped after about 75 were actually deployed. Of all these planes the B-52s were the most capable and versatile, particularly the G and H models. The last of these models were delivered in the early sixties, but they were updated and modernized throughout that decade and are still being improved. They are now the backbone of the strategic bomber force.

The United States applies about 35 percent of all money spent on its strategic forces to bombers. About 25 percent of the nuclear weapons in the strategic arsenal are carried by bombers, and the B-52G/Hs could carry many more. There are now no serious threats to the effectiveness of the B-52 force. Defense Department officials believe that the bomber force could survive a surprise attack by Soviet offensive forces and penetrate Soviet air defenses. Nonetheless, the United States is now on the threshold of a program to modernize the bomber force. The centerpiece of this program is the B-1, which will enter the operational force in the 1980s if present plans are carried out. Current official estimates of the investment cost of the B-1 force now total more than $80 million per airplane, if 244 are produced as proposed by the Air Force.

The forerunner of the B-1, the advanced manned strategic aircraft (AMSA), was conceived soon after the demise of the B-70 program. From its inception, the AMSA was controversial. The Air Force advocated the initiation of the program throughout the late 1960s, but effort was limited to the advance development of components of the AMSA and to system studies of the AMSA weapon system. Soon after the change of administration in 1969, however, the AMSA was redesignated the B-1 and the development of prototypes began.

Some analysts have challenged the need for strategic bombers in an age of ballistic missiles carrying thousands of warheads; others have acknowledged the need for strategic bombers but not for a new bomber at this time; and still others have questioned the characteristics being designed into the B-1, especially its supersonic flight capabilities. Critics have argued as well that a new approach to strategic bombers—the so-called standoff bomber, which would launch missiles against its targets from outside defense perimeters—should be employed in modernizing the strategic bomber force. They have also stressed the costs of the B-1, arguing implicitly or explicitly that it is not worth the money.

Since the B-1 was first conceived, advances in propulsion systems, guidance systems, and the design of ballistic missiles have made alternative approaches to the modernization of the bomber force technologically feasible. Moreover, the treaty limiting the deployment of antiballistic missiles (ABMs)[1] has provided political assurances that an effective ABM defense will not be deployed, and economic and technological impediments to an effective ABM defense are likely to persist. The United States will soon have more than 7,000 ballistic missile reentry vehicles deployed that could defeat any but the most massively deployed and extremely sophisticated ABM system. About 5,000 of these reentry vehicles will be based in nuclear-powered ballistic missile submarines (SSBNs), the most survivable deployment mode the United States has. The other 2,000 will be carried by intercontinental ballistic missiles (ICBMs). Both the submarine-launched ballistic missile force and the land-based ICBM force are capable of surviving a surprise attack. The penetration capabilities of both forces are protected by the ABM treaty. Moreover, the use of only a small fraction of the ballistic missile reentry vehicles could destroy major elements of Soviet air defenses and would disrupt the operation of the system as a whole. Thus the ABM treaty gives added assurance, too, of bomber penetration.[2]

The purpose of this study is to explore key issues relating to the modernization of the bomber force. Does the United States need a bomber force? If so, is its modernization urgent? What approaches, other than the B-1, are available to modernize the bomber force? Which of these are most economically efficient? What risks for the United States does each involve?

We consider five alternative bomber forces:

Modified B-52G/Hs (including rocket assistance for faster takeoff).

B-1s.

A derivative of large transport aircraft, such as the C-5 or the Boeing 747.

New aircraft designed for maximum ability to survive a surprise attack.

A derivative of large transport aircraft with rocket assistance for faster takeoff.

The first two of these forces would be armed with decoys and short-range attack missiles; the other three would carry long-range ballistic or cruise missiles.

We evaluate the five alternative forces and compare their costs, ability to survive a surprise attack (prelaunch survivability), and ability to penetrate Soviet defenses. In our discussion of the problems of prelaunch survivability and the penetration of enemy defenses, we have assumed that the Soviet Union will eventually possess greater capabilities than it has at the present time. Finally, we conclude the study with a presentation of our views on how the bomber force should be modernized.

CONCLUSIONS AND RECOMMENDATIONS

This analysis, like others of such complex issues, leaves for differing judgments about the policies that should govern the design of the bomber force, about the evolution of future threats, and about the role of the bomber force. We have been limited by the necessity to reply on unclassified data, and our simple modeling techniques capture only the most important properties of the problems treated. Nevertheless we believe that the broad direction that decisions concerning the bomber force should take is quite clearly delineated by the conclusions of this analysis. In summary, these conclusions are as follows:

The effectiveness of the current bomber force is more than adequate now and, with minor force modifications, will remain so in the future under foreseeable conditions. With the planned deployment of ten Trident submarines, U.S. strategic forces will rise approximately to the limits established in the Vladivostok guidelines.[3] Thus there is no urgency to make major changes now, although modernization will be necessary eventually.

There are marked economic advantages for a bomber force that carries standoff missiles, which would be an alternative to the B-1 in modernizing the bomber force.

There appear to be no significant military advantages to be gained by deploying a new penetrating bomber such as the B-1 in preference to this alternative.

In light of these findings, we see no reason to make a commitment to produce the B-1, and we believe there is considerable justification for exploring alternatives based on the use of standoff missiles.

Our more detailed conclusions follow and touch on each of the points we have considered in this report.

Need for a bomber force

We consider the sea-based missile force to be the cornerstone of the future U.S. strategic capability and to be particularly well-suited to the retaliatory mission because of the rela-

Footnotes at end of article.

tive invulnerability of sea-based missiles to a surprise or preemptive attack. While the number of land-based missiles possessed by the United States has political value in maintaining essential equivalence—now stressed in U.S. strategic policy—these missiles, if actually faced with Soviet deployment of accurate multiple independently targetable reentry vehicles, would assume a secondary retaliatory role and would contribute mainly to a strategic warfighting capability. If their military worth were to be diminished for this reason, the United States should shift its reliance on land-based missiles to sea-based missiles. The Trident program, which has already been started, provides a suitable basis for this shift.

We believe that the proper military role of the bomber force in the future is to act as insurance against the failure of the ballistic missile forces. The amount this nation is willing to pay for such insurance and the amount of coverage that is desired depends on subjective judgments of the risks involved. The political purpose of the bombers is to help maintain essential equivalence with the USSR. The number of bombers in the force required for this purpose will depend partly on the value placed on them in any future accord that may be negotiated on the basis of the Vladivostok understanding.

Present program

The B-1 program has reached a point in its development-procurement cycle that calls for a key decision—whether or not to make a commitment to produce the aircraft. If the commitment is made, spending on the B-1 will increase rapidly from about $750 million in fiscal year 1976 to about $2.5 billion annually in the late 1970s. There will be additional costs for short-range attack missiles to arm the B-1 and for a new tanker to refuel it. On the other hand, a decision not to proceed with the B-1 production program would not mean that the bomber force would rapidly become obsolete and ineffective, because the present aircraft will be structurally sound well into the 1990s, and there is only a remote possibility that any potential enemy action could threaten the military effectiveness of the B-52 force before that time. Furthermore, U.S. sea-based and land-based missile forces are effective hedges against an enemy threat directed specifically toward the bomber force within the same time frame.

Prelaunch survivability

The value of the bomber force is greatest during a time of crisis because it can be placed on a higher alert status. We believe that either through assessment of a political crisis or through U.S. intelligence systems the United States will receive strategic warning adequate to increase the alert status of the bomber force. Secretary of Defense Schlesinger had expressed similar views in regard to strategic warning.[4]

The threat to bomber prelaunch survivability of a well-executed surprise attack is the most demanding problem for those charged with designing the bomber force. A surprise attack could be carried out by either depressed trajectory ballistic missiles or strategic cruise missiles launched from Soviet submarines. The likelihood of a surprise attack during a period of relative stability is extremely remote, however, and U.S. submarine-based ballistic missiles provide protection against such an unlikely contingency. Thus we believe that the United States does not need to rely on the bomber force to hedge against the possibility. In addition, the bomber force as currently planned, including the B-1, is not well-adapted to cope with such a threat. The current solution to the problem is to depend on a quick-reaction ground alert posture for the bomber force in order to flush the bombers upon receipt of tactical warning. Even with a bomber like the B-1, this reliance on ground alert and dispersal provides very narrow margins of safety if severe prelaunch threats materialize; these margins degrade rapidly with adverse changes in the performance of tactical warning systems or alert forces. High-acceleration devices such as rocket-assisted takeoff, reductions in bomber reaction time, and dispersal basing offer some promise of improving the prelaunch survivability of bombers on ground alert under conditions of strategic warning.

During the Cuban missile crisis the Air Force placed some of its bombers on airborne alert to assure their survivability and to demonstrate resolve. We believe that this mode is virtually invulnerable to any threats that can now be anticipated, but reliance on airborne alert in time of crisis would put a premium on designing a bomber force with greater endurance than the one currently planned.

Penetration

The remaining threat to the retaliatory capability of the bomber force is the possible emergence of high-quality Soviet air defenses. A high-quality Soviet air defense system might include lookdown, shootdown interceptors guided by large airborne control centers and surface-to-air missiles with a low-altitude capability down to about 100 feet. Although this threat has been anticipated for some time, there is no evidence that it will materialize within the next several years. If such a system does not emerge, then the present force of B-52s has sufficient capability.[5] Moreover, our analysis suggests that if the B-52s were equipped with armed decoys or with long-range cruise missiles, exploiting fully their existing payload capabilities, they could cope with substantial deployments of advanced air defenses.

Recent testimony by Defense Department officials emphasizes the dependence of the currently planned bomber force of B-52s and B-1s on electronic countermeasures (ECM) to counter the threat of high-quality area air defenses.[6] We do not believe that ECM should be relied on to assure the penetration of the future bomber force. If government leaders conclude that ECM can guarantee the effectiveness of the penetrating bomber, however, then the sizing and evaluation of alternative forces should be based on this choice.

In our view, air-launched cruise missiles provide the most economical means of coping with sophisticated area defenses. The Defense Department is undertaking a deliberate program of developing these cruise missiles that appears to be properly paced to meet an area defense threat. These missiles can be carried on B-52s in the near term. The design of the follow-on carrier would now warrant initial study. If arms control agreements should come into being that severely limit the deployment of air-launched cruise missiles with the required range, consideration could be given to the deployment of air-launched ballistic missiles for coping with area and terminal defenses.

We believe that U.S. strategic forces can adequately counter any deployment of fixed terminal surface-to-air missile (SAM) systems by suppressing them with sea-based or land-based ballistic missiles. Since the strategic missile forces are programmed to contain more than 7,000 re-entry vehicles by the mid-1980s, the use of several hundred of them to destroy terminal SAMs would not significantly reduce their overall capability. We see little purpose in the further development of an air-launched ballistic missile (ALBM) for destroying SAMs in view of the capabilities of currently planned ballistic missile forces. But even if a choice is made to reject the use of intercontinental ballistic missiles or submarine-launched ballistic missiles (SLBMs) for air defense suppression, the development of an ALBM would not appear to be justified now by existing Soviet strategic SAMs.

Alternative forces

A standoff bomber force is more economical than an equal-effectiveness B-1 force. As much as $10 billion to $15 billion might be saved in the first ten years after a decision to modernize by choosing the standoff force. Thus we believe that the production of the B-1 should not be approved and that the research and development program should be brought to a speedy conclusion as soon as the technological potential in the B-1 prototype program is fully exploited. Instead, systems studies and appropriate advanced development of a standoff bomber should begin. Emphasis should be given to those characteristics needed to assure adequate prelaunch survivability and low cost.

Arms control measures

In addition to these conclusions about the future development of the bomber force, we suggest that several pertinent strategic arms control measures should be pursued.

The viability and effectiveness of the anti-ballistic missile treaty[7] should be preserved; this would protect the penetration capabilities of the ballistic missile forces. The potential for destruction of Soviet air defenses by ballistic missiles gives added assurance of bomber penetration.

The United State should seek a ban on the testing and deployment of depressed trajectory SLBMs. Defense spokesmen have testified that a ban would be verifiable. By this means, a possible threat to bomber prelaunch survivability would be mitigated.

The ultimate acceptability of an arms control agreement that bans or limits cruise missiles of more than a specified range—for example, 600 kilometers—rests on considerations that go beyond the scope of this study. Such limits, however, without radical controls on air defenses (and such controls seem unlikely), would severely limit all of the major options discussed in the study.

Patrol limits on strategic ballistic missile submarines (SSBNs) should be considered. Such limits may now present serious verification problems. But ASW breakthroughs might change this. If ASW breakthroughs also reduced the survivability of SSBNs, the bomber force and consequently SSBN patrol limits would assume new importance.

FOOTNOTES

[1] Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow, May 26, 1972.

[2] The Soviet Union currently possesses more ballistic missiles than the United States plans to deploy. These missiles are larger than those of the United States as well, but the USSR is only beginning to deploy multiple independently targetable reentry vehicles on their missiles. (The United States began such deployments about five years ago.) Most Soviet missiles, too, would survive a first strike. In effect, since both Soviet and American ABMs are limited by the ABM treaty to 100 interceptors, both superpowers would be devastated should an all-out nuclear war occur.

[3] Joint Soviet-American Statement on Strategic Arms Limitation, November 24, 1974.

[4] "Report of Secretary of Defense James R. Schlesinger to the Congress on FY 1976 and Transition Budgets, FY 1977 Authorization Request and FY 1976–1980 Defense Programs" (February 1975; processed), p. II-35.

[5] The Defense Department has apparently come to a similar conclusion. See statement of Malcolm R. Currie, director of Defense Research and Engineering. *The Department of Defense Program of Research, Development, Test and Evaluation, FY 1976*, Hearings before the Senate Appropriations Com-

mittee, 94 Cong. 1 sess. (February 26, 1975), p V-18.

[6] Ibid., p. V-15.

[7] Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow, May 26, 1972.

A NATIONAL POLICY FOR JOBS AND ENERGY INDEPENDENCE

Mr. MATHIAS. Mr. President, two of the most pressing national goals of this country are providing jobs for American citizens and promoting our independence from foreign energy sources. National policies thus far have failed to move us closer to either goal.

One of the principal areas in which this is true is the failure of American policy to reflect the need to construct additional petroleum refineries in the United States. Not only is America becoming increasingly dependent on foreign crude, but we are also becoming increasingly dependent on foreign refineries. The result is a weakening of our national security and national defense.

Moreover, as we see more refineries built throughout the Caribbean and other foreign lands, we also witness the export of thousands of American jobs. These jobs are created by the American economy, and sorely needed by the more than 8 million Americans currently unemployed.

Despite the obvious fact that refinery construction in America provides both security and employment, the Federal Energy Administration is even today considering further action to frustrate both goals. The FEA has, during the past year, provided millions of American dollars in subsidies to offshore and foreign refineries. It is considering at this time whether to extend that policy into the indefinite future. While American taxpayers are rightly concerned about the level of Federal expenditures within the United States, I believe they would be outraged by subsidies of millions of dollars to such offshore and foreign refineries which undermine both security and employment.

I hope, therefore, that our Federal Government, including the FEA, reverses its recent record and begins to foster domestic refinery construction and utilization.

At a recent public hearing at the FEA, Mr. Anthony Mazzocchi, citizenship-legislative director of the Oil, Chemical, and Atomic Workers International Union, testified as to the loss of American jobs caused by current Federal policies. Further evidence was provided by the testimony of Jesse D. Winzenried, vice president of Crown Central Petroleum Co. Crown, like other petroleum companies, has under active consideration plans for the construction of a domestic refinery. The Crown refinery would be capable of refining up to 200,000 barrels of crude petroleum each day. Its construction would require 2 to 3 years and employ up to 2,000 construction workers, according to best estimates. When completed, the refinery would employ some 300 full-time workers. The refinery would increase the taxable base of Baltimore, provide an immediate boost to the economy of the area in which it is located, and guarantee that energy would be available to the mid-Atlantic States. These economic and energy benefits are substantial, and it is my fervent hope that the FEA and our other Federal energy policymakers will develop policies which foster rather than frustrate this type of project.

The need for leadership cannot, however, be left to the FEA alone. The Congress too must play its role. During the last session of the Congress, I introduced S. 1950, which would amend the Federal tariff policy so as to impose a somewhat higher tariff on products than on crude. It would thus provide an economic climate favorable to the construction and utilization of domestic refineries and would thus both foster energy independence and increase employment.

S. 1950 is now pending before the Senate Finance Committee. Testimony was received in its behalf by the committee during the last session. I trust that my colleagues on that committee will give S. 1950 serious and favorable consideration during the committee's review of energy and tax policies this spring.

Mr. President, for the convenience of my colleagues, I ask unanimous consent that the testimony of Mr. Mazzocchi and Mr. Winzenried be printed in the RECORD.

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

STATEMENT OF ANTHONY MAZZOCCHI, CITIZENSHIP-LEGISLATIVE DIRECTOR, OIL, CHEMICAL, AND ATOMIC WORKERS INTERNATIONAL UNION, BEFORE THE FEDERAL ENERGY ADMINISTRATION, RE: NEPCO APPLICATION, FEBRUARY 4, 1976

The Oil, Chemical and Atomic Workers International Union represents 200,000 workers in the United States and Canada. The Union is the principal one in refining petroleum. OCAW represents workers who refine over two-thirds of all product in the U.S.

We in OCAW have witnessed over the past years the steady decline of refineries in the U.S. Along with this development, especially recently, there has been an escalation of rhetoric in government and industry for the need for additional refineries in the U.S.

However, when one separates myth from reality, one understands that the rhetoric is purely for public consumption and has little to do with facts regarding refineries closing or being built.

In the East Chicago area alone, we have seen in the past 3 years the closing of the Citgo and Mobil refineries and now the planned shutdown of the 140,000 bbls. a day ARCO refinery in East Chicago. The ARCO refinery employs over a thousand people. There are also other planned refinery shutdowns that affect the membership of our Union.

We oppose any program that encourages the export of capital, refinery capacity and jobs. The proposed entitlements to NEPCO is a subsidy and it will accomplish precisely this deleterious program.

Jobs are considered the number one priority in the U.S. at the present. And after inflation, energy probably occupies the next highest priority in the minds of industry, the public and government.

It seems incredible to us that given these priorities that consideration of a subsidy in the form of entitlements would even be considered for NEPCO.

Encouragement should be given to those business entities who plan to build refineries in the U.S. in a sound environmental way rather than creating incentives to move refining offshore.

Let's look for a moment what government encouragement for refinery expansion offshore has done in the case of Amerada Hess.

In 1974 Hess expanded its Virgin Islands refinery 500,000 bbls a day to 700,000 bbls per day. This was certainly adding insult to injury because there is no reason why the 500,000 bbl capacity should have been there in the first place.

However, it is important to note that this huge Virgin Islands plant was a contributing factor in the company's decision to close its Corpus Christi refinery in November of 1970. It was no doubt a contributing factor when in 1973 the company decided to lock out the OCAW members in its Purvis, Mississippi refinery for a period of six months. This period you will remember was at the height of the energy crisis.

The expansion of the Virgin Islands plant from 500,000 bbls a day to 700,000 bbls in 1974 most certainly was a contributing factor to the closing of its Port Reading, New Jersey refinery in late 1974.

If we in OCAW, who have lived through refinery shutdown after refinery shutdown, while being subjected to a barrage of rhetoric calling for the expansion of domestic refinery capacity, have grown skeptical and cynical, I hope you will understand the reason for this development. The NEPCO subsidy is another nail in the coffin of domestic refinery capacity. OCAW calls for an end to this subsidy and the development of programs that will encourage domestic refining capacity.

STATEMENT OF JESSE D. WINZENRIED, GROUP VICE PRESIDENT, CROWN CENTRAL PETROLEUM CORPORATION BEFORE THE FEDERAL ENERGY ADMINISTRATION HEARING ON APPLICATION FOR EXCEPTION FROM THE PROVISIONS OF 10 CFR 211.67, FILED BY NEW ENGLAND PETROLEUM CORPORATION, WASHINGTON, D.C., FEBRUARY 4, 1976

My name is Jesse Winzenried and I am a Group Vice President for Crown Central Petroleum Corporation. Crown is a small, independent refiner which owns and operates a 100,000 barrel per day capacity refinery in Houston, Texas, and markets petroleum products along the coastal states from New York to Texas.

I am here today because Crown is concerned that the granting of the relief sought by NEPCO in this proceeding will foreclose the expansion of domestic refinery capacity by Crown and other domestic refiners, both majors and independents.

Since 1971 Crown has been actively planning for the construction of a 200,000 barrel per day refinery to be located in Baltimore, Maryland, at a projected total cost of approximately $500,000,000. This refinery would emphasize the processing of synthethic natural gas and low sulfur fuels oils in order to help supply the energy needs of the area. Crown has spent a substantial amount of time and money on this refinery project, and it is now at the point in the planning process where it must either commence actual construction in the very near future or else reconsider its entire decision.

Along with the President, the Congress, and all Americans who are striving to achieve energy independence, Crown believes that it is vitally important to National security that the United States lessen its dependence on imported finished petroleum products. This dependence on foreign products is largely attributable to the present lack of domestic refining capacity, a problem which is especially acute in the Mid-Atlantic and Northeastern states.

While NEPCO is a domestic marketer of residual fuel oil on the Atlantic coast, it markets products processed in a foreign re-

finery located in the Bahamas. FEA's previous awards to NEPCO of oil oil entitlements were made in an effort to maintain NEPCO's competitive viability, but the net effect of these decisions has bene to subsidize NEPCO's partial ownership of a foreign refinery. NEPCO now asks FEA to expand its entitlements benefits to include all of its residual fuel sales.

As a direct outgrowth of FEA's past NEPCO decisions one major multinational refiner has already petitioned the FEA for similar relief, and other requests undoubtedly will follow if NEPCO is granted further entitlements. Crown contends FEA should not grant entitlements which would subsidize the sale of foreign products in domestic markets. While the purpose of such a decision may be to reduce the cost of residual fuel oil on the East Coast, the result would be to subsidize foreign refiners. Granting NEPCO's pending application for more entitlements benefits will further complicate the problem of increasing dependence on foreign products, and will not contribute to an enlightened energy policy that encourages the construction and expansion of domestic refining capacity.

The effect of granting foreign product entitlements would be to shut the door completely on any future hope of domestic refinery expansion. The economics of expanding an existing domestic refinery or the construction of a new facility could not be justified when a subsidy is given for selling products in the United States that are processed in a foreign refinery.

In short, foreign product entitlements would reward those companies who have exported American jobs and capital to foreign countries. With the added benefit of entitlements, foreign refiners could easily undercut the price levels of products that are processed in the United States with American labor and transported in American bottoms.

Any FEA program embodying entitlements on imported products would deny the United States all of the strategic and economic benefits which would follow from domestic refinery construction and expansion, and our dependence on foreign products would be further aggravated. National security would be diminished and our favorable balance of payments would be jeopardized. The opportunity to provide literally thousands of new jobs would be unnecessarily squandered, the industrial development which naturally gravitates toward new energy complexes would be lost, and the attendant increase in local property tax bases would be forfeited.

In summary, Crown believes that a decision to approve NEPCO's pending application would solve none of the very serious energy problems facing this country. Rather, it would endanger the future of the domestic refining industry, particularly the independent segment. If NEPCO's favored status is extended and enlarged as requested, other marketers will apply for entitlements on imported products. FEA may be judicially compelled to grant them. The net result would be a counterproductive national energy policy which would discourage the expansion of domestic refining capacity.

Crown believes that the only feasible long range solution to the problem if American dependence on foreign refined products is the adoption of legislation and regulations which will encourage the importation of crude oil until such time as domestic production can be increased, and discourage the importation of finished products. To this end, Crown commends to your attention the Petroleum Product Import Act which was introduced as Senate Bill 1950 by Senator Mathias and which is presently pending before the Senate Finance Committee.

The purpose of Senate Bill 1950 is to create a climate that is favorable to the expansion of domestic refining capacity to meet U.S. produce demand. This bill provides for the institution of tariffs on imported products over a period of time sufficient to allow for the construction of new American refineries to fill the present gap between domestic demand and refining capacity. It imposes a tariff designed to increase gradually as additional domestic refinery capacity is constructed. Tariff monies collected would be returned to those states where the products are consumed, to be used in their general fund treasuries for whatever purpose they desire. We believe this is a sensible long range approach to take.

The wholesale grant by the United States government of subsidies paid by domestic refiners, and ultimately by the American public, to foreign refiners means the further exportation of refining capacity, jobs, and dollars at the expense of American industry and the American people. We urge FEA not to approve NEPCO's pending application.

We have also filed a written statement setting forth in more detail Crown's objection to NEPCO's pending application, and we invite your further attention to that document. Thank you.

TRIBUTE TO SUMNER T. PIKE

Mr. MUSKIE. Mr. President, Sumner Pike of Lubec, Maine, died at his home over the weekend.

Some of our colleagues will remember him as one of the original members of the Atomic Energy Commission, as one of Franklin Roosevelt's New Deal advisers, or as a member of the Securities and Exchange Commission. I will remember him, as well, as a friend.

I have served with him for 10 years on the Roosevelt Campobello International Park Commission. His brother, Radcliffe, was the Commission's executive secretary, and is now its naturalist consultant. Since the island lies off Lubec, I had the pleasure of many hours of enjoyable conversation with Sumner from time to time over the past dozen years. He possessed one of the most active, engaging and sensible minds to which I have ever been exposed.

The Pike family is something of a legend in Lubec. It was said that Sumner's grandfather Jabez Pike smuggled wool from Canada during the Civil War.

This rather odd expression of Yankee independence on the part of their grandfather was a source of great pride for Sumner, his brothers Rad, Alger and Moses, and sister, Marjorie McCurdy.

And it gives a clue to Sumner's special nature.

When a man dies, it is customary to list his accomplishments—the things he has built, influenced or possessed; the jobs he has held and the policies he has espoused.

Sumner was a successful businessman. He made separate fortunes in oil and on Wall Street. But his money allowed him to buy virtually every book published in America each year, and his curiosity made him read them.

He served ably on two Federal commissions and in a variety of other posts. But it was Sumner's philosophy that was the real measure of the man.

He described himself once as "leftish—as Republicans go." He certainly looked upon his government service as public service, and while on the SEC gained a solid reputation for protecting the interests of investors and the public. He also served on a committee charged with studying the economic effects of monopoly power and the causes of poverty. And he offended some friends in the oil industry by standing firm against higher crude oil prices during World War II.

But Sumner never succumbed to "Washington fever." In fact, he told a reporter last year, "If anything, I had a Washington allergy. I always felt I was just camping out there." He quit the Capital in 1946, saying he was "getting stale" at his SEC post. But by the end of the year he was back to begin serving on the new Atomic Energy Commission. He quit Washington for good in 1952, served in the Maine Legislature, and characteristically, resisted running for governor.

But while his active service ended except as a member of the Park Commission, which he found too enjoyable to be considered work, he retained an active, omniverous interest in government, in politics, in the sciences, and in society.

He was the kind of man who would spend long hours helping his brother mail out packages of experimental seeds, at no charge of course, to those who wrote to ask for them. He was also the kind of man who would enjoy the knowledge that those were seeds for a "gasless" bean, which he and his brother had developed.

Mr. President, I will miss Sumner Pike. I will miss his company, his stories, his wit and an independent, logical, sensible way of living life that served him well for 84 years.

I learned much from him. And there was much to learn.

I ask unanimous consent that several newspaper articles relating to his life be printed in the RECORD.

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

[From the Washington Post, Feb. 22, 1976]

SUMNER PIKE, FDR APPOINTEE, DIES

(By B. D. Coeen)

Sumner T. Pike, a Down East Yankee in the New Deal political court, and one of the original members of the Atomic Energy Commission, died in his sleep yesterday at his home in Lubec, Maine. He was 84.

The proud grandson of Jabez Pike, a smuggler of Canadian wool at the time of the Civil War, Mr. Pike was a businessman who made not one, but two private fortunes before entering government service in 1940.

Like his smuggler grandfather, Mr. Pike was a man who refused to be squeezed into any mold: He was an oil man whom many described as a liberal—he described himself as "leftist as Republicans go"—and a Republican who served in high government posts under Democratic Presidents Franklin D. Roosevelt and Harry S Truman.

In 1939, when Mr. Pike was preparing to retire from the business world to head Down East to Lubec to "mess around in local affairs," he was asked to come to Washington as an adviser to FDR brain truster Harry Hopkins. A year later, Mr. Pike was appointed a Commissioner of the Securities and Exchange Commission.

The SEC appointment was the first of many posts Mr. Pike was to fill before his appointment to the fledgling Atomic Energy Commission in 1946.

In 1942, President Roosevelt asked Mr. Pike

to move from the SEC to the position of a "dollar-a-year" assistant to the Federal Price Administrator, with the specific job of "straightening out" the oil price problem.

A year later, as chief of the OPA fuel price division, Mr. Pike incurred the wrath of the oil industry, including some old personal friends, by opposing an increase in crude oil prices. This position won him the accolades of the liberal daily PM and the support of farm labor and other New Deal groups.

In 1946, Mr. Pike resigned his SEC post in a four-line letter in which he told President Truman that he, Pike, was "getting stale."

"In accepting your resignation," replied President Truman, "I cannot accept the thesis which you put forward with such Yankee terseness. I refuse to believe that you are getting stale on the job, and I feel that the public will be the loser in your determination to retire."

"That's the first time I was ever accused of being terse," Mr. Pike told a reporter at the time, "but I am getting a little stale. All I'm going to do is go back to Maine where I belong and get in a lot of fishing. Maybe I'll get restless after four or five months and maybe I'll take a job . . ."

That was in March. Seven months later, Mr. Pike had to give up fishing in Maine as President Truman appointed him one of the newly formed Atomic Energy Commission's first five commissioners.

Mr. Pike's tenure as a watchdog for the fledgling atomic energy industry proved almost as controversial as his grandfather Jabez's wool importing practices.

During his term of office, Mr. Pike criticized atomic scientists for being too cautious in releasing data and too security-minded, and warned that atomic energy might well become a political football. He spoke out on behalf of J. Robert Oppenheimer, whom some were calling a security risk—and all of that at the height of the Cold War and the beginning of the McCarthy era.

In a 1948 speech, Mr. Pike said, "The commission is thinking of issuing a low but determined growl at some of our scientific personnel to see if we can't shake some information—especially engineering information—out into public view.

"This, I might say, causes the commission both some concern and some amusement, since it is commonly thought that only the military mind tends to keep everything Top Secret."

When Mr. Pike's first AEC term expired in 1950, and President Truman submitted his name for a second term, the nomination became the focus of a Senate battle that lasted more than a month.

President Truman stood by his nominee, despite a 5-to-4 vote against Mr. Pike by the congressional Atomic Energy Committee. The President accused Mr. Pike's opponents of playing politics with the nomination.

Those opposing the nomination, led by Sen. Bourke Hickenlooper (R.-Iowa), charged that among other things, Mr. Pike was too willing to share secret data with our allies; was aligned with "loose security" practices, and had "dragged his feet" on the development of the H-bomb.

Despite such charges and because of support from Senate Democrats who pointed out that most of the charges were old ones that had long been laid to rest, Mr. Pike was confirmed by the Senate on a 55 to 24 vote, a margin that surprised detractors and supporters alike.

About a year later Mr. Pike once again insisted on returning to Lubec, and that time he succeeded. But he did not completely disappear from the national scene.

In April, 1954, he spoke out in defense of physicist J. Robert Oppenheimer, who had been cut off from top secret information, despite the fact that his head was a depository of most of the nation's atomic secrets.

"I never had the slightest question of Dr. Oppenheimer's devotion to the United States," said Mr. Pike, taking a highly unpopular stand at the time. "I may be what they are calling 'politically naive,' or 'soft on communism,' but I don't think so."

Four years later Mr. Pike was terming U.S. atomic security "deficient. The government is hiding things that only a few select people here and all the Russians know," he said in a speech at the University of New Hampshire.

Mr. Pike is survived by three brothers, Radcliffe B., Alger W. and Moses B., and a sister, Mrs. George McCurdy, all of Lubec.

[From the New York Times, Feb. 23, 1976]

SUMNER T. PIKE, 84, DEAD; FORMERLY HEAD OF A.E.C.

LUBEC, ME., Feb. 21.—Sumner T. Pike, who served five years as chairman of the Atomic Energy Commission under President Harry S. Truman, died in his sleep at his home here Saturday. He was 84 years old.

He leaves three brothers, Radcliffe, Alger and Moses, and a sister, Mrs. George McCurdey, all of Lubec.

MADE TWO FORTUNES

(By William M. Freeman)

Sumner Pike, who once described himself as "leftish—as Republicans go," served two Democratic Presidents in high offices after having made a fortune in oil and another in Wall Street.

He accepted a post as a member of the Atomic Energy Commission in 1946 after four years with the Securities and Exchange Commission under President Franklin D. Roosevelt.

His appointment to the S.E.C. was looked on with some uneasiness by the business community, which otherwise approved his record as a practical businessman and financier. However, the doubts in Wall Street were allayed by his work as a commissioner, serving chiefly in Philadelphia, to protect investors and the public.

One of his achievements was a plan to aid small business. He also was a co-author of specific recommendations or the improvement of life insurance, based on an S.E.C. study.

Mr. Pike was also instrumental in drawing up an overall power program for defense and considering changes in the basic securities acts.

His service was interrupted late in 1942, when he was asked by Mr. Roosevelt to take a brief leave of absence to assist Leon Henderson, then the Price Administrator, to "straighten out the crude-oil tangle."

"IN THE MIDDLE"

His job was not regarded as easy, since he was "in the middle," between Mr. Henderson, the strong-willed protector of consumer interests, and Harold L. Ickes, the outspoken Petroleum Administrator for War as well as Secretary of the Interior.

Mr. Pike stood firmly against higher prices for crude oil, which lost him some friendships in the industry, but he won the backing of farm, labor and New Deal groups. This led to his appointment in late 1944 to a three-man board to handle the disposal of billions of dollars worth of surplus property.

He resigned his Washington posts in March 1946, writing in laconic Down East style to President Truman, "I am getting stale on this job."

However, he was back in Washington in October as a member of the five-man Atomic Energy Commission, an appointment that required him to divest himself of all security holdings and all business interests. He was not even permitted to advise members of his family on business matters.

With David E. Lilienthal, the chairman, and the other members, Rear Adm. Lewis L. Strauss, W. W. Waymack and Prof. Robert F. Bacher, he shared the responsibility of serving as "trustee for the world" of the power released by splitting the atom.

For a two-year term at $15,000 a year, the salary then paid to Cabinet officers, he was one of the administrators of a $1.5 billion enterprise with an annual payroll in 1946 of $200 million, land holdings 11 times the size of the District of Columbia and full responsibility for what was termed "the most dangerous but hopeful power in the material world."

Mr. Pike was born Aug. 30, 1891, in Lubec, where his family lived and operated several enterprises. He was a descendant of the Civil War officer Zebulon Pike, for whom Pikes Peak was named.

He was a 1913 graduate of Bowdoin College, where he was elected to Phi Beta Kappa. He attended the Harvard Graduate School of Business Administration for a brief period, but left, because, as he once put it, "the money ran out just before the Harvard-Yale game."

Mr. Pike joined Stone & Webster, a large utility concern in Boston, in 1913. In 1917, following this country's entrance into World War I, he became a captain in the Coast Artillery and served as an instructor in the officers' training camp at Fort Monroe, Va.

On his return to Stone & Webster he became purchasing agent and assistant to the manager of a subsidiary, the Eastern Texas Electric Company in Beaumont.

A skilled petroleum geologist, Mr. Pike prospected for oil and found it, becoming a vice president of two concerns, one in Dallas and another in Kansas City, Mo. His work was in selling equipment for retail filling stations, garages and oilfield concerns.

In 1922 he turned to Wall Street as assistant to the president of G. Amsinck & Company, which was involved in trade with Central and South America.

He added insurance in 1924 as secretary of the Continental Insurance Company and, later, with the America Fore group of fire insurance companies, directing investments.

This was followed by a post in 1928 as a vice president and director of Case, Pomeroy & Company, a Wall Street investment house.

Mr. Pike spent 11 years with the company, developing oil and mining enterprises in many parts of the world. By January of 1939 he had made a second fortune and he decided to retire and take a trip around the world.

On his return he accepted a post as a dollar-a-year-man, advising Harry L. Hopkins, then the Secretary of Commerce, on business matters.

A COMMERCE AIDE

His status as a Republican in a Democratic Administration apparently was no hindrance to his rise, for a few months later he was named to represent the Department of Commerce on the Temporary National Economic Committee, whose task it was to study the concentration of economic power in monopolies and "the causes of poverty in the midst of plenty."

Mr. Pike was appointed to the S.E.C. in 1942, while continuing with the monopoly investigation until the committee expired some months later.

Mr. Pike, a bachelor, well over 6 feet tall, had a distinguished appearance with a ruddy complexion. He was an omnivorous reader—with books piled on tables, chairs and the floor of his home—a good poker player and a good talker, speaking rapidly and with full knowledge of his subject.

He was an overseer of Bowdoin, which awarded him an LL.D. in 1941, as did Bates College, also in Maine, in 1945.

[From the Bangor Daily News, May 31, 1975]

THE REAL POWER

(By Donald R. Larrabee)

LUBEC.—Sumner Pike, elder statesman and citizen of the world, sat in wonderful seren-

ity looking out a window at the birds who gather at his feeder constantly. We were both 20 years younger when we last talked over dinner at the Metropolitan Club in Washington. He seemed even wiser now.

At 84, Sumner Pike is mentally as sharp as ever. It was a treat to reminisce in the living room of the family home. I had come to Washington County, first time ever, to give the commencement address at the University of Maine in Machias and to visit the Roosevelt Campobello International Park. Sumner Pike—all the Pikes—have contributed to the preservation of FDR's "Beloved Island" and to the beauty of this place.

In my talk at Machias, I noted that most people in government are immersed in their own importance and it is the happy, successful public figure who learns humility at the start and somehow manages to keep it. The best thing Washington-types can do is remind themselves that the real power of America lies not within the geographic bounds of the Federal City but with the people who live beyond it.

Sumner knew power in Washington. He was there for a dozen years, on the Securities and Exchange Commission and with the Atomic Energy Commission in its formative period in the early years of the nuclear age. We wondered if he missed that excitement.

"I never got infected with Washington fever," he replied. "If anything, I had a Washington allergy. I always felt I was just camping out there."

When he came back to Maine, Pike served in the legislature, resisted temptation to seek the governorship and found pleasure in such pursuits as serving on the International Campobello Commission. Along with Sen. Edmund S. Muskie and Franklin D. Roosevelt, Jr., he was appointed to the original Commission ten years ago.

Last December, physically-restricted from traveling far from home, he tendered his resignation to President Ford. Somehow, the fact that he had resigned escaped public notice last winter. Curtis Hutchins, Chairman of the Board of Dead River Co., was named to fill the vacancy.

Sumner unfolded a letter from President Ford. "The Commission has benefitted greatly from your experience and judgment and I am sure it will continue to benefit from your counsel as a neighbor and friend of the Park."

Of that, there can be no doubt. Sumner may not venture far from the old homestead but he has many ways to communicate his ideas, not the least of which is through his devoted brothers and his sisters who are all close enough to gather in the living room for "cocktails" every day at 5. Sumner doesn't indulge any more but he enjoys the fringe benefits.

We had the delightful experience of getting to know Radcliffe (Rad) Pike, roughly 72 and filled with the joy of living. Rad had just returned from London where he conferred with fellow-naturalists and horticulturists. He is an adviser on landscaping at the University of New Hampshire and ranking authority on the flora and fauna of Washington County and nearby Campobello. Rad was executive secretary of the Park Commission, now serves as naturalist consultant.

Another brother, Moses Pike, at 78, still operates the most successful sardine and fish canneries in an area which as seen them go down the drain, one by one. He is active in business, loves ice fishing and hunting. Alger Pike, 76, is the gardener of the family, with a host of interests as varied as those of his brothers. Sister Marjorie (McCurdy) is 79—"just a girl," says Rad.

When Rad is away, Linnea Calder comes in to cook the meals and keep an eye on things in the Lubec home. Mrs. Calder, who grew up in the Campobello world of the Roosevelts where her mother was the housekeeper, is practically a member of the Pike family.

Here at Passamaquoddy Bay, where the tides move quickly and more powerfully than anywhere in the world, we couldn't resist asking Sumner Pike about the energy that lies within reach. They've been talking about the Quoddy tidal power project since he was a young man. Did he think Quoddy would ever become a reality?

"We ought to keep it alive," he said, "but, no, I doubt if it will ever be built. With the cost of oil as high as it is, that helps the benefit-cost ratio of the project but, of course, you've got higher construction costs, too. And the impact on the fisheries is something that will concern Canada, perhaps now more than ever."

Rad Pike remarked later that his brother seemed a bit too pessimistic about Quoddy. Rad wouldn't write it off just yet.

The jury also still seems to be out on a refinery for the area—but the Pikes clearly would just as soon not see it come to their beloved Bay. Sumner is slightly amused with the heavy—almost complete—emphasis at environmental hearings on the impact of oil spills from such a project.

"The Pittston people would bring in Middle East oil for desulfurization. The refinery would emit a chemical which when mixed with the fogs around here would become sulfuric acid and that would be sprayed all over the countryside."

Rad Pike winced at the thought. He has found rare ferns and mosses, bushes and shrubs, blossoms and berries in the unique ecology of their homeland that would suffer possible extinction from the daily emissions of such a refinery.

And it comes as a disturbing thought also to a first-time visitor who saw Spring come to the Nation's Capital a few weeks ago—but never with anything like the beauty of its arrival in Washington County. The clean, clear unspoiled grandeur of this garden spot is worthy of the dedication of its native sons and daughters—the Pikes and their neighbors and friends.

No wonder Sumner Pike never let Washington, D.C. get to him. He had Washington County to come back to—and preserve. Little wonder, too, that FDR shed a tear when he realized he could no longer sail these waters and tramp the woods, bogs and beaches of his "Beloved Island."

[From Maine Sunday Telegram, Sept. 7, 1975]

SUMNER PIKE

(By Don Larrabee)

WASHINGTON.—If you travel anywhere close to Lubec, as I did in August, you are drawn to the Pike place on Church Street. You seek out Sumner Pike, the patriarchal brother of one of the most remarkable families in Maine. And you quickly discover, or rediscover, why two Presidents—Franklin D. Roosevelt and Harry S. Truman—chose this seasoned "non-Party" Republican to work for them in the turbulent war years of the 1940's and the post-war recovery period.

I am not the first nor the last to go to the oracle of eastern Maine. Governor Longley and Senator Muskie stopped in on separate occasions last month. Rep. Cohen has done so and will again, before he decides whether to run for the Senate against Muskie.

It is a tribute to this quintessential man of learning, judgment and plain common sense that no one in public life can ignore him to this day—nor does anyone want to.

In 84 years, Sumner Pike has lived wisely and well with Presidents and Kings. He has been an advisor to the barons of business and the gnomes of the New Deal.

Talk about power in Washington? It is forgotten that this man from Maine set the prices of all energy, from sawdust to oil, during three critical war years. But he says he wouldn't take the job of energy czar today for a million bucks.

"At least I had some law to back me up then," he recalls. "Actually, I had more authority on that job (as director of fuel pricing for the OPA) than the President and the Congress together have been doing on this fuel price thing."

The man FDR asked to "come on down and help Leon out" (Leon Henderson, OPA director) surely must have been suspect in some quarters as a guardian of stable oil prices. Only a year or so earlier, he had been brought into the Commerce Department to write a pro-industry piece to counter or refute an impending Justice Department article cracking down on the "oil monopoly."

Sumner Pike doubled in brass. He was serving as a member of the Securities and Exchange Commission at the same time under one of the more curious of all FDR appointments.

"I firmly believe he had me mixed up with another Pike who once had been mildly cordial to him at a wedding attended almost unanimously by Republicans," he chuckled.

If FDR thought he was appointing cousin Carlton Pike of Nahant, Mass., the late President soon had no regrets when he discovered that his nominee was a native of Lubec, "just a hollering distance" from the Canadian island of Campobello where FDR had his summer home.

Sumner must have regaled the President at some point with his contention that Lubec is the easternmost town in the United States. Scoffing at the claim of all Eastporters, Sumner defends his position by pointing to a "little nipple on Lubec Neck" that makes it a shade more easterly than Eastport.

When Pike went to the White House to talk SEC business, FDR "switched right over" to Campobello, Lubec and Eastport which dredged up memories of youthful romps on the Canadian Island before polio struck in 1921. (Pike was later to serve on the International Commission which created the Roosevelt Memorial Park where the family cottage and much more is being preserved.)

It wasn't long before FDR acquired such a fondness and respect for Pike that he asked him to handle the ticklish pricesetting job on wood, oil, coal and natural gas.

I wonder if the President had a method in his madness of appointing a Republican to the energy pricing job.

"No," said Sumner, "I think he had sort of given that Republican thing up. I felt on such matters that once you took the King's shilling, you went along with the thing rather than to try to throw rocks into the machinery. I know President Truman said the same thing."

Truman named him to the original Atomic Energy Commission and, in due course, Pike was to side with David Lilienthal against a crash program for developing the hydrogen or super bomb. They were overruled by the President.

Pike recalls now that he and Truman "sort of jibed" as individuals. They put political party behind them on the big decisions. The Maine man couldn't say as much for the controversial AEC chairman Lewis Strauss with whom he served.

"Strauss would never forget he was a way-back Republican," Sumner said. "That's one of the reasons I didn't have much use for Lewis. He would hamstring our jobs in the atomic energy thing in order to make a political point."

As we talked, the Pikes and their close friends were gathering for the daily (5 p.m.) cocktail hour. Brothers Rad and Alger were there. Linnea Calder, whose mother was the housekeeper for the Roosevelts. Harry Stevens, who runs the Roosevelt Park, and

George McCurdy, husband of the Pike brothers' only sister, Marjorie.

The conversation inevitably turned back to the halcyon days of Lubec and Eastport. Roosevelt, he said, didn't like to see the area go downhill. Shipbuilding had stopped. The big timber had all been cut off. Wooden ships were becoming a thing of the past. The sardine factories closed (there were 15 at one time; now there are three).

Is there any Federal role to help out this good, but depressed, area of Maine? We asked.

"I've scratched my head a good deal and talked to a great many people. There have been a lot of ideas and I don't think any of them have been any good. I have certainly not had any," Sumner said, "but there may be something out in the bushes."

One possibility, he said, was the potential for oil and gas on Georges Bank. About the only thing that might help is a discovery on the outer continental shelf. It ought to be explored at least, he adds.

Will the Pittston refinery at Eastport go?

"I would say no," Sumner replied.

Then, after a pause. "It seems to me foolish if these folks have gone this far without making a dicker with one of the Persian Gulf states to supply the oil. At the moment, since they've started this, the price of Persian Gulf oil has quadrupled or more and they have taken a pretty high and mighty attitude.

"I wouldn't be surprised if the Pittston people had somebody over there in either Saudi Arabia or Kuwait saying if they'll supply the oil, we'll put up a good deal of money for the refinery. That would be a very normal thing. I haven't heard a hint of it but it seems to me if a fellow was at all wise, he would be trying to arrange that right now.

"They've got plenty of money and don't know what the hell to do with it, except send some of their boys out to gambling casinos."

What about the impasse between the Congress and the White House over energy?

"I'm disturbed that they are not approaching it somewhat realistically. Of course, it's too late now to do any painless thing. So many people feel that if they look the other way, the whole thing will go away—but it won't. You could see it coming."

We went to Lubec and Campobello, for a second time this year, to learn more about the imprint FDR had made on the environs. It is substantial and it lives on, in the Campobello International Park and the fact that the Passamaquoddy Tidal Power Project, half a century later, continues to intrigue men of energy as it did Roosevelt.

We talked with Sumner Pike about Quoddy and the political shoals that have beset Dexter Cooper's dream from the beginning. That will be the subject of a subsequent column.

CONDUCTING BUSINESS ABROAD

Mr. GOLDWATER. Mr. President, every time the news carries items concerning the so-called payoffs made by American corporations to conduct business abroad, I wonder what the attitude of those who attack this practice so vociferously will be when unemployment runs rampant in the aircraft and arms industries. One of the first corporations to feel the wrath of this moralistic attitude was Northrop, and one of the first men to suffer from this was Thomas Jones, perhaps one of the finest businessmen in American business today. It pleases me to know that Mr. Jones has been reinstated as chairman while the company has picked a new president, Mr. Thomas O. Paine. No American likes the term "payoff" or "bribe" but these so-called actions have been a way of doing business with foreign governments as long as we have been associated with foreign governments and our pious statements on the floors of the Congress will not change one thing unless it destroys segments of our industry

ANGOLA

Mr. CLARK. Mr. President, the situation in Angola still threatens peace and stability in southern Africa. There could be years of guerrilla warfare and tension between Angola and her neighbors before a final settlement is reached. U.S. policy in Angola should be designed to contribute to the earliest possible resolution of differences between factions in Angola and between Angola and her neighbors.

As Senator BAYH stated several days ago, the United States cannot make a positive contribution to peace in Angola unless we establish communication with the MPLA Government. Senator BAYH has made an important contribution to the national debate on Angola, not only in his early criticism of U.S. involvement in that conflict, but also in his suggestions of an alternative policy that would contribute to peace and stability in the area.

I ask unanimous consent that Senator BAYH's February 1 statement on Angola be printed in the RECORD.

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

STATEMENT BY SENATOR BIRCH BAYH ON ANGOLA, FEBRUARY 1, 1976

Since last November, I have repeatedly expressed my disagreement with United States policy toward Angola. I have been deeply troubled by the Ford Administration's decision to supply covert aid to factions in Angola and to increase the level of suffering in a complex domestic struggle when no vital U.S. interests were at stake. Events of recent weeks have heightened my concern, and I believe the time has come for a reversal of American policy and a new diplomatic initiative by the United States.

Soviet and Cuban backed forces of the Popular Movement for the Liberation of Angola (MPLA) have dispersed forces of the National Front (FNLA) in northern Angola and are rapidly moving against UNITA positions in the South. It is clear that the Popular Movement has become the dominant faction in Angola for the foreseeable future and that if the FNLA and UNITA are to continue the struggle, it will be on the level of guerrilla warfare and terrorism.

Here in the United States, Secretary of State Kissinger has now called for this country to openly provide aid to UNITA and the National Front in order that they may keep fighting. Obsessed with the theory that we must counter every show of force by the U.S.S.R. with force of our own, the Secretary of State is unwilling to recognize that a guerrilla war will be long and bloody and cost thousands of African lives, that it will inevtiably draw pro-western states such as Zambia and Zaire more deeply into the conflict, that it will further ally the United States with South Africa in the eyes of Black Africans, and that it will, in all probability, increase the dependency of the MPLA on the Soviet Union and Cuba.

While I am very critical of the irresponsible and adventuristic behavior of the U.S.S.R. and Cuba in Angola, I believe the policy that President Ford and Secretary Kissinger have proposed moves in exactly the wrong direction. Rather than supplying equipment to prolong the conflict, I believe that now is the proper time to try to establish direct diplomatic contacts with the MPLA.

Although there is undoubtedly strong animosity toward the United States on the part of the MPLA, I think there is a good possibility that the representatives of the Popular Movement would enter into talks.

The MPLA is a fiercely nationalistic movement. I do not believe it wants Angola to become a Soviet satellite or to be thought of as one by other African nations.

Contacts with the United States would provide the Popular Movement with an opportunity to demonstrate its independence of the U.S.S.R., something we must encourage. Further, they might pave the way for negotiations with the other Angolan factions, and for peaceful relationships with Zaire and the moderate government in neighboring Zambia.

There is, of course, no guarantee that contacts can be established or that they will bear fruit if made. I submit, however, that this approach has a far greater chance of success than that proposed by the Ford Administration, and that it will make the Soviet Union much more uncomfortable than our financing and promoting a guerrilla war. Moreover, an attempt to make contact with the MPLA can cost us nothing. I urge the President and Secretary of State to take action now, before it is too late.

THE NATO ALLIANCE

Mr. GOLDWATER. Mr. President, the Honorable J. William Middendorf II, who is our Secretary of the Navy, has probably a longer and greater experience in naval affairs than any other man who has occupied that position in many years. His understanding of the functions and needs of a strong Navy are subjects that he presents in an intelligent and very understandable way. On February 21 he spoke before the 13th International Wehrkunde Conference in Munich, Germany, and I ask unanimous consent that this thoughtful paper be printed in the RECORD.

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

TEXT OF THE U.S. PAPER DELIVERED BY J. WILLIAM MIDDENDORF II, SECRETARY OF THE NAVY

It is an honor for me to be here today representing Secretary of Defense Donald Rumsfeld, the former Ambassador of the United States to the North Atlantic Treaty Organization. It was my pleasure, as U.S. Ambassador to The Netherlands, to work with Secretary Rumsfeld in numerous matters relating to the NATO alliance. The defense and preservation of Europe as we know it has always been a matter of great concern to Americans. The actions of my Government have demonstrated that concern over and over again, and it is my intention today to stress that the United States continues its policy of support for Europe through a common defense.

While this is not a NATO conference, I feel compelled to point out that during the past twenty-seven years the North Atlantic Treaty Organization has been eminently successful in accomplishing its designed task. The collective defense to deter aggression and preserve peace provided by NATO is more and more important to us today, for reasons which I shall describe in detail.

I strongly believe that NATO and its military capabilities are perhaps the single most important factor in deterrence of great disruption in Europe at a time when the So-

viet Union and Warsaw Pact countries continue to increase their capabilities. Here are some of the facts about this increase in Soviet capabilities:

The key fact is that over the past dozen years, Soviet defense spending has increased by about 35 percent.

In this period, the Soviet military establishment (not counting border guards and internal security forces) expanded from 3.4 to 4.4 million men.

Intercontinental ballistic missiles (ICBM's) increased from 224 to 1,600.

Sea launched ballistic missiles (SLBM's) went up from 29 to 730.

Strategic warheads and bombs were up from 450 to 2,500.

And between 1964 and 1974 the Soviets produced 249 new major combatant ships, establishing themselves as a naval power and adding a new dimension to the problem of defending Europe—an oceanic dimension.

The Soviet strategic buildup unfortunately seems to be gaining momentum, with qualitative improvements such as:

The development of four new ICBM's, two of which are currently being deployed with multiple independently targetable re-entry vehicles (MIRV's).

The production of a new generation of ballistic missile submarines one class of which has recently deployed with the 4,200 mile SS-N-8 missile.

Improvements which could give their ICBM's significantly better accuracy.

Large MIRV's with high-yield warheads.

Development of a mobile IRBM.

The Soviet general purpose forces have not been without their expansion also:

The number of divisions has increased from 141 to 168 with an increase in numbers of tanks, artillery, and armored personnel carriers.

An addition of nearly 2,000 tactical aircraft, combined with the introduction of more sophisticated fighter/attack aircraft.

As the Secretary of the Navy I have a particularly keen interest in the Soviet navy and its capabilities. Soviet naval presence in peacetime is becoming a very significant factor throughout the world. Nowhere has the new direction of the Soviet Navy been more apparent than in the Mediterranean—NATO's southern flank. In 1964 this presence averaged five ships. The present Soviet average is between fifty and sixty. During the 1973 middle east crisis the Soviet Mediterranean squadron reached some ninety-five units. The new Soviet Navy now has one vertical and short takeoff and landing (VSTOL) aircraft carrier undergoing sea trials, a second under construction and a third in the planning stages. Their sea denial ability has been enhanced through the addition of powerful new surface combatants, such as KARA-class cruisers.

The Soviet Navy has new ships, modern weapon systems, and access to facilities in the Black Sea and to a limited extent along the Mediterranean Coast. This increased Soviet strength has led some to question the capability of NATO and the U.S. Sixth Fleet. At best we are maintaining adequacy. Even this could be in jeopardy as unsettled conditions in several countries threaten to increase our logistics problems. I feel that today the Allied NATO partners are still the dominant force in the Mediterranean as long as there are aircraft carriers capable of sustained action but we no longer have a monopoly. For this reason, I feel that it is imperative that the NATO nations be as supportive as possible to the new government in Spain. Spain has a valuable role to play in the European community and should not be prevented from doing so because of policies of a previous era.

What have we seen outside the Mediterranean? Recently Soviet units have made unprecedented deployments and conducted exercises indicating a change in the basic mission of defense of the homeland to one of sea denial. This change has serious meaning for Europe. The Soviets are now capable of significantly threatening vital overseas areas and the sea lanes. The NATO countries are dependent on the sea for overseas trade, just as is the United States. In fact, the very existence of Western Europe as we know it today depends on the unimpeded flow of oil and other strategic materials which can only be supplied in the proper quantities by ocean going vessels.

The latest Soviet presence on the African continent in such places as Nigeria, Guinea and Angola could in the time of hostilities literally cripple Europe. Approximately 80% of the NATO alliance's oil and 70% of the strategic materials move through the waters along the west coast of Africa, now vulnerable to the air and naval bases of Soviet supported governments.

During OKEAN 75, a Soviet naval exercise observed by NATO units, more than two hundred Soviet nuclear submarines and surface ships and 400 aircraft, in three oceans, were assembled for coordinated maneuvers. These maneuvers were controlled through a sophisticated world-wide communication network, including satellites. Soviet aircraft operated from bases not only in the Soviet Union, but also from air facilities made available to them in Cuba, Guinea, and Berberra in the Somali Republic.

Putting this altogether, it is apparent that the number of new ships and weapon systems which the Soviet Navy is acquiring and the experience it is gaining from its continuing high level of operations in distant areas, are giving the Soviet navy the level of capability, professionalism, and importantly, self-confidence to explore new Naval strategies which could be applied against NATO in various stages of hostilities ranging from an economic blockade to an all-out nuclear war.

OKEAN 75 saw Soviet naval units operating in more or less traditional areas such as the Norwegian Sea but also in areas such as the sea approaches to Europe, in the approaches to the Persian Gulf, off the west coast of Africa and off the coast of Japan. In much of the exercise activity, the Soviets displayed a remarkably sophisticated and well-integrated capability for surveillance of the surface of the oceans, making extensive use of sophisticated systems. Having located ships on the high seas with this system, Soviet surface, air, and submarine forces exercised in convoy and anti-convoy operations, reconnaissance of vital sea lines of communication, and the control of key chokepoints throughout the world. These new departures were in addition to the normal exercising of Soviet navy anti-carrier and anti-submarine missions, as well as a simulated strategic strike at the culmination of the exercise.

You may ask, "so what?" Well, quite frankly it is a question of survival. Geographically, Western Europe is a peninsula. But in reality, the NATO countries of Western Europe and Southern Europe are virtually an economic island. They maintain tremendous dependence on the sea. The food, raw materials and energy consumed and needed for survival are in large part imported. Many important markets are overseas, whether in the United States or elsewhere.

The question today is whether the west is capable of recognizing the realities that confront it: a burgeoning Soviet military capability that includes a new element of sea denial, which has the potential to threaten a standard of living that is the envy of many; and a feeling of euphoria that comes with detente. To make detente work, we must have strength; and military and economic strength are the essence of detente.

In order to maintain detente and a credible NATO deterrence we must continue our joint operations, training, technology exchanges, logistics support, intelligence and mutual support. However, a major stumbling block which causes the alliance to waste money each year due to duplication of effort thereby sacrificing military effectiveness, is the lack of standardization and rationalization.

This should make it obvious that there is a need for standardization not only in weapon systems, but also in areas like training, communications doctrine and force structures, and the very important logistics field. Of late there has been an increased realization of this problem by senior officials and a genuine desire to correct it.

We also see a situation where defense expenditures as a percentage of the gross national product are not the same for all NATO partners. The United States percentage for last year, as estimated by NATO, was 6.7. That figure is down significantly from the 1971 U.S. figure, which was 7.7 percent. Even so, it is well above that estimated for the average of European NATO countries, which was an estimated 4.3 percent of GNP as a defense expenditure in 1975. I realize of course that a good part of the "extra" American expenditure goes for U.S. strategic forces.

During the past few years, as an Ambassador and as U.S. Secretary of the Navy, I have personally visited key maritime officials and been aboard naval units of the navies of the Federal Republic of Germany, the United Kingdom, Italy, The Netherlands, Belgium, and Spain. From my firsthand observations, I can tell you that their professionalism is outstanding, and that they make a valuable contribution to security in Europe.

Today, no less than in the past, U.S. military strategy, and hence the structure of our forces, must continue to support the NATO alliance. To do otherwise would be seen by friend and foe as a step toward withdrawal to that outmoded concept of isolation. It would undermine the very strength and confidence that we have in Western Europe, while encouraging the Soviet Union and her Warsaw Pact allies to exploit any weakness or division in Europe or in the world.

The United States will remain a friendly ally as long as leaders in America (like Senator John Tower of Texas who by his very presence at the Wehrkunde Conference this year and in past years shows his dedication to the Atlantic Alliance) recognize the importance of mutual support. Few things could be more damaging to the future of Europe than any of us on either side of the Atlantic to lose sight of the continuing value of the Atlantic Alliance and the cooperation which underlies it. To do so would be an undercutting of those American leaders who support the Alliance, and encouragement of the emergence of other leaders—isolationists—with little understanding of the interrelationships of the Alliance, and little concern for Europe. Therefore, our concern today should be for maintaining a full partnership of strength that is perceived on both sides of the Atlantic to be essential to our very survival.

RULES OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. McGEE. Mr. President, in accordance with section 133B of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 190a-2), I ask unanimous consent that the rules of the Committee on Post Office and Civil Service be printed in the RECORD.

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

RULES FOR COMMITTEE PROCEDURE

Rule 1. Five members of the Committee shall constitute a quorum for the transaction of such business as may be considered at any regular or special meeting of the Committee, except that, for the sole purpose of taking testimony, sworn to or otherwise, a quorum of the Committee, or a subcommittee thereof, shall be one or more Senators. No members of the Committee shall, for the purpose of determining the existence of a quorum of the Committee, be deemed to be present unless he be personally present.

Rule 2. Unless otherwise ordered and notice given, the Committee shall meet for the transaction of its business while the Congress is in session as follows: The second and fourth Thursdays of the month at 10:00 a.m. Additional meetings may be called by the Chairman as he may deem necessary.

Rule 3. The Committee shall keep a complete record of all Committee actions. Such record shall include a record of the votes on any question on which a record vote is demanded.

Rule 4. It shall be the duty of the Chairman to report or cause to be reported promptly to the Senate any measure or recommendation approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

Rule 5. The Committee shall, as far as practicable, require all witnesses appearing before it to file in advance written statements of their proposed testimony at least 24 hours before hearing, and to limit their oral presentations to brief summaries of their argument. The Committee staff shall prepare digests of such statements for the use of Committee members.

Rule 6. When a nomination for an appointment is referred to the Committee, the name of the nominee shall be referred to both Senators from the State in which the nominee resides. If no objection is made by either Senator within 30 days of the date of referral or if no response is received during that period, the nomination shall be considered as not having been contested.

Rule 7. Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be reported to the whole Committee by a subcommittee, there shall be placed before the whole Committee a print of the statute to be amended or the part thereof to be repealed (together with the citation thereof), showing by stricken-through type the portion or parts to be omitted, and in italics the matter proposed to be added.

Rule 8. The Chairman may name standing or special subcommittees to which a bill, resolution, or nomination may be referred, which subcommittee shall consist of not less than three members, one of whom shall be of the minority; if the subcommittee consists of five members, two shall be of the minority; if the subcommittee consists of seven members, three shall be of the minority.

Rule 9. Whenever a subcommittee delays in reporting more than 30 days (except when time is extended by the Committee), the matter may be withdrawn by the Chairman and submitted to another subcommittee, or considered by the whole Committee.

Rule 10. Subject to statutory requirements imposed on the Committee with respect to its procedure, the Rules of the Committee may be changed or suspended at any time; provided, however, that not less than two-thirds of the entire membership so determine, at a regular meeting with notice of the nature of the change proposed or meeting called for that purpose.

Rule 11. The Chairman of the Committee and the ranking minority member shall be ex officio members of all subcommittees with full right to participate in all proceedings thereof, and shall be allowed to vote as members of any subcommittee.

Rule 12. No vote cast in the Committee or any subcommittee by proxy shall be counted; but a written communication from an absent member, giving a clear statement of position on the specific subject, shall be counted as a vote.

Rule 13. The Chairman shall be given authority to appoint the staff members and clerical assistants to assist the Committee in its work; provided, that the ranking minority member of the Committee shall be given authority to select one professional staff member and one clerical assistant. The Chairman shall select the official reporter or reporters to serve the Committee.

Rule 14. The Committee supports the principle of open meetings.

CONFLICTING OBJECTIVES

Mr. GOLDWATER. Mr. President, Gen. George S. Brown, who is Chairman of the Joint Chiefs of Staff, has appeared before various committees of the Congress to outline the needs of the military but, more importantly, to try and explain to us the posture of the United States in this troubled world. I ask unanimous consent that one of these statements appearing in Aviation Week & Space Technology be printed in the RECORD.

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

CONFLICTING OBJECTIVES

(Gen. George S. Brown, chairman of the Joint Chiefs of Staff, recently outlined the differing national objectives and military strategies of the U.S. and the Soviet Union in his annual posutre statement to Congress in support of the Defense Dept. Fiscal 1977 budget requests. Portions of his statement are printed below—Ed.)

The United States and the USSR perceive each other as the primary potential security threat to each other. These perceptions of threat stem from fundamental differences between the two nations as to the nature, goals and roles of men, government and society. These basic convictions are not likely to change soon.

The historical experiences of the two nations have produced two sets of fundamentally different attitudes. A 1972 [Communist party chief Leonid] Brezhnev speech which appeared in Pravda captures the essence of long-standing Soviet ideological aims:

". . . The class struggle between the two systems—the capitalist and the socialist—in the economic, political and . . . ideological spheres will continue. It cannot be otherwise, because the world outlook and class aims of socialism and capitalism are opposed and irreconcilable."

"Peaceful coexistence," as the Soviets know it, is a form of class struggle the Soviets use to accomplish their goals without resorting to war. The Soviet historical experience of war, invasion, revolution, international intervention and hostility has produced strong anxiety concerning national security. Their devotion to military strength also grows out of the messianic and expansionistic nature of communist ideology, which views the world as composed of essentially hostile forces and peace as but another form of conflict.

On the other hand, I believe the U.S. experience supports a view of the world as an object for amelioration by reason and accommodation. We advocate a form of gvernment and social organization which enhances the scope of individual efforts. National security is viewed as only one among many interests. We tend to regard peace as a normal state, only occasionally interrupted by war when there is no other recourse to preserve vital interests.

Because of these differences, the U.S.-Soviet relationship is generally competitive and often hostile. It is, however, subject to periods of moderation—such as at the present. Thus, the national security policies of the United States will have to support the following two military requirements: a continuing, long-term program of maintaining a strong military posture and the capability of employing military forces in war at any time.

In view of the factors above, the United States' security objectives can be stated as deterring attack, either conventional or nuclear, on the U.S. or its allies; to present any potential aggressor contemplating attack with unacceptable risks, and should deterrence fail, to respond to the attack in such a way that the outcome is favorable to the U.S. The security objectives of the USSR can be stated as the protection of the USSR and maintenance of hegemony in Eastern Europe; the diminution of Western influence throughout the world with a corresponding expansion of Soviet influence; the containment of China; the maintenance of strategic nuclear parity; the maintenance and increase of superiority in conventional military forces, and the erosion of the political will of the U.S., of NATO and of other Western alliances.

The military posture of the United States must necessarily be formulated with the security objectives of the Soviet Union well in mind. Continued improvement in Soviet forces indicates that war-fighting and war-winning capabilities are fundamental Soviet military goals. This is not to say that the Soviets do not seek reduction in the risk of war; it is to say, however, that should conflict develop, they seek to have the means—both conventional and nuclear—to insure an outcome favorable to them.

Unless we are prepared to maintain a military balance vis-a-vis the Soviet Union, I believe they will be inclined to take advantage of a favorable military position in pursuing their policy objectives.

The Soviet leadership sees no inconsistency between preaching detente and increasing its military capabilities. In fact, Moscow views its increased military capabilities as the foundation of detente.

Summarizing, the divergent objectives of the U.S. and USSR will continue to bring the two powers into conflict while both nations attempt to use detente as a means of preventing the conflict from developing into open warfare . . .

As I stated last year, the USSR currently posesses only a limited capability to project substantial general purpose military power beyond the Eurasian continent. The major external constraints on the application of Soviet power have, in the past, been the continued strength of the United States, the vitality and cohesiveness of our alliance structure and the continued ideological and territorial confrontation between the [People's Republic of China] and the Soviet Union. While there has been some erosion of those constraints, they remain essentially intact. The United States alone, however, cannot provide the forces necessary to counter every military threat to our interests.

We have few exclusive interests, notwithstanding our need to have nonpoliticized access to world markets and supplies of raw materials, including oil. Our major responsibilities likewise must be shared. Increased cooperation and participation by our allies, including the provision of base rights and facilities, depend to a large measure upon demonstration of our ability and determination to honor our assurances of support.

In the long run, the only security we can reasonably hope to obtain flows from the

deterrence that credible and strong global collective security provides.

OIL AND THE MAINE COAST

Mr. MUSKIE. Mr. President, late last year, Peter Bradford, a member of Maine's Public Utilities Commission, published his book—"Fragile Structures: A Story of Oil Refineries, National Security, and the Coast of Maine."

A review of the book appeared in the New York Times. I ask unanimous consent that the review be printed in the RECORD.

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

FRAGILE STRUCTURES: A STORY OF OIL REFINERIES, NATIONAL SECURITY AND THE COAST OF MAINE

(By Newton W. Lamson)

An oil refinery at a deepwater port along the coast of Maine has, since the 1960's, been one of the most persistent and elusive dreams of would-be petroleum industry entrepreneurs.

As Peter Amory Bradford, a 33-year-old member of Maine's Public Utilities Commission, explains in his highly readable book, "Fragile Structures," all the necessary elements were present.

"Eastern Maine was a depressed area," he said. "New York and Boston needed low-sulphur oil. The oil industry was moving toward supertankers. Maine had the only deepwater harbors on the East Coast. New England felt unfairly burdened by oil-import restrictions. An imaginative and energetic man who knew all these things needed only oil and money to get rich."

But no one has—and not for want of trying. The quest for official sanction for a refinery is about to enter its eighth year. So far 10 proposals have been put forward and five sites proposed.

Of the 10 projects, only one, the Pittston Company's proposed 250,000 barrel-per-day refinery complex in Eastport, remains alive, and it is still facing, after two years of hearings, more than 8,000 pages of testimony and more than $2 million in costs, a formidable series of obstacles.

The first of these proposals was for a refinery at Machiasport, a quiet fishing village of 800 inhabitants deep in impoverished Washington County less than 50 miles from the Canadian border. In "Fragile Structures," the Machiasport project becomes for Mr. Bradford a microcosm of the mistaken oil policies and outright political intrigue that eventually led to the energy-crisis debacle in 1973.

"A few incidents in the 1960–70 decade are signposts for any inquiry into what went wrong," he said. "The Machiasport oil refinery is one of them."

At the heart of the Machiasport proposal was the creation of a foreign trade zone in the area. Nine such zones existed elsewhere in the country at the time of Maine's application and no such application had ever been denied. Nor was Maine's denied; it simply was never acted upon.

The promoters had lined up plenty of local support, including all six New England Governors. New England had a good deal at stake. By 1970, according to a Cabinet-level study, New Englanders were paying, under the oil-import program then in effect, $1.65 more per barrel for domestic oil than it would have paid for foreign oil landed in Maine.

But the promoters were mavericks. None of them belonged to the domestic oil industry establishment, and even with the support provided by the Governors and Congressmen from New England, they were no match for an oil lobby willing to pull out all stops to head off a Maine supertanker port and foreign trade zone.

In 1968, Mr. Bradford said, oil interests "regarded supertankers the way Carrie Nation would have regarded improved whisky bottles."

"Their possible encroachment at Machiasport was to inspire such oil-state Senators as Gordon Allott of Colorado and Clifford Hansen of Wyoming to defend the Maine coastal environment with more passion than they had ever expended on threatened terrain in their home states," he added.

What appeared to the public to be a series of stunning victories for environmentalists, Mr. Bradford argues, was in fact a series of victories orchestrated at the very highest levels of Government by the oil industry—victories arrived at through political payoffs, intrigue and outright influence peddling that spanned the Eisenhower, Kennedy, Johnson, and Nixon Administrations.

Mr. Bradford, moreover, is in a position to substantiate his charges. He joined the staff of then-Governor Kenneth M. Curtis in 1968 and was one of his key aides throughout the Machiasport affair. In 1971, he became a member of the Main Public Utilities Commission, and he served as staff director of Gov. Curtis's Task Force on Energy.

"Fragile Structures" is in a number of respects a rare book. It is a true insiders' book, but the presentation is a balanced one. Although Mr. Bradford helped write one of the most important environmental laws passed by any state in recent years, he is in no sense a hidebound environmentalist.

He writes feelingly of Maine's rural poor and recognizes and applauds the economic benefits that a refinery would bring to both the state and Washington County.

And "Fragile Structures," despite the nature of the material, is anything but dry. The prose is urbane, often witty, and Mr. Bradford never fails to capture the ironies what has been for him and other New Englanders a numbing series of humiliations at the hands of Washington officials, bureaucrats, and lobbyists.

A PRESSING NEED

Mr. GOLDWATER. Mr. President, Mr. William Kintner, president of the foreign Policy Research Institute in Philadelphia, has returned to the institute after a stay in Thailand and a short tour with the Pentagon. This man has one of the most perceptive minds in the United States on the dangers to our country and having spent time away from our shores where he could really feel the growing animosity toward us and the reasons for it, he has prepared a paper entitled "A Pressing Need," and a very short companion piece which is titled "Strategy And Strategists." In the first paper he points out what he thinks the press has been able to do, or better, not able to do about our declining position in the world. The second paper is a companion article which has interest bearing on the whole United States drastic decline in world affairs and world power. I ask unanimous consent that these articles may be printed in the RECORD.

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

A PRESSING NEED

This paper examines the following propositions:

1. The diplomatic-strategic position of the United States vis-a-vis the Soviet Union is precarious, and seems to be deteriorating: Leaders of both aligned and Third World nations perceive the decline of U.S. influence.

2. There exists a considerable degree of difficulty in obtaining accurate, realistic public information and corresponding implications on assessments of the above development on the international system—and on security of the United States and its principal allies.

3. A greater degree of coordination and exchange among selected research institutes, *et al.* might be established in order to first obtain, then analyze, and finally disseminate both information on the over diplomatic-strategic position, and also recommendations on how to maximize the gains of the democratic industrial societies (or at least minimize their losses).

I. A STRATEGIC APPRAISAL: THE MAIN ISSUES

There will be no endeavor made at this juncture to attempt to make a sophisticated comprehensive analysis of the deterioration of the U.S. strategic-diplomatic position. That may be done later, if it would serve a useful purpose. For the time being, the views on this matter of a number of authoritative persons and sources will be presented.

Throughout the Western world, statesmen, strategists, pundits, and scholars perceive that the massive Soviet drive for military superiority in the face of a general malaise and apathy in the West, and a growing truculence if not hostility in the Third World against the wealthier industrialized nations, is creating opportunities for the Soviet Union to achieve pre-eminence on a global scale.

"How to manage the emergence of Soviet power without sacrificing vital interests is the pre-eminent problems of our period." [1] Thus Secretary of State Kissinger, most persuasive and active practitioner of détente described *the* crucial problem facing the United States in the forthcoming years.

Former Under Secretary of State Eugene Rostow, Chairman of a "Task Force on Foreign Policy of the Coalition for a Democratic Majority," issued a report which expresses sober concern for the future of this republic.

If, with our allies, we do what is required to deter Soviet nuclear and conventional power, we should be able to carry out a foreign policy capable of preventing war, while also pressing forward politically in the endless quest for the vindication of decency.

If, on the other hand, we allow ourselves to be deceived by a myth of détente, reduce our military strength, and permit our alliances to erode, we may well suffer irreversible defeats, which could imperil the safety of democracy in America.[2]

These impressions and fears are shared abroad. *The Economist* of London summed up the trends at the close of 1975:

Americans on the eve of this (their) third century, are showing the same symptoms of drift from dynamism as the British did at the end of their century. World leadership is therefore liable to pass into new hands quite early in the century 1976–2076.[3]

Paul H. Nitze, former Deputy Secretary of Defense and former member of the SALT I (Strategic Arms Limitation Talks) and SALT II teams is equally concerned about the apparent U.S. willingness to accept strategic inferiority under the cloak of presumed arms control agreements.

There is every prospect that under the terms of the SALT agreements the Soviet Union will continue to pursue a nuclear superiority that is not merely quantitative but designed to produce a theoretical war-winning capability. Further, there is a major risk that, if such a condition were achieved, the Soviet Union would adjust its policies and actions in ways that would undermine the present détente situation, with results that could only resurrect the danger of nuclear confrontation or, alternatively, increase

Footnotes at end of article.

the prospect of Soviet expansion through other means of pressure.[4]

In a column entitled, "Whom the Gods Would Destroy," C. L. Sulzberger wrote:

On returning from a lengthy trip I am struck by the spread of international doubts concerning the judgment or resolution of the United States as a world power. The point was recently emphasized by the Paris daily, *Le Figaro*, a serious, highly reputable paper. A front-page editorial concluded:

"A 'cold war Munich' in black Africa, under present circumstances, would in no way increase [President Ford's] chances and certainly wouldn't improve the credibility, already badly compromised, of an effective American protection."

That dismal observation referred to Angola and U.S. inability so far to prevent the Soviet Union, with its Cuban satellite, from brutally imposing a minority regime upon the 70-odd percent of the country which opposes it.[5]

II. THE AMERICAN REACTION: WAITING UPON EVENTS

In the face of many provocations the United States is in a mood of retreat. U.S. Ambassador to Sweden Robert Strausz-Hupé, former Director of this institute, was wont to say that we must wait upon events to reignite the American spirit. We have already had such events. In December 1971 and October 1973, Soviet-armed and encouraged clients attacked our allies and the U.S. response did not spare our friends from disastrous consequences. During 1974–1975 as Soviet and Chinese arms gave North Vietnam additional military advantage, we reduced our assistance to South Vietnam and Cambodia, a trend which continued until the collapse of our clients in the spring of 1975. The end of our Southeast Asian commitment—the greatest diplomatic/security defeat ever inflicted upon the United States—was greeted with profound public relief.

Currently the world is witnessing in Africa the consequences of the Soviet Union's new found power and our inability or unwillingness to restrain it. Many experts fear that Soviet success in Angola enforced by 500 "advisors" and 10,000 Cuban soldiers, could lead to a bloody racial war in the southern end of Africa with dangerous repercussions in the United States and elsewhere. On December 23, 1975, Secretary of State Kissinger stated that "if the Soviet Union continues such action on Angola we will without any question resist."[6] But despite a strong letter from President Ford to House Speaker Carl Albert (D-Oklahoma) expresing "grave concern over the international consequences" of banning military aid to Angola, the House voted on January 27, 1976, 323 to 99 in favor of banning any U.S. assistance to pro-Western factions in Angola. In his letter, the President noted that from March to December of 1975, the Soviet Union and Cuba provided "almost $200 million in weapons and other military assistance to a minority faction in Angola," in addition to 10,000 Cuban combat troops.[7]

Strategic analysts are aware of how critical Angola's ports and airfields might be to the control of the South Atlantic's vital shipping lanes to the Persian Gulf around the cape. Obviously Soviet planners believe Angola to be of far more value to the USSR than does the American Congress to the United States. Before Angola's value is determined by future events it will be too late to reverse the decisions already made by both contenders. Our "resistance" thus far has been ignored by Moscow and Havana.

III. THE AMERICAN CRISIS: AN INQUIRY INTO THE PUBLIC MOOD

Never in history has a Great Power experienced so rapid a decline in its will to act like one. What is the reason for this astonishing record? The American people are preoccupied with pressing domestic problems—unemployment, inflation, crime, the fiscal crisis confronting government at every level, and rampaging drug addiction. These domestic problems are real and important. Furthermore a solid domestic base is essential if we are to be able to play a constructive role in developing a sounder world order. At the same time, there is a general failure to understand that domestic problems may be aggravated by U.S. reverses suffered abroad.

Leo Cherne suggests:

We are in the midst of a crisis of belief and a crisis of belief can only be resolved by belief. "Will" depends on something most doomsayers have overlooked—crisis, mortal danger, shock, massive, *understandable challenge*. Go back to the American historical record and what it tells: Vietnam, Korea, Pearl Harbor, Fort Sumter, the Alamo. Each was a surprise, but each sets loose a torrent of energies.[8]

The paradox of his description is obvious. Neither we nor the world can be subjected to a nuclear jab in the arm to wake us up to pending dangers—our only recourse is to make the challenge we face understandable to the American people before it is too late.

But it is this very task which this institute and others and many scholars both in the United States and abroad, have attempted for many years. The book, *Protracted Conflict*,[9] stands as one of most precise exposes of Soviet strategy yet written. Unfortunately, despite the efforts of many informed and competent individuals to spread the word, as Soviet power has grown Western perceptions of the danger of the Soviet Union poses to Western institutions and societies have declined.

To counter the continuing erosion of Western will and positions, we must first understand the nature of the conflict in which we are engaged. We are in a struggle—a political and economic war on world scale—with a determined and powerful adversary. If we lose this struggle our institutions and our ideals will atrophy. Let us turn to General André Beaufre for clarity.

That total strategy of limited war is now submitted to the constraints, sometimes complementary and sometimes opposed, of the modern means of communication and of the existence of nuclear weapons. There exist two important domains which need to be analyzed with great care and objectivity: mass media and domestic public opinion.[10]

Totalitarian governments need pay only a little cost for ignoring dissenting public opinion while the leaders of democratic societies must pay a very high price. While overt dissent has become more evident in the Soviet Union in recent years, dissent has had little influence on the regime's policies.

The book, Protracted Conflict,[11] described one of the basic assymentries in the struggle between communist totalitarian societies and representative democracies—namely the struggle is for the most part waged in "our territory"—the "war zone"—and not on theirs—"the peace zone." This is particularly true of public opinion. Cultivation of public opinion is a State monopoly of totalitarian regimes. Hence the populations living under communist-totalitarian rule are generally supportive of their governments' foreign policies whereas the populations of democratic societies frequently oppose national security actions and programs.

Further the political leaders of modern, democratic industrial societies must cater to the domestic demands of their people in order to be elected and remain in office. Totalitarian regimes must pay some attention to the needs of their people but they can also allocate national resources to national power objectives with far greater ease than can their democratic peers. To return to Beaufre's perceptive analysis:

The repeated experiences of two world wars followed by long and useless colonial wars have considerably helped to strip war of its glamour. This has come to the point in which youth in the West are convinced that war is not possible and that it is only a barbarism surviving from past centuries. Moreover, movies and especially television bring the reality of war from Vietnam directly into the living room to traumatize American homes. The same effects would have been the result had the Battle of Verdun been telecast into French homes during World War I. In presenting the horrors of war, modern news programs are inevitably pacifist and defeatist per se. This is a new phenomenon which is unlike the flag-waving and frequently childish posture the Press has taken in earlier wars."

Nowadays any significant news item is immediately broadcast throughout the entire world. Consequently in countries in which a free press exists the various national opinions become interdependent. The various attitudes that develop in most democratic countries react either with hostility or by sympathy to a foreign happening. Political or military involvements, evolutions or repressions all stir up emotional forces and play a considerable role in prodding governments to intervene or avoid becoming entangled in a conflict situation affecting the general confrontation of systems. In this fashion local wars such as Vietnam, Algeria and now Angola, generated moral attitude around the world, generally favoring the side supported by Communist totalitarian societies. In the case of Vietnam, that reaction seriously affected U.S. national policy. A fascinating study, entitled the "Big Story," shortly to be published by Freedom House, explains how the American press and television reported and interpreted the crisis of Tet-1968 in Vietnam and Washington.[12]

The U.S. media reporting of Hanoi's dramatic Tet offensive of February–March 1968 had a significance far beyond any military gains or losses by either side, for its impact on the American public helped to topple a President, Lyndon Johnson, and led to the fading of support for the Vietnam War. Peter Braestrup has compiled a remarkable document that reflects the analysis of millions of words published in newspapers and news magazines and broadcast over radio and television and the examination of thousands of feet of TV film.

Bayless Manning, President of the Council on Foreign Relations, asserts that

The media, too, must be called upon to do a much better job than they have done in the past in presenting a valid picture of international affairs to the public. The vice of the media is not failure to disclose but preoccupation with the sensational, the dreadful, and the anecdotal.[13]

Turning to television which has become the prime if not the only source of information about events in the outside world. Manning observes:

The quantity of international reporting appearing on American television is so miniscule as to be scandalous. The quality of the coverage is no better, since most of the snippets that do appear are limited to assassination, warfare, typhoons and an occasional coronation. What has been reported to the American public about the issues being debated for the last two years in Geneva by 35 nations at the Conference on Security and Cooperation in Europe? About the negotiations for Mutual and Balanced Force Reductions in Vienna? Or the recent extraordinary creation of new International Energy Agency?[14]

The fact of the matter, however, is that world public opinion—outside the power of governments to manipulate—is developed only within the Western and other countries in which a free press exists. Public opinion is for the most part managed in the Soviet Union, Eastern Europe, Cuba, Communist China

Footnotes at end of article.

or most of the Third World Countries with authoritarian governments.

Public opinion in the United States and other democratic industrialized societies is for the most part developed by the media. The charismatic political leadership of a Churchill can help mold it in a war situation, but can do little in an age of neither war nor peace which has characterized global relations for the past thirty years. In this age the media have tended to be the main factor influencing public opinion in democratic industrial societies. Many of the media people who produce the written or spoken message on which most of us rely to follow world events, frequently misinterpret the meaning behind an unfolding news story.

To sum up, the crucial sector in the continuing U.S.-Soviet struggle has become the public opinion-forming process within the great industrialized democratic countries, taken individually and collectively.

IV. WHAT MIGHT BE DONE

A major task which should be undertaken is to make, an "understandable challenge" out of the ubiquitous Soviet drive for global pre-eminence.

The Institute can serve as a mechanism for helping to mobilize intellectual and reportorial resources of the United States and its many allies throughout the world so as to provide a concise reporting of events in the global confrontation created by the Soviet drive for pre-eminence. Such reporting could provide the kind of information which could help make media news more responsible. The mechanism would also provide indepth interpretations of events as they relate to the overall confrontation and to their impact on the domestic well-being of the democratic-industrialized societies and Third World countries wishing to develop along comparable lines.

What is suggested, then, are the following publications:

1 A monthly communiqué of the global confrontation—attractively written, factual, authoritative.

2. A quarterly analysis of the implication of events that affect the United States and its allies, and policy recommendations to deflect adverse trends.

3. An annual publication assessing the overall global political-security situation with appropriate recommendations for concerted actions on the part of the industrialized democracies.

The Institute would work with the established institutes, academic centers and individuals who understand Soviet strategy and political warfare and who can contribute to the three publications. The institutes will be linked together by cable and telephone communications. All publications will be made available to key leaders and public opinion medias of the democratic nations. All can be used by the media without attribution. A campaign will be launched to insure media accuracy in reporting the confrontation between the Soviet Union, its Third World supporters and the free world.

Needless to say this general program will add to but not supplant the current activities of the Foreign Policy Research Institute. Finally, it will all acquire considerable new funding.

V. PARTICIPATING INDIVIDUALS AND ORGANIZATIONS

A. As a beginning the Board of Research Consultants of the FPRI might be utilized: These individuals might be used to suggest others.

B. Possible cooperating institutions:

Hudson Institute

Institute for Defense Analysis

National Strategy Information Center

Research Institute on the Sino-Soviet Bloc

Stanford Research Institute

Center for Advanced International Studies

Center for International Affairs, Harvard University

Center for International Comparative Studies, University of Illinois

Center for Strategic and International Studies, Georgetown University

Center for the Study of Foreign and Military Policy, University of Chicago.

Institute for Sino-Soviet Studies, George Washington Univ.

Institute of International Studies, University of South Carolina

Institute of War and Peace Studies, Columbia University

Institute of World Poilty, Georgetown University

Research Institute on Communist Affairs, Columbia University

Centre D'etudes et de Documentation Europeennes, University of Montreal

Centre for International Studies, University of Alberta

Anglo-Israel Association, London

Atlantic Institute for International Affairs

Centre D'Etudes des Relations Internationales

Comite d'Etudes de Defense Nationale

Forchungs Institut fur Internationale Politic and Sicherheit

Institut Francais d'Etudes Strategiques

Institute for Strategic Studies, London

Institute of Contemporary History and Wiener Library, London

Norwegian Institute of International Affairs, Norway

Royal Institute of International Affairs, London

Royal United Services Institute for Defense Studies, London

Social Science Research Institute, Konrad Adenauer Foundation FRG

VI. PROBLEM AREA

Obviously there are many problems involved with this concept. Some are touched on below.

A. Establishing "authority, accuracy": the well-established reputations of the proposed network will "categorize" the product initially as semi-propaganda for a particular viewpoint; if the material is written well enough and supplies considerable insights, especially for the more popular press and so forth, this can be overcome.

B. Establishing "success or failure": the customary method is to measure circulation (especially if a small fee is charged as a demonstration of interest) content of media, and eventually change of opinion through editorials, public figures, and so forth. The acid test, however, is foreign policy itself.

C. Means:

1) the institutes in question are almost all pitched to a slow pace; even at FPRI "Quick Reaction" is 2–3 months. Furthermore, the principal scholars write for a limited audience, and usually in a very limited and technical jargon. Aside from the questions of money and attribution, these organizations are ill-suited to monthly deadlines, though their opinions on critical questions can be readily solicited. The greater depth of analysis—the more considered the judgment, the longer the time to arrive at it for most cases—but the easier and quicker it will be to arrive at an evaluation of a judgment concerning an event taking place within the analytical focus of a particular institute.

2) the project will require a "translating medium," a staff of professional writers able to appeal to a mass audience but capable of doing so without grossly deteriorating—or offending—the views of the institutes involved. This says nothing about the probable degree of error a monthly newsletter often encounters.

VII. THE TARGET AREA

The policy research institute was established originally to bring the benefit of academic analysis to policy problems, particularly by associating a given event with the larger and more permanent trend. This "act of translation" reaches government, a small number of former professionals or amateurs (Foreign Affairs circulation about 75,000) and a larger number of businessmen and so forth (Wall Street Journal circulation about 750,000).

Beyond these three groups of fewer than 1 million people, you move into the mass newsweeklies (Time, Newsweek) (2–3 million), the syndicated columnists (several million copies more) and monthly journals including regular articles on foreign policy (e.g., Reader's Digest, 10–12 million).

Finally, there are the daily newspapers, the radio and television stations.

If the United States could leave its foreign policy to be decided upon by a small cadre of officials, then it would be enough that they attend to international developments and the public could be ignored. This was the classical way of diplomacy, and it is also the way of the Soviet Union. But if there is to be a genuine public involvement in the conduct of our foreign affairs, then the media absolutely must provide the public with the relevant background information.[15] But the problem is deeper than that. The public mood, increasingly developed by the media, has itself become a major determinant of foreign policy. In many instances public leadership, including that of the President, is restrained by what the leaders perceive the limits of tolerability set by the public mood. Hence the task is to create an opinion base supporting Presidential leadership.

It may turn out that the number of Americans who concern themselves with foreign policy are relatively few. As Manning suggests:

Doubtless only a small percentage of the public will follow such matters closely, no matter what the media do. But some millions of citizens will follow it. And it is the inescapable responsibility of the media to see to it that the information is at least made available—even at the cost of some lowered ratings and advertising rates.

To inform the education public about the major element of the nation's foreign policy is a doable job. But it cannot be done unless our political leaders and the media are willing to undertake the assignment energetically in spite of the risks and costs it will entail for them. And it must be done.[16]

VIII. CONCLUSION

The proposal set forth here may be difficult to accomplish. The problem it addresses, however, is crucial to the survival of this republic. Perhaps we might begin by a comprehensive study on how best to solve the problem.

FOOTNOTES

[1] The *New York Times*, December 24, 1975, p. 7.

[2] "The Quest for Détente," published by the Coalition for a Democratic Majority, 1823 Jefferson Place, N.W., Washington, D.C., 20036.

[3] *The Economist*.

[4] Paul H. Nitze, "Assuring Strategic Stability in an Era of Détente," *Foreign Affairs*, January 1976, p. 207.

[5] C. L. Sulzberger, "Whom the Gods Would Destroy," the *New York Times*, January 7, 1976, p. 37.

[6] The *New York Times*, December 24, 1975.

[7] *Washington Post*, January 28, 1976, p. 1.

[8] Leo Cherne, 36th Annual Address before the Sales Executives Club of New York, January 9, 1976, p. 10.

[9] A Foreign Policy Research Institute publication.

[10] André Beaufre, *Strategy for Tomorrow*, Strategic Studies Center, Stanford Research Institute (New York: Crane, Russak & Company, Inc., 1974), pp. 3–4.

[11] *Ibid.*

[12] Peter Braestrup, "Big Story," with special opinion poll analysis by Burns W. Rop-

er, introduction by Leonard R. Sussman (Freedom House).

[13] Bayless Manning, "The Conduct of U.S. Foreign Policy in the Nation's Third Century" (Claremont, Calif.: Claremont University Center, 1975), p. 50.

[14] *Ibid.*

[15] Manning, *op. cit.*, p. 52.

[16] *Ibid.*

STRATEGY AND STRATEGISTS

It is truism that the world today is more interdependent than in the past. Perhaps a more sensible way to express it is simply that different regions are more sensitive to developments than before either because communications compel our attention or our own conditions are materially changed as a consequence. It stands to reason then that leaders must acquire a broader perspective of international events than was acceptable in the past, for the relationship of problems to one another is much stronger than before.

This is a particularly difficult perspective for the United States. A major reason is the technological proficiency which constitutes its enormous economic vitality. Technology naturally strengthens the demand for specialists of all types and the "pragmatic" tradition in the United States—that is, solving problems piecemeal—testifies to the American propensity to tackle the immediate issue with the most sophisticated means available.

This intrudes even into the universities, formerly devoted to the inculcation of the broad disciplines of liberal arts. As a consequence, just when society needs the vision and resourcefulness which comes only from an understanding of how the parts relate to the whole, the schools concentrate upon the parts at the expense of the whole.

This fragmentation of knowledge is particularly pernicious in the international relations field. The major universities turn out political science and IR graduates specializing in quantitative or qualitative approaches, some emphasizing theory over method, others theory and method over substance. This process of narrowing the student's perspective continues if he enters government service. At the highest levels, such limited focus virtually eliminates the classic strategic view of the world, with its careful relation of means to ends and the necessary assessment of how some events affect prospects of the whole.

These two elements—increasing specialization and restricted perspective—have long been recognized as a major impediment to an effective U.S. foreign policy. An independent foreign policy research institute—which relies upon academic talent and hopes to influence policy problems—must avoid this impediment to succeed. This must be done in two ways: a) the institute must recruit from a wide range of schools, careful not to hamper itself by undue reliance on particular methods, b) the institute must impart through its training and fellowship programs the necessity for a strategic view in the fashioning of foreign policy.

There are two ways the FPRI might improve its performance in these areas: a) first, by broadening its sources to many more universities and the talents it seeks, particularly in the field of economics, b) second, by ensuring that the FPRI program gives a better appreciation of the importance of strategy. Toward this end, the FPRI should consider a long-range planning group, with varying and rotating membership, to compose the annual strategic review proposed in "A Pressing Need"; to devise new approaches for the inculcation of the strategic "view" in the United States; and to prepare a new statement on the major U.S. strategic relationships—the Soviet Union and the PRC—which might make the successor Protracted Conflict.

WASHINGTON POST MAKES CASE FOR GRAIN RESERVES

Mr. McGOVERN. Mr. President, the February 25 editorial page of the Washington Post contains a statement entitled "Wheat and the Weather." The editorial is interesting for two reasons: First, as an indication of the mounting emphasis and concern large metropolitan newspapers are giving to the all important problem of feeding our Nation as well as other people around the world. It is only in recent years that city papers gave more than passing notice to farmers and the things that they do which keeps the country going. Indeed, 10 years ago the traditional August 10 USDA crop forecast would receive a "ho-hum" two-paragraph story on page 47 of any of our major newspapers. Now, that story is front page news for major papers. Needless to say I am pleased at the growing concern city dwellers have for the welfare of the farm community. For years I have spoken to this interdependency in nearly every major city in this country.

Second, of more than passing interest to me is the statement in the Post that the answer to getting us through short crop years both domestically and abroad is "a network of national and international grain reserves, systematically built up in the good years and drawn down in the bad."

Since I have been advocating precisely this concept for the last decade, and since I want to insure wider attention to the Post's position, I ask unanimous consent that the editorial be printed in the RECORD.

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

WHEAT AND THE WEATHER

The drought in the western wheat belt has been growing steadily more serious since early last fall. The damage has not reached the dimensions of an emergency. But it is the kind of unforeseen misfortune that, for a prudent government, would switch on a yellow light—a warning not to take huge crops for granted. It is a reminder that the Ford administration's custom of leaving everything to day-to-day, off-the-cuff decisions is not good enough. The administration is in the habit of trusting to luck, but this year may not be a very lucky one.

The drought covers a wide band from western Texas up into Nebraska. Last September the winter wheat there was sowed in soil too dry for normal germination. There was rain later in the fall but, when winter came and the wind began to blow, the wheat had not developed enough of a root structure to hold the soil in place. It's been a dry winter, and now some of the farmers have begun to plow under their stunted crops to control the erosion of their fields.

This drought affects only part of the wheat belt, and even there the crop will not be entirely lost. But while it might mean only a 10 per cent drop in the final harvest, that 10 per cent would constitute a significant tightening of the world's food supply. So far, grain crops appear to be normal in the other major producing areas. But it is very early to begin gambling on big harvests elsewhere to balance a poor one here. Last year it was July before the disastrous shortfall in the Russian grain crops became apparent. As we have all repeatedly seen over the past several years, crop forecasts can swing around with astonishing speed.

Should the drought get worse and the damage spread, the administration would be forced back into a familiar dilemma. If it leaves the door open to foreign buyers in a time of short supply at home, food prices will rise and sharply aggravate the inflation. If it tries to hold down domestic food prices by cutting exports, it earns the mistrust of other countries counting on us to help feed their people—and, more directly, it upsets our balance of trade. The administration has found itself faced with these choices repeatedly over the past several years and has not found an answer. But there is one: a network of national and international grain reserves, systematically built up in the good years and drawn down in the bad. It would be expensive and complicated, of course; the Ford administration keeps backing away from the idea.

In most administrations, the White House develop a lively sense of self-preservation that tries to foresee the policy dilemmas. It is generally considered a serious failure to allow the President to slide into a position where all the choices are bad. But the Ford White House has never acquired this basic tactical skill. The drought has not yet reached a point at which it will run down the country's grain supplies dangerously, or force up food prices, or threaten export controls. But if the drought goes on a great deal longer, it will threaten all of those unpleasant consequences.

PUBLIC PENSION STUDY

Mr. WILLIAMS. Mr. President, public pension plans are now on the agenda for congressional study. Recent years have brought an upsurge in Government employment and at the same time, a growing emphasis on employee benefits. The combined influence of these two developments have resulted in explosive growth of State and local pension systems.

Public employee pension systems add up to an enormous social and economic force. Membership in State-local pension plans increased tenfold in the last three decades now covering more than 9 million workers with assets in excess of $70 billion.

As a consequence of such growth, public pension plans now occupy an important role in the economy. For the public plans of today not only affect millions of individuals as participants and taxpayers but also possess the potential for significant impact on the economy in the capital markets through their massive financial holdings.

Their influence is an object of much concern to public employees and their employers. The public debate on this issue was generated by the enactment of the Employee Retirement Income Security Act in the last Congress. We recognized this situation in Congress when we passed the pension reform legislation and the act provides that the four major committees which developed the legislation for the private sector to undertake an in-depth study of the public pension system. As chairman of the Committee on Labor and Public Welfare and a chief sponsor of ERISA, I have a longstanding acquaintance with the

complex issues which fostered the public concern.

Prior to ERISA, the Committee on Labor and Public Welfare conducted a similar study of the private pension system with special emphasis on the need to protect the 30 million participants.

Time and again, we found workers losing their pension credit after long years of service. Public employees wrote the committee informing us of similar problems in the public sector. Pension credit was lost when employees changed jobs, moved to a new locality, or terminated their employment prior to retirement age. Sometimes, the pension loss was due to the fine print in the plan contract while in others, it was simply the lack of transferability of pension credit between pension systems.

ERISA responded to the recommendations for reform made in the Senate Labor Committee study. But its standards were developed to reform the structure of the private pension system and public plans were not covered by the ERISA protections. The reform movement did serve to focus congressional attention on the retirement security afforded public service workers.

While Congress was shaping the future of the private plan system, State and local governments were giving serious consideration to the plans which covered their employees. Several States established independent pension commissions to monitor their plans and to make recommendations for reform.

Ideally, these study groups serve to depoliticize the debate on public employee pension benefits by studying the issues in a professional nonpartisan manner before making recommendations to their respective legislatures. Meanwhile, the various congressional committees began their own dispassionate assessment of the public system.

Unfortunately, the public employee pension issue has become increasingly politicized in the last few months, primarily because of the urban fiscal crisis. My concern is that public employees will become scapegoats in the great debate over who is to blame for the fiscal mess in some of our cities. There are critics who cite isolated examples of excessive benefit levels in a few public plans as representative of public employee benefits across the Nation. They single out these benefits as the cause for future financial ruin.

Yet the latest U.S. Department of Commerce survey of public employee plans found that the average monthly pension benefit for all State and local government employees was $223. Retirement based on this monthly income alone would put an individual at or near the poverty level. In this connection, we should bear in mind that about one-third of all public workers are not covered by social security and must rely exclusively on their plan for income during their retirement years.

Underlying this criticism, I detect some of the same old sentiments toward Government workers. Many still feel that those who work for Government should earn less than those who work in private industry. Somehow they expect public employees to subsidize public service by accepting lower wages and less retirement security.

The real culprit behind escalating pension costs in some fiscally strapped cities is the lack of advanced funding of the pension commitment. Pension promises made in past years were not adequately funded. Consequently, as the plans matured and more people retired, the increased pension costs are paid by a succeeding generation of taxpayers.

Unlike their counterparts in private industry, public employees contribute their share of funds to plan. Public plans with few exceptions require employee contributions while plans in private industry are largely noncontributory. Employee contributions are not tax deductable whereas the contributions made on behalf of the employee in private industry are deductible to the employer.

In the public system the pension costs are shared by the employee and the employer. Many times, it is the public employer which fails to make its fair share of the contribution.

Not all Government plans are unfunded, however. In fact most public plans adhere to some form of advanced funding schedule. But little is being done with the sizable number of public plans which fund their obligations on a pay-as-you-go basis.

These issues have a clear implication for public policy at all levels of government. We must strive to provide an objective framework in which to assess the implications of this enormous public institution. The Senate Committee on Labor and Public Welfare is committed to a rational, dispassionate study of the facts in the interest of advancing an informed resolution of the major policy questions involved.

I ask unanimous consent that my recent communications with Jerry Wurf, president of AFSCME and a recent statement by Albert Shanker, president of UFT, be printed in the RECORD.

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

AFSCME, AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES,

Washington, D.C., January 9, 1976.

HON. HARRISON A. WILLIAMS,
Chairman, Subcommitte on Labor, Committee on Labor and Public Welfare, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR CHAIRMAN WILLIAMS: Last fall, AFSCME presented testimony before the House Subcommittee on Labor Standards concerning the operation of public employee pension plans. In our testimony, we expressed concern about abuses and deficiencies in state and local government pension plans. These included weak vesting provisions, the absence of portability, substandard funding of plans and violations of fiduciary responsibility. We also underscored the importance of the Congress moving expeditiously to fulfill the mandate of the Employee Retirement Income Security Act of 1974 (ERISA), which required the House Education and Labor Committee and Ways and Means Committee and the Senate Labor and Public Welfare Committee and Finance Committee to study public pension plans. We note that with only one year remaining before the study required by ERISA is due, the Senate Committees have done almost nothing on the public pension study.

Since our testimony, the public employee pension issue has become increasingly politicized, primarily because of the fiscal crisis in New York City. It is becoming increasingly popular for journalists and politicians to draw the public's attention to isolated examples of exceptionally high benefit levels. Perhaps the most common example is the New York City bus driver who can retire with an annual pension that is greater than his last year's final wages. The impression left with the public is that benefits like these are typical of public employee pension benefits across the country and that they are contributing, in large part, to the financial ruin of state and local government. Furthermore, public employee unions are becoming the "whipping boy"; their so-called "avarice" is seen as a major cause of these supposedly generous pension plans.

Our union has compiled a great deal of data on pension plans affecting our members, information which paints a picture quite different from the popular editorial page misconception of retired public workers living in the lap of luxury. But the fact is, no one really has the facts. That's why we believe the Congress should act without delay to fulfill its study mandate.

To accuse public employee unions of jeopardizing the fiscal stability of state and local government by negotiating "excessive" pension benefits is unreasonable. In the first place, most public pension plans are not negotiated. They are the result of actions taken by state and local legislative bodies, many established long before public employee unions matured. Where public pension plans are negotiated, plan improvements are the result of bilateral agreements involving an employer as well as the union.

It also must be recognized that there are a vast number of state and local pension plans providing benefits to a multiplicity of employees. Police, firefighters, teachers, and general employees usually participate in different plans designed to meet the circumstances of their particular type of employment. These plans must be distinguished so that the public pension issue can be put into a proper perspective.

Our review of many large state and local plans covering general employees shows that pension benefits are by no means lavish. In Atlanta, where general city employees are not covered by Social Security, workers retiring after 30 years of service and with salaries of $7,000, $7,500, $8,000, $8,500, and $9,000 during their last five years of work can only expect to receive a pension of $4,365 per year—49 percent of their final year's salary. Similar categories of workers would receive $5,100 (57 percent of final salary) working for the state of Ohio and $5,400 (60 percent of final salary) with the city of Los Angeles, neither of which provide Social Security benefits. In Michigan and Wisconsin, state employees on the same salary schedule would receive $3,600 (40 percent of final salary) and $3,315 (37 percent of salary) respectively, although they also would receive Social Security benefits.

Generous pension benefits are not the reason why public employers are confronted with unfunded pension liabilities. We believe investigation will show that scores of public employers, large and small, have failed to fund these plans according to sound actuarial principles. While employees have been contributing their share to pension funds, public employers have failed to do so. As a result, many governments now are being confronted with rising pension obligations which are soaking up a greater percentage of current revenues. It is for this reason that it is essential that any review of public plans

carefully analyze methods used to fund pension benefits.

Finally, it should be remembered that public pension plans have features that make them less attractive to the employee than private pension plans. Contrary to many private plans, most public plans are contributory; the employees themselves pay between one-third and half of the total pension contributions. A number of major public plans also require 15 to 20 years of service for workers to gain a vested right to a pension. The result is that many government employees never draw pension benefits. Further, one-third of all state and local government workers do not receive Social Security benefits.

AFSCME will support wholeheartedly a Congressional investigation of public pension plans. Public policy regarding the pensions of government workers must be considered within the framework of a rational, objective and dispassionate study such as that mandated to your Committee by ERISA. Your investigation will play a vital role in the current debate on public pension plans, and it must proceed at an accelerated rate.

Sincerely,

JERRY WURF, *International President.*

JANUARY 29, 1976.

Mr. JERRY WURF,
International President, American Federation of State, County and Municipal Employees, Washington, D.C.

DEAR PRESIDENT WURF: Thank you for your letter regarding the Congressional Study of the public employee pension system.

I certainly share your concern for the increasing politicization of the public employee pension issue. We still hear the same old sentiments about government workers. Many expect public employees to subsidize public service by accepting lower wages and less retirement.

Enactment of the pension reforms in the private sector focused Congressional attention on the need to determine the adequacy of the retirement security provided employees in the public pension system.

As a chief sponsor of the 1974 Pension Reform Act, I have a longstanding acquaintance with the employee concerns for the protection provided for their hard-earned pension credit. Let me assure you that we shall vigorously pursue our investigation of the public system with special emphasis on the protections afforded employee pension interests.

I appreciate having the benefit of your views on this vital issue.

Sincerely,

HARRISON A. WILLIAMS, Jr.,
Chairman.

[From the New York Times, Feb. 22, 1976]

WHERE WE STAND—AFL-CIO SEEKS PROTECTIVE FEDERAL LAW

HOW SAFE ARE PUBLIC EMPLOYEE PENSIONS?

(By Albert Shanker)

Public employee pensions have emerged as a major issue in recent months. Last week a New York State agency was rescued from default when the State Teachers Retirement System invested $20 million in Housing Finance Agency notes. Last October and December, much larger investments by New York City public employee pension funds helped the city avert default.

At the same time, newspaper and TV editorials have created the impression that the cost of public employee penison funds rather than the state of the economy is responsible for the fiscal crises of state and local government. It is repeatedly claimed that public pensions exceed those in private industry and that benefits paid are exorbitant. Public employees are thus in the curious position of being asked to rescue ailing governments with funds that are blamed for causing the crisis.

The issues are clearly national. Public employee pension fund assets across the country are now estimated at $89 billion. The AFL-CIO Executive Council last week called for Congressional action to provide federal protection for public employee pension funds. Here is the statement adopted at the Council's meeting in Florida:

In 1974, the Employees Retirement Income Security Act (ERISA) was enacted into law providing minimum standards for private pension plans, regulation of pension funds and investments, and termination insurance to protect pensions.

Congress considered but rejected proposals to cover retirement systems of state and local governments under this legislation. A major objection was that the financial stability and strength of state and local governments, as contrasted to private employers, made such protection unnecessary. Recent developments have made readily apparent the fallacy of this argument.

Pension plans of state and local governmental bodies are badly in need of reform. A major reason their costs have increased in recent years is past underfunding and the use of "pay as you go" financing of public pension plans. State and local governments sometimes agree to improve pension plans for public employees in lieu of wage increases and then postpone payments for these improvements to future administrations and future generations of taxpayers. Obviously this does not serve the best interests of state and local governments, their employees or the taxpayers. State and local governments have too often tolerated flagrant abuses of fiduciary responsibilities and unauthorized use of pension funds.

There are many similarities between public and private pension plans, but there are also many differences. Though the basic principles of ERISA could serve as a model, many modifications would have to be made in legislation applying to public pension plans. Careful study of the vast, complex public employee pension system is essential before enactment of a law. Fortunately, Congress, in passing the pension reform bill, requested a study of public employee pension plans to prepare for their possible coverage by a new pension law. We urge speedy completion of that study.

Public employees have been made the scapegoat for the financial crisis of state and local governments. Contrary to a widespread myth, most public employee pension plans are not generous in benefits, vesting and other provisions and have not contributed to the financial crisis of state and local governments. The truth is:

The average monthly benefit for all state and local government employees was only $223 in 1972, according to a U.S. Census Bureau survey.

Only about 10 per cent of private pension plans are contributory, according to a recent survey. More than 90 per cent of public employees make pension contributions and pay for a large portion of their retirement benefits.

Public employee fringe benefits lag behind private industry. Though public employees have made significant wage gains in recent years, their wages still lag behind those in the private sector.

Blaming public employees for financial troubles is a frequent cop-out for public administrators. Public employees did not create the often inefficient, costly, fragmented structure of state and local governments; nor are they responsible for the underfunding of pension systems.

Public employees give dedicated service, all too often at lower wages and fringe benefits than their counterparts in private industry. Like all workers, they are entitled to protection for their earned pension rights. They need protection and minimum standards in:

1. Reporting and disclosure. Public employees are entitled to information on the major provisions of their pension plans in clear and understandable language. All other information pertinent to the operation of the plan should be available to them and to the public.

2. Fiduciary responsibility. Mismanagement and improper investment of public pension funds have jeopardized workers' pension rights. Both employees and taxpayers are entitled to protection against such abuses.

3. Participation and vesting. Many public bodies have vesting standards that fall far short of those legally required for private pension plans.

4. Funding. The taxing power of government is not a sufficient guarantee to allow the lax funding methods that have been applied to many public employee pension funds.

5. Planned termination insurance. Public employees should have their earned pension rights guaranteed in the event their plan terminates.

Therefore, the AFL-CIO urges the Congress to enact legislation as soon as possible to provide effective and appropriate protections for the pension rights of employees of state and local government agencies. We insist public workers have the same rights as all other workers.

HANDGUN CONTROL LEGISLATION

Mr. HRUSKA. Mr. President, both the House and Senate Judiciary Committees are currently in the process of once more considering handgun control legislation. The public debate on this controversial issue continues, and U.S. Department of the Treasury statistics tell us that an increasing number of crimes are being committed with cheap, easily acquired handguns.

Those in favor of gun controls want to either ban the private ownership of handguns or impose rigid gun registration. There are others, however, who take a more commonsense approach—punish those who use weapons in the commission of a crime.

For many years this Senator has supported the idea that any additional legislative gun controls are a State and local problem. The conditions of life in western Utah are immeasurably different than the West Side of New York City. To propose and enforce a national system of laws to deal with local gun crimes cannot logically or practically be accomplished.

The Federal role in the control of handguns is adequately outlined in present congressional legislation, namely the Gun Control Act of 1968—Public Law 90-618, and as amended by title IV of Public Law 90-351. Those statutes prescribe the regulations for the licensing of manufacturers, distributors, and dealers; interstate shipments; imports from overseas; and prohibitions of sales to certain classes of persons such as those convicted of certain crimes, fugitives from justice, unlawful users of marihuana or any depressant or stimulant drug, and adjudicated as a mental defective or has been committed to any mental institution.

One procedure in the Federal statute was clarified and improved by a recent Supreme Court decision, Barrett against United States. The Court held that section 922(h) of title 18 U.S.C., making it unlawful for a convicted felon "to receive any firearm or ammunition which has been shipped or transported in inter-

state or foreign commerce," applied to a convicted felon's interstate purchase from a retail dealer of a firearm that previously, but independently of the felon's receipt, has been transported in interstate commerce from the manufacturer to a distributor and then from the distributor to the dealer.

In addition, a tightening of language on stopping imports on certain guns should be made to include parts of such guns which can be assembled into complete and functional weapons within the United States.

Also, a revision and complete funding of the monitoring of licensed dealers by the Bureau of Alcohol, Tobacco and Firearms, ATF, of the U.S. Treasury Department is needed in order to hold them to a strict accountability for compliance with existing regulations. Such regulations include sales to certain persons, as enumerated in section 922(d) of title 18, and recordkeeping requirements of the number and types of handguns purchased.

It would also include an ample increase in enforcement personnel. Notable in this regard was President Ford's request in his crime message to the Congress for an additional 500 agents within the ATF for increased inspection and enforcement duties. Especially pertinent was the President's statement that:

> At the time, however, we must make certain that our efforts to regulate the illicit use of handguns do not infringe upon the rights of law abiding citizens. I am unalterably opposed to Federal registration of guns or the licensing of gun owners. I will oppose any effort to impose such requirements as a matter of Federal policy.

Mr. President, aside from the amendments needed for improving present Federal statutes as generally set forth in these remarks, further legislation should be left to State and local authorities. It is they who have the chief responsibility for law enforcement under our pattern of government in the Uinted States. It is the State and local authorities who know the conditions and requirements in their respective jurisdictions, and how enforcement can be achieved to meet such situations.

An excellent example of efforts by State governments to crack down on criminal offenders using firearms is the State of Missouri. In the revision of its criminal code, the Missouri State Senate has added a provision calling for mandatory sentences of 3 years for a first weapons felony offense, 10 years for a second offense, and 20 years for three-time losers. This is a tough law, but one that should reduce weapons-related offenses.

Mr. President, the full story about the proposed law in Missouri is told in an article which appeared in the St. Louis Globe-Democrat on Tuesday, February 17, 1976. I ask unanimous consent that it be printed in the RECORD at the end of my remarks.

Mr. President, the Congress has made it clear on a number of occasions that crime is essentially a State and local problem. The passage of gun control laws to toughen penalties for weapons felony offenses is in the main, and from this point on, a State and local matter. The sooner the Congress realizes this fact, and the sooner more State legislatures act, the sooner we will be able to control the misuse of handguns in America.

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

TOUGH WEAPONS LAW FOR MISSOURI

It is becoming more and more evident that Missourians who obey the law are getting sick and tired of those who don't. And there are firm indications that they intend to do something about it.

One encouraging sign pointing in that direction is the state Senate's approval of tough mandatory sentences for persons convicted of committing crimes with a firearm or any other deadly weapon. An amendment to this effect, introduced by Columbia Republican Sen. Larry R. Marshall and adopted by voice vote, has been made part of the proposed revision of the state's criminal code which the Senate is now debating. Sponsor of this comprehensive, 283-page bill is Sen. Ike Skelton, Lexington Democrat.

The Marshall law provision calls for mandatory sentences of three years for a first weapons felony offense, 10 years for a second offense and 20 years for three-time losers. This means that a person using a deadly weapon in a crime would be required to serve the weapons sentence in addition to any term imposed for the robbery, with no parole or probation from the weapons crime imprisonment.

A similar law was enacted by a heavy majority vote in the Florida Legislature last year and went into effect Oct. 1. While it's still too soon to measure the impact of the law on crime, authorities there are hopeful that it will prove a major deterrent to violence. The state has even launched a million-dollar campaign publicizing the new law mandating a three-year prison term for gun-related crimes to make sure that potential criminals get the message.

The need for such stern legislation in Florida was clear. As officials there point out, Florida's crime rate increased 36 per cent during last year as compared to the national average of 18 per cent.

And what about Missouri? While the statewide figures for 1975 are not complete, there are alarming indications that the war against crime as it is now being waged is not succeeding. Rural sheriffs, for example, say that the rate of crime increase in many areas is considerably above the national average. The pattern appears much the same for suburban sections. Not only is crime rising but in St. Louis County police records show that the number of weapons taken off the streets by police has increased a dramatic 194 per cent in the last five years. There is no way of knowing the number of weapons which haven't been recovered by police and which in the wrong hands become instruments of terror and violence.

Proponents of gun control argue that legislation should be drawn to outlaw the private ownership of handguns, or, failing in that, that there should be gun registration. Either of these two approaches to the problem of crime would be pointless. Laws should be aimed at the people who wrongly use any kind of deadly weapons. Punishment should be exacted against them.

That is why the Marshall plan makes so much sense. If legislators get bogged down in debate over the merits of the proposed criminal code revision, that is no reason that efforts to get a strong criminal-control measure on the books should be frustrated.

A separate Marshall Bill, identical in nature to the criminal code amendment, is on the Senate calendar. This could—and should—be given priority attention if the need arises. With moves expected on the House floor to get a tough mandatory sentencing bill passed, the mood of the General Assembly appears right for strong anti-crime legislation in Missouri.

TAX TIPS FOR OUR NATION'S SENIOR CITIZENS

Mr. KENNEDY. Mr. President, one of the greatest inequities in our Nation's Federal taxation system is that millions of Americans needlessly overpay their income taxes each year. Most are unaware of the helpful deductions Congress has enacted throughout the years designed to save them considerable tax dollars on tax returns.

Unfortunately, the vast majority of the Nation's taxpayers—especially our older citizens—cannot afford the tremendous cost of seeking professional assistance through private income tax preparation companies. Once again, those who can least afford it, have the most to lose from the lack of coherent information on our Nation's tax laws.

To provide protection against this serious handicap, the Committee on Aging, on which I serve, has published a checklist of itemized deductions for elderly persons and, of course, other age groups as well.

The information contained in this important publication will hopefully provide millions of Americans with appropriate remedies to lessen their individual tax burdens.

This publication contains important information on most allowable deductions, for example, for those Americans who itemize their deductions, this checklist can be advantageous in determining whether or not it would be more beneficial to claim the standard deduction.

In my home State of Massachusetts, as across the Nation, the serious economic crisis which deeply affects our Nation's older citizens warrants greater national attention. This important publication is just a small step by Congress to insure that beneficial information on our Nation's tax laws is available to all Americans regardless of their individual income.

Mr. President, I ask unanimous consent that the Committee on Aging publication: "Protecting Older Americans Against Overpayment of Income Taxes," be printed in the RECORD.

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

CHECKLIST OF ITEMIZED DEDUCTIONS FOR SCHEDULE A (FORM 1040)

MEDICAL AND DENTAL EXPENSES

Medical and dental expenses (unreimbursed by insurance or otherwise) are deductible to the extent that they exceed 3% of a taxpayer's adjusted gross income (line 15, Form 1040).

INSURANCE PREMIUMS

One-half of medical, hospital or health insurance premiums are deductible (up to $150) without regard to the 3% limitation for other medical expenses. The remainder of these premiums can be deducted, but is subject to the 3% rule.

DRUGS AND MEDICINES

Included in medical expenses (subject to 3% rule) but only to extent exceeding 1%

of adjusted gross income (line 15, Form 1040).

OTHER MEDICAL EXPENSES

Other allowable medical and dental expenses (subject to 3% limitation):

Abdominal supports (prescribed by a doctor),
Acupuncture services,
Ambulance hire,
Anesthetist,
Arch supports (prescribed by a doctor),
Artificial limbs and teeth,
Back supports (prescribed by a doctor),
Braces.

Capital expenditures for medical purposes (e.g., elevator for persons with a heart ailment)—deductible to the extent that the cost of the capital expenditure exceeds the increase in value to your home because of the capital expenditure. Taxpayer should have an independent appraisal made to reflect clearly the increase in value.

Cardiographs,
Chiropodist,
Chiropractor,
Christian Science practitioner, authorized,
Convalescent home (for medical treatment only),
Crutches,
Dental services (e.g., cleaning, X-ray, filling teeth),
Dentures,
Dermatologist,
Eyeglasses,
Food or beverages specially prescribed by a physician (for treatment of illness, and in addition to, not as substitute for, regular diet; physician's statement needed),
Gynecologist,
Hearing aids and batteries,
Home health services,
Hospital expenses,
Insulin treatment,
Invalid chair,
Lab tests,
Lipreading lessons (designed to overcome a handicap),
Neurologist,
Nursing services (for medical care, including nurse's board paid by you),
Occupational therapist,
Ophthalmologist,
Optician,
Optometrist,
Oral surgery,
Osteopath, licensed,
Pediatrician,
Physical examinations,
Physician,
Physical therapist,
Podiatrist,
Psychiatrist,
Psychoanalyst,
Psychologist,
Psychotherapy,
Radium therapy,
Sacroiliac belt (prescribed by a doctor),
Seeing-eye dog and maintenance,
Speech therapist,
Splints,
Supplementary medical insurance (Part B) under Medicare,
Surgeon,
Telephone/teletype special communications equipment for the deaf,
Transportation expenses for medical purposes (7¢ per mile plus parking and tolls or actual fares for taxi, buses, etc.),
Vaccines,
Vitamins prescribed by a doctor (but not taken as a food supplement or to preserve general health),
Wheelchairs,
Whirlpool baths for medical purposes,
X-rays.

TAXES

Real estate,
State and local gasoline,
General sales,
State and local income,
Personal property.

If sales tax tables are used in arriving at your deduction, you may add to the amount shown in the tax tables only the sales tax paid on the purchase of five classes of items: automobiles, airplanes, boats, mobile homes, and materials used to build a new home when you are your own contractor.

When using the sales tax tables, add to your adjusted gross income any nontaxable income (e.g., Social Security, Veterans' pension or compensation payments, Railroad Retirement annuities, workmen's compensation, untaxed portion of long-term capital gains, recovery of pension costs, dividends exclusion, interest on municipal bonds, unemployment and public assistance payments).

CONTRIBUTIONS

In general, contributions may be deducted up to 50 percent of your adjusted gross income (line 15, Form 1040). However, contributions to certain private nonprofit foundations, veterans organizations, or fraternal societies are limited to 20% of adjusted gross income.

Cash contributions to qualified organizations for (1) religious, charitable, scientific, literary or educational purposes, (2) prevention of cruelty to children or animals, or (3) Federal State or local governmental units (tuition for children attending parochial schools is not deductible). Fair market value of property (e.g., clothing, books, equipment, furniture) for charitable purposes. (For gifts of appreciated property, special rules apply. Contact local IRS office.)

Travel expenses (actual or 7¢ per mile plus parking and tolls) for charitable purposes (may not deduct insurance or depreciation in either case).

Cost and upkeep of uniforms used in charitable activities (e.g., scoutmaster).

Purchase of goods or tickets from charitable organizations (excess of amount paid over the fair market value of the goods or services).

Out-of-pocket expenses (e.g., postage, stationery, phone calls) while rendering services for charitable organizations.

Care of unrelated student in taxpayer's home under a written agreement with a qualifying organization (deduction is limited to $50 per month).

INTEREST

Home mortgage.
Auto loan.
Installment purchases (television, washer, dryer, etc.).

Bank credit card—can deduct the finance charge as interest if no part is for service charges, loan fees, credit investigation fees, or similar charges.

Points—deductible as interest by buyer where financing agreement provides that they are to be paid for use of lender's money. Not deductible if points represent charges for services rendered by the lending institution (e.g., VA loan points are service charges and are not deductible as interest). Not deductible if paid by seller (are treated as selling expenses and represent a reduction of amount realized).

Penalty for prepayment of a mortgage—deductible as interest.

Revolving charge accounts—may deduct the "finance charge" if the charges are based on your unpaid balance and computed monthly.

Other charge accounts for installment purchases—may deduct the lesser of (1) 6% of the average monthly balance (average monthly balance equals the total of the unpaid balances for all 12 months, divided by 12) or (2) the portion of the total fee or service charge allocable to the year.

CASUALTY OR THEFT LOSSES

Casualty (e.g., tornado, flood, storm, fire, or auto accident provided not caused by willful act or willful negligence) or theft losses to nonbusiness property—the amount of your casualty loss deduction is generally the lesser of (1) the decrease in fair market value of the property as a result of the casualty, or (2) your adjusted basis in the property. This amount must be further reduced by any insurance or other recovery, and, in the case of property held for personal use, by the $100 limitation. You may use Form 4684 for computing your personal casualty loss.

CHILD AND DISABLED DEPENDENT CARE EXPENSES

A taxpayer who maintains a household may claim a deduction for employment-related expenses incurred in obtaining care for a (1) dependent who is under 15, (2) physically or mentally disabled dependent, or (3) disabled spouse. The maximum allowable deduction is $400 a month ($4,800 a year). As a general rule, employment-related expenses are deductible only if incurred for services for a qualifying individual in the taxpayer's household. However, an exception exists for child care expenses (as distinguished from a disabled dependent or a disabled spouse). In this case, expenses outside the household (e.g., day care expenditures) are deductible, but the maximum deduction is $200 per month for one child, $300 per month for two children, and $400 per month for three or more children.

When a taxpayer's adjusted gross income (line 15, Form 1040) exceeds $18,000, the deduction is reduced by $1 for each $2 of income above this amount. For further information about child and dependent care deductions, see Publication 503, Child Care and Disabled Dependent Care, available free at Internal Revenue offices.

MISCELLANEOUS

Alimony and separate maintenance (periodic payments).

Appraisal fees for casualty loss or to determine the fair market value of charitable contributions.

Union dues.

Cost of preparation of income tax return.

Cost of tools for employee (depreciated over the useful life of the tools).

Dues for Chamber of Commerce (if as a business expense).

Rental cost of a safe-deposit box for income-producing property.

Fees paid to investment counselors.

Subscriptions to business publications.

Telephone and postage in connection with investments.

Uniforms required for employment and not generally wearable off the job.

Maintenance of uniforms required for employment.

Special safety apparel (e.g., steel toe safety shoes or helmets worn by construction workers; special masks worn by welders).

Business entertainment expenses.

Business gift expenses not exceeding $25 per recipient.

Employment agency fees under certain circumstances.

Cost of a periodic physical examination if required by employer.

Cost of installation and maintenance of a telephone required by the taxpayer's employment (deduction based on business use).

Cost of bond if required for employment.

Expenses of an office in your home if employment requires it.

Payments made by a teacher to a substitute.

Educational expenses required by your employer to maintain your position or for maintaining or sharpening your skills for your employment.

Political Campaign Contributions.—Tax-

payers may now claim either a deduction (line 33, Schedule A, Form 1040) or a credit (line 51, Form 1040), for campaign contributions to an individual who is a candidate for nomination or election to any Federal, State, or local office in any primary, general or special election. The deduction or credit is also applicable for any (1) committee supporting a candidate for Federal, State, or local elective public office, (2) national committee of a national political party, (3) State committee of a national political party, or (4) local committee of a national political party. The maximum deduction is $100 ($200 for couples filing jointly). The amount of the tax credit is one-half of the political contribution, with a $25 ceiling ($50 for couples filing jointly).

Presidential Election Campaign Fund.—Additionally, taxpayers may voluntarily earmark $1 of their taxes ($2 on joint returns) to help defray the costs of the 1976 Presidential election campaign.

For any questions concerning any of these items, contact your local IRS office. You may also obtain helpful publications and additional forms by contacting your local IRS office.

OTHER TAX RELIEF MEASURES FOR OLDER AMERICANS

Filing status:	*Required to file a tax return if gross income is at least—*
Single (under age 65)	$2,350
Single (age 65 or older)	3,100
Qualifying widow(er) under 65 with dependent child	2,650
Qualifying widow(er) 65 or older with dependent child	3,400
Married couple (both spouses under 65) filing jointly	3,400
Married couple (1 spouse 65 or older) filing jointly	4,150
Married couple (both spouses 65 or older) filing jointly	4,900
Married filing separately	750

Additional Personal Exemption for Age.—Besides the regular $750 exemption allowed a taxpayer, a husband and wife who are 65 or older on the last day of the taxable year are each entitled to an additional exemption of $750 because of age. You are considered 65 on the day before your 65th birthday. Thus, if your 65th birthday is on January 1, 1976, you will be entitled to the additional $750 personal exemption because of age for your 1975 Federal income tax return.

Tax Credit for Personal Exemptions.—In addition to the $750 personal exemption, a tax credit of $30 is available for a taxpayer, spouse, and each dependent. No additional $30 credit is available, however, because of age or blindness.

Multiple Support Agreements.—In general, a person may be claimed as a dependent of another taxpayer, provided five tests are met: (1) Support, (2) gross income, (3) member of household or relationship, (4) citizenship, and (5) separate return. But in some cases, two or more individuals provide support for an individual, and no one has contributed more than half the person's support. However, it still may be possible for one of the individuals to be entitled to a $750 dependency deduction if the following requirements are met for multiple support:

1. Two or more persons—any one of whom could claim the person as a dependent if it were not for the support test—together contribute more than half of the dependent's support.

2. Any one of those who individually contribute more than 10% of the mutual dependent's support, *but only one of them,* may claim the dependency deduction.

3. Each of the others must file a written statement that he will not claim the dependency deduction for that year. The statement must be filed with the income tax return of the person who claims the dependency deduction. Form 2120 (Multiple Support Declaration) may be used for this purpose.

Sale of Personal Residence by Elderly Taxpayers.—A taxpayer may elect to exclude from gross income part or, under certain circumstances, all of the gain from the sale of his personal residence, provided:

1. He was 65 or older before the date of the sale, and

2. He owned and occupied the property as his personal residence for a period totaling at least 5 years within the 8-year period ending on the date of the sale.

Taxpayers meeting these two requirements may elect to exclude the entire gain from gross income if the adjusted sales price of their residence is $20,000 or less. (This election can only be made once during a taxpayer's lifetime.) If the adjusted sales price exceeds $20,000, an election may be made to exclude part of the gain based on a ratio of $20,000 over the adjusted sales price of the residence. Form 2119 (Sale or Exchange of Personal Residence) is helpful in determining what gain, if any, may be excluded by an elderly taxpayer when he sells his home.

Additionally, a taxpayer may elect to defer reporting the gain on the sale of his personal residence if within 18 months before or 18 months after the sale he buys and occupies another residence, the cost of which equals or exceeds the adjusted sales price of the old residence. Additional time is allowed if (1) you construct the new residence or (2) you were on active duty in the U.S. Armed Forces. Publication 523 (Tax Information on Selling Your Home) may also be helpful.

Retirement Income Credit.—To qualify for the retirement income credit, you must (a) be a U.S. citizen or resident, (b) have received earned income in excess of $600 in each of any 10 calendar years before 1975, and (c) have certain types of qualifying "retirement income". Five types of income—pensions, annuities, interest, and dividends included on line 15, Form 1040, and gross rents from Schedule E, Part II, column (b)—qualify for the retirement income credit.

The credit is 15% of the lesser of:

1. A taxpayer's qualifying retirement income, or

2. $1,524 ($2,286 for a joint return where both taxpayers are 65 or older) minus the total of nontaxable pensions (such as Social Security benefits or Railroad Retirement annuities) and earned income (depending upon the taxpayer's age and the amount of any earnings he may have).

If the taxpayer is under 62, the $1,524 figure is reduced by the amount of earned income in excess of $900. For persons at least 62 years old but less than 72, this amount is reduced by one-half of the earned income in excess of $1,200 up to $1,700, plus the total amount over $1,700. Persons 72 and over are not subject to the earned income limitation.

Schedule R is used for taxpayers who claim the retirement income credit.

The Internal Revenue Service will also compute the retirement income credit for a taxpayer if he has requested that IRS compute his tax, he answers the questions for columns A and B, and he completes lines 2 and 5 on Schedule R—relating to the amount of his Social Security benefits, Railroad Retirement annuities, earned income, and qualifying retirement income (pensions, annuities, interest, dividends, and rents). The taxpayer should also write "RIC" on line 17, Form 1040.

THE PERILS OF EXPORT MANIPULATION

Mr. DOLE. Mr. President, on February 24, 1976, Mr. Warren W. Lebeck, president of the Chicago Board of Trade, contributed an excellent article, "The Perils of Export Manipulation," to the Washington Post.

Mr. Lebeck clearly understands the economics of international trade better than many other self-appointed experts who have so loudly denounced agricultural exports over the past few months.

I share Mr. Lebeck's view that the suspension or reduction of U.S. agricultural exports can contribute more to the problem of inflation than it helps. Mr. Leback's article deserves the widest possible distribution. I ask unanimous consent that it be printed in the RECORD.

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

[From the Washington Post, Feb. 24, 1976]

THE PERILS OF EXPORT MANIPULATION

(By Warren W. Lebeck)

When the administration slammed the door on grain and soybean exports to the Soviet Union this past summer, albeit only temporarily, the action drew predictable protests from farmers and praise from such self-appointed consumer spokesmen as Mr. George Meany. In at least one respect, the Russian response was equally as predictable: Faced with an urgent need to make up for a disastrous sunflower crop, it placed orders to buy upward of 50 million bushels of soybeans from Brazil, at a cost of about $6 a bushel.

Ironically it was an ill-advised American soybean export embargo two years earlier that helped position Brazil to reap the benefits of this roughly $300 million sale. On that occasion, a U.S. abrogation of existing sales commitments prompted two of our largest customers, Japan and West Germany, to seek (and reportedly subsidize) a more reliable source of supply. Brazil was able and anxious. In the two years since then it has doubled its annual production and now accounts for one fourth of the world's soybean exports—a market the U.S. could once call virtually private property. By 1980, Brazil is expected to double production again, almost solely for export.

All of this might be just so much statistics except that it illustrates the folly of a continuing political hypothesis that appears, regrettably, to attract a good deal of public applause, namely that bureaucratic manipulation of agricultural exports can be employed effectively and without adverse side effects to combat domestic inflation. Those who would invoke or support such restrictions as a knee-jerk reaction to rising food prices would do well to consider some of the more pertinent facts, facts which clearly say otherwise.

While no one denies some trickle up effect of sizable farm exports on food prices, the net effect of such exports is overwhelmingly anti-inflationary. The reason is this: At a time when this country is navigating in economic shoal waters with regard to its balance of payments, the agricultural sector of our economy is literally "carrying" the less efficient and less competitive non-agricultural sector. A positive U.S. trade balance last year resulted only because a $12 billion agricultural trade surplus more than erased a non-agricultural trade deficit of $10 billion.

There is no reason to view this situation as a temporary aberration. With imported oil continuing to cost us dearly and other nations matching and even surpassing our industrial productivity, there is little likelihood of maneuvering our non-agricultural trade balance into the black any time soon. The agricultural prospects are considerably brighter. With farm exports of $21 billion and farm imports (sugar, coffee, bananas, etc.) of $9 billion, our agricultural trade is already in the black by a ratio of better than

two to one. And it can move even further in that direction in the years ahead if government will refrain from undermining farmers' opportunities and incentives.

What has this to do with inflation and, indeed, the overall health of the American economy? Plenty. For one thing, the purchasing power of the U.S. dollar is linked directly to our balance of payments. Any sharp curtailment of agricultural exports in our present precarious position would send the dollar's value skidding down the same bill as, for example, the British pound. This would, in turn, trigger a potentially steep rise in the dollar cost of everything we import. Considering that we currently import around $100 billion worth of various items each year, the consequences could far outweigh whatever effect agricultural exports of $21 billion a year have on the cost of food.

Moreover, other nations rightfully regard—and resent—the capricious imposition of export controls as an attempt by the United States to "export its inflation." When soybeans were embargoed in 1973 after reaching the political panic point of $11 a bushel, the price on European markets promptly soared to almost $17 a bushel.

In restricting our food exports, we run more than a minor risk of retaliation. And this country is doubly vulnerable. We are vulnerable to actions that would restrict the availability and raise the prices of items we export, including industrial goods. The result in the first instance is an increase in our cost of living and the result in the second instance is a loss of jobs and income.

By refusing to position ourselves as a reliable supplier we eventually destroy our markets. I was in Japan shortly after the disastrous U.S. soybean embargo of 1973. When I discussed it with an official there, no translator was needed to convey his reaction. Like many Japanese who consume soy protein directly in their diets, he was indignant in the nth degree that soybeans were being withheld from Japanese children so that they could be fed instead to American hogs. That the reaction wasn't limited to indignation is evidenced by Japan's reliance on a supplier (Brazil) that is regarded as more reliable.

Our government must somehow learn that age-old law of science—that every action has an opposite reaction—can also apply to economics. But in economics, the long-term reaction may not be merely equal to our short-sighted action. It may be worse.

CHILD HEALTH CARE: WHERE WILL THE MONEY COME FROM?

Mr. HUMPHREY. Mr. President, all of us here assembled would readily agree that our Nation's children are our most important resource—our hope of tomorrow. However, I would like to share with my distinguished colleagues a recent speech by Dr. Robert B. Kugel, vice president for Health Sciences at the University of New Mexico. It has some startling facts in it concerning our actual commitment to our children.

Dr. Kugel points out there are five traditional services to children which seem to be lagging—health services, education, recreation, vocational training, and preparation for family life.

These areas are important to a child in that they affect his physical and mental capacity to meet the challenges of his responsibilities as an adult.

Our track record is hardly encouraging. Although we have succeeded in reducing infant mortality, we still rank 14th among the industrialized nations of the world, and too many pregnant women have inadequate diets. In addition, the Ford administration wants to make cutbacks averaging more than 20 percent in programs which are designed to address these deficiencies.

Our schools are not living up to our expectations. Only recently we learned that 20 percent of American adults were functionally illiterate. We must recommit ourselves to preparing our children for living and making a living.

Mr. President, I commend to the attention of my colleagues this thought-provoking address entitled, "Where Will the Money Come From?" by Dr. Robert B. Kugel, and I ask unanimous consent that it be printed in the RECORD.

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

WHERE WILL THE MONEY COME FROM?

(By Robert B. Kugel, M.D.)

This is a great moment for me because I can address a group of people who are concerned about troubled youth. Because you are already committed to children and youth, you understand the importance of them in our society. However, I think it is necessary for all of us to be reminded from time to time that the majority of citizens in our country have only a weak commitment to children, let alone one aimed at solving the problems of children.

To some of you, this kind of a statement may sound startling, possibly even harsh. Let me take a few minutes to explore with you some of the realities as I perceive them and, therefore, why I make such a statement. Why, indeed, should I make such a remark when we do have a number of platitudes which seem to contradict what I have just said. One will hear frequently, "Children are our most important resource." "They are the hope of tomorrow." We proudly point to our schools, noting that they represent a solid commitment to helping the children of today become the mature citizens of tomorrow.

In order to understand some of my pessimism, I call your attention to five traditional services to children which seem to me to be lagging and then I would like to talk about funding for these services as a separate problem.

Perhaps the first service which must be available to all children would be health services. Health services should start with the unborn child. The important prenatal influence of nutrition on the unborn child would make this assertion necessary but we still have too many pregnant women with grossly inadequate diets. It was encouraging to note on October 7, 1975 that the Congress overrode the President's veto of the $2.75 billion Child Nutrition Bill (Child Nutrition Act of 1966 and National School Lunch Act Amendment of 1975) on the grounds the bill was fiscally irresponsible. Can it be irresponsible to nurture the next generation?

Progress has been made in the last two decades in reducing infant mortality. However much we object to comparing ourselves with other countries, we still have an overall infant mortality rate in this country of 19 per 1,000 live births which ranks us 14th or 15th among the industrialized nations of the world. When these figures are further broken down, we find that infant mortality figures drop to a low of about 4 per 1,000 live births in affluent sections of our cities but rise to an alarming 35 per 1,000 in the poorest sections of our crowded urban ghettos and in the poorly served rural sections. There is also evidence, which constantly haunts us, when we point out that low income people, which I define as the family of 4 with $4,500 or less per year, have a greater incidence of all types of medical problems, both acute and chronic. These conditions range from acute respiratory infections to chronic hypertensions. Generally these conditions will contribute to poor functioning in some fashion or other and will certainly have some implications on the problems of youth in trouble. Here again services are not commensurate to need.

The second basic service relates to our educational system—primary, secondary and higher. A century ago the American public was convinced that through education anyone could rise to his maximum potential. This overly simplified notion has been severely challenged in the last 25 years. Perhaps too much hope was placed on the educational unit; perhaps they were given too much responsibility; perhaps they were also given too little community and financial support. In any event, our schools have been unable to cope with all of the problems which children have or even a reasonable portion of them. Debate continues as to what the functions of the schools should be and what their curricula should contain. It is not my purpose to expand this argument but rather to observe that our schools are not measuring up to our earlier dreams and wishes. To be sure, there are some magnificent examples of individual teachers and individual schools which seems to be doing superbly but we have many deficiencies, attested to and described by numerous reports of commissions and reports of individual citizens like James B. Conant of a few years ago and the list goes on and on.

The third service relates to recreation and the use of leisure time. A century ago city planners incorporated parks in all of the cities which were developing at that time. Recreation areas became established adjacent to cities. The National Park System was established. In the last 25 years few new housing developments incorporated parks or recreation areas and I think this tells us a great deal about our attitudes toward people in general, but to the young in particular. We do not have a commitment in this area. As a result, one sees many young people totally at a loss as to how to channel their great energy into socially acceptable avenues. It should be no wonder that we find large numbers of young people today moving to the streets; losing their way, and falling into ways which are injurious to them and society. Again our commitment has been lacking.

The fourth service, vocational training and work-study, has been one which seems to fall between the cracks. How much should be expected of schools? Should they prepare for jobs as we now know them or should we rather rely upon the schools to provide a broad background against which the individual may pick, once he has been exposed? We must recognize in our industrial society that the majority of young people will not go into the professions and will not seek a college education. Nonetheless, we must help prepare these individuals for living and for making a living. Vocational training and work-study have been surrounded by controversy and again many children simply are unable to develop an approach to living which, for them, is meaningful and satisfactory. Our commitment is again deficient.

The last main service which should be available is one I will call, Preparation for Family Life. Youngsters of today are woefully prepared for the obligations which they will undertake for family life. Although greater permissiveness has been allowed in a variety of practices, including tacit approval of greater sexual activity among young people from age 12 onward, there has been insufficient attention as to the obligations and responsibilities that young people have for each other and for the next generation. As a consequence, we see legions of young people

with venereal disease, large numbers with children born out of wedlock, and families disintegrating for a variety of reasons. This primary unit in our society, the family, certainly needs attention, strengthening and understanding, but it is not forthcoming at the moment.

I am deeply dismayed by the status of our commitment to children. It seems to me that we have been in a slow decline for at least the last 15 and possibly 20 years. Some facts support my contention as based on dollars appropriated. Recently, Richard Amberg, writing for the *Chicago Daily News* (September 3, 1975), provided a series of startling financial statistics about health programs for children. He notes that children under 19 represent 36.9% of the total U.S. population but they are the beneficiaries (in 1974) of only 15% of the expenditures for health care. Individuals 65 years and over constitute 9.5% of the population but their health care represents 29% of the total expenditures.

In 1972 the per capita figures show that the total public and private annual spending for the elderly was $982.42; for children under age 19, only $146.86. The public money pays almost two-thirds of this per capita cost for the elderly but only 28.1% for the per capita cost for children. For every 5 cents at all levels of government spent on health care for each child, 78 cents is spent for each senior citizen. Although it is commonly believed that the elderly have a greater need for health funds than most other groups, the group that suffers most from acute illness is children under 4. On the average, each 100 young children experiences 375 acute illnesses a year as compared with 120 in persons 65 years and older.

The average American family spends about 3 times as much for liquor, 1½ times as much for cigarettes and almost as much for cosmetics as it spends for the health care of its children. Local, state and federal government spending for child health care does not exceed what Americans spend on pet food. In 1972 total national spending for personal health care amounted to $71.9 billion; only $11.5 billion was spent for children under the age of 19 even though this group constitutes 37% of the population. Contrary to a common belief that health insurance takes up the slack between private and public health programs, the American Academy of Pediatrics noted, "Insurance programs are designed primarily for the care of adults." Only 42% of families earning between $3,000 and $5,000 annually are even partially covered by adult-oriented insurance. In families earning between $5,000 and $10,000 the figure is only 77%. Most of these policies cover hospital care only and not physician visits or well-child procedures. The U.S. government devoted only $3.2 billion in fiscal 1972 to the task of health care for children. Total health spending by all levels of government for the 77,000,000 chidren was considerably less than the federal government alone spent for space research, crop subsidies and a number of other programs.

Other financial statistics are even more appalling. The Ford Administration wants to make cutbacks averaging more than 20% in at least 3 programs under the Health Services Administration.

1. Maternal and Child Health Projects from $295,000,000 in 1975 to $211,000,000 in 1976.
2. Community Health Centers from $196,000,000 to $155,000,000.
3. Migrant Health Centers from $24,000,000 to $19,000,000.

It seems highly unlikely that the states could come up with the massive new amounts of money necessary to maintain these existing services.

Head Start, which delivered educational, health, nutritional and social services to disadvantaged children and their families, services far fewer children than it did in its earlier days. In 1966 it enrolled 733,000 children; in the latest year only 379,000 children were enrolled. Two other programs of major importance are the Crippled Children's Programs and the Programs for Mentally Retarded Children. The Title V Programs for Crippled Children under the Social Security funding serves about 500,000 children although the need ranges to possibly as high as 10,000,000. In mental retardation, programs have been under continuing resolutions since June 1974, and, as yet, it is uncertain as to what the funding will be for 1976.

The picture I have painted is not a bright one. What can be done? One must recognize that in today's complex world with a pluralistic approach to almost every situation, a pluralistic and complex answer must be found. Children do not vote and they do not form lobbying units. As a consequence, many more parents must be brought together, bolstered by a conviction that there are needs for their children which are now not being met. To do so will require the coalition of a wide group of people: those interested in health, in education, in recreation and so forth. No such effort exists at the present time and only sporadic interest seems to be present.

I would suggest that we need a national task force to look at children's education, children's health, and the preparation of children for their future role. Such an undertaking, I believe, should come from the private sector, bolstered by public funds. Once some plans are developed, new strategies will evolve for working with mass media and elements of government to strengthen our commitment. In no sense do I regard this as an easy task or something which can be accomplished in a year or two. Rather I would think this is at least a 10 year project which must be pursued from these many points of view. If one doubts the usefulness of this approach, one need only look at the efforts of veterans' organizations, senior citizens' organizations and labor organizations in achieving their goals. We must find ways to develop these kinds of large coalitions if the future for children from all walks of life is to be guaranteed and improved.

A CONCURRENT RESOLUTION ADOPTED BY THE SOUTH CAROLINA GENERAL ASSEMBLY

Mr. THURMOND, Mr. President, on February 17, 1976, the South Carolina General Assembly passed a concurrent resolution memorializing Congress to propose an amendment to the Federal Constitution to require that the total of all Federal appropriations may not exceed the total of all estimated Federal revenues in any fiscal year, with certain exceptions.

I would like to commend the South Carolina General Assembly for passing such a measure and thereby showing its concern for the need for balancing the Federal budget. If we are ever to attain economic stability, inflation must be brought under control. A buy-now, pay-later approach to Government, year after year, has not worked and will not work. We simply cannot spend more annually than our income each year. Congress must finally recognize that deficit spending breeds inflation, and that inflation, if it continues long enough, breeds the sort of economic chaos we now have.

On March 12, 1975, the Senator from Nebraska (Mr. CURTIS) introduced Senate Joint Resolution 55, of which I am a proud cosponsor. This bill was referred to the Judiciary Committee and later referred to the Subcommittee on Constitutional Amendments where hearings were held on September 23, 1975. I wish to urge my colleagues on this subcommittee to act and report this important piece of legislation out to the full committee. It is apparent to the General Assembly of South Carolina that this resolution is necessary, and I am sure that it is apparent to many others also.

On behalf of the junior Senator from South Carolina (Mr. HOLLINGS) and myself, I ask unanimous consent that this resolution be printed in the RECORD.

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

SOUTH CAROLINA CONCURRENT RESOLUTION

A concurrent resolution memorializing Congress to propose an amendment to the Federal Constitution to require that the total of all Federal appropriations may not exceed the total of all estimated Federal revenues in any fiscal year, with certain exceptions

Whereas, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, attempts to limit spending, including impoundment of funds by the President of the United States, have resulted in strenuous objections that the responsibility for appropriations is the constitutional duty of the Congress; and

Whereas, the annual Federal budget repeatedly demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues; and

Whereas, the unified budget of three hundred four and four-tenths billion dollars for the current fiscal year does not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, as reported by U.S. News and World Report on February 25, 1974, of these nonbudgetary outlays in the amount of fifteen and six-tenths billion dollars, the sum of twelve and nine-tenths billion dollars represents funding of essentially private agencies which provide special service to the Federal government; and

Whereas, knowledgeable planning and fiscal prudence require that the budget reflect all Federal spending and that the budget be in balance; and

Whereas, believing that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal disciplines needed to reverse this trend: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring: That the Congress be memorialized to add a new Article XXVII to the Constitution of the United States and requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues, excluding any revenues derived from borrowing, for that fiscal year; be it further

Resolved, That Congress is requested to call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution; be it further

Resolved, That the proposed new article read substantially as follows:

"PROPOSED ARTICLE XXVII

"The total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues for that fiscal year, excluding any revenues derived from borrowing and this prohibition extends to all Federal appropriations and all estimated Federal revenues, excluding any revenues derived from borrowing. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this Article. If the President proclaims a national emergency, suspending the requirement that the total of all Federal appropriations not exceed the total estimated Federal revenues for a fiscal year, excluding any revenues derived from borrowing, and two-thirds of all members elected to each House of the Congress so determine by Joint Resolution, the total of all Federal appropriations may exceed the total estimated Federal revenues for that fiscal year."

Be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of Congress from South Carolina.

COMMITTEE ON LABOR AND PUBLIC WELFARE RULES OF PROCEDURE

Mr. WILLIAMS. Mr. President, in accordance with section 133B of the Legislative Reorganization Act of 1946, as amended, I send to the desk a copy of the rules of the Committee on Labor and Public Welfare, as adopted unanimously by the Committee on Labor and Public Welfare, as adopted unanimously by the committee on January 28, 1976, and ask unanimous consent that it be printed in the RECORD.

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

[Senate Committee on Labor and Public Welfare, HARRISON A. WILLIAMS, JR., chairman]

RULES OF PROCEDURE (AS AMENDED, JAN. 28, 1976)

Rule 1. Unless the Senate is meeting at the time, or it is otherwise ordered, the Committee shall meet regularly at 10:30 a.m. on the fourth Thursday of each month in Room 4232, New Senate Office Building. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2. The Chairman of the Committee or of a subcommittee, or if the Chairman is not present, the ranking Majority member present, shall preside at all meetings.

Rule 3. Meetings of the Committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of Rule 25.7 of the Standing Rules of the Senate.

Rule 4. (a) Subject to paragraphs (b) and (c), one-third of the membership of the Committee or a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the Committee or a subcommittee which is composed of less than a majority of the members of the Committee or subcommittee shall include at least one member of the Majority and one member of the Minority.

(b) No measure or matter shall be ordered reported from the Committee unless a majority of the Committee is actually present at the time such action is taken.

(c) A quorum as defined in paragraph (a) will be sufficient for ordering reported a measure or matter from a subcommittee; provided, that if any member present objects to so proceeding, the measure or matter shall not be ordered reported at such meeting unless a majority of the subcommittee is actually present at the time such action is taken. If, at any subcommittee meeting, a measure or matter fails to be ordered reported because of an objection to taking such action without a majority of the subcommittee actually present, the chairman of the subcommittee may, by giving notice of at least two calendar days during which the Senate is in session, call a subsequent meeting for the purpose of reporting such measure or matter, and at such subsequent meeting the subcommittee may proceed on the basis of a quorum as defined in paragraph (a).

Rule 5. With the approval of the Chairman of the Committee or subcommittee, one member thereof may conduct public hearings, other than taking sworn testimony.

Rule 6. Proxy voting shall be allowed on all measures and matters before the Committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the Committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

Rule 7. There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each Committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of Rule 25.7 of the Standing Rules of the Senate, unless a majority of said members vote to forego such a record. Such records shall contain the vote cast by each member of the Committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available for inspection by any Committee member. The Clerk of the Committee, or the Clerk's designee, shall have the responsibility to make appropriate arrangements to implement this Rule.

Rule 8. The Committee, and each subcommittee, shall undertake, consistent with the provisions of section 133A of the Legislative Reorganization Act of 1946, as amended, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

Rule 9. The Committee or a subcommittee shall, so far as practicable, require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the Chairman and the ranking Minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the Committee or a subcommittee. The Committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10. Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition.

Rule 11. No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full Committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12. It shall be the duty of the Chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the Committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13. Whenever a meeting of the Committee or subcommittee is closed pursuant to the provisions of subsections (b) or (d) of Rule 25.7 of the Standing Rules of the Senate, no person other than members of the Committee, members of the staff of the Committee, and designated assistants to members of the Committee shall be permitted to attend such closed session, except by special dispensation of the Committee or subcommittee or the Chairman thereof.

Rule 14. The Chairman of the Committee or a subcommittee shall be empowered to adjourn any meeting of the Committee or a subcommittee if a quorum is not present within fifteen minutes of the time scheduled for such meeting.

Rule 15. Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or a subcommittee for final consideration, the Clerk shall place before each member of the Committee or subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added.

Rule 16. An appropriate opportunity shall be given the Minority to examine the proposed text of Committee reports prior to their filing or publication. In the event there are Minority or Individual views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

Rule 17. Investigation Procedures.

a. The Committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has not been authorized by majority vote of the Committee.

b. For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the Committee or subcommittee shall constitute a quorum: *Provided, however*, That with the concurrence of the Chairman and ranking Minority member of the Committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

c. The Committee may, by majority vote, delegate the authority to issue subpoenas to the Chairman of the Committee or a subcommittee, or to any member designated by such Chairman. Prior to the issuance of each subpoena, the ranking minority member of the Committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the Chairman of the Committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the Committee requesting same, or to any assistant to the member of the Committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the Rules of the Senate. Such information, to the extent that it is relevant to the investigation, shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the Chairman of the Committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

d. Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

e. No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the Committee or subcommittee.

Rule 18. Subject to statutory requirements imposed on the Committee with respect to procedure, the rules of the Committee may be changed, modified, amended or suspended at any time, provided, however, that not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 19. In addition to the foregoing, the proceedings of the Committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

INTER-AMERICAN COOPERATION AIDS GUATEMALA

Mr. KENNEDY. Mr. President, for the people of Guatemala who survived one of Latin America's most devastating natural disasters life remains a sheer struggle to stay alive. Hundreds of thousands of disaster victims still seek refuge in the streets or in the fields. Entire communities have been cut off, roads destroyed and communications severed in many areas. And although the center of Guatemala City was spared, the surrounding areas and typically the poorest sections of the city and countryside were hardest hit.

Fortunately, a true spirit of inter-American cooperation is reflected in the international disaster relief effort underway in Guatemala.

The United States has already responded generously to the relief effort. Already over $4 million has been allocated by our Government, and soon Congress will act on additional rehabilitation and humanitarian aid legislation for the people of Guatemala.

Latin American nations have also responded quickly to the urgent needs of the millions of Guatemalan disaster relief victims. Venezuala has pledged $20 million to the relief program and has committed $5.7 million already to the OAS Emergency Fund. Other Latin American nations have pledged additional humanitarian relief assistance. They deserve the commendation of Congress and the American people, and I am hopeful that the continuing cooperation between our Government and the nations of Latin America toward this joint inter-American relief operation will bring about a return to a semblance of normalcy for the people of Guatemala in the very near future.

One of the most outstanding examples of this disaster relief alliance is the contribution of the Inter-American Development Bank to the relief program in Guatemala. Other inter-American relief and development organizations such as the Pan American Foundation have also offered their assistance.

Mr. President, I ask unanimous consent that a news release from the Inter-American Development Bank pledging aid to Guatemala, together with two newspaper reports describing several aspects of the relief program, be printed in the RECORD.

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

[News release from the Inter-American Development Bank, Washington, D.C., Feb. 5, 1976]

BANK PLEDGES SUPPORT FOR GUATEMALA FOLLOWING DEVASTATING EARTHQUAKE

Antonio Ortiz Mena, President of the Inter-American Bank, today expressed his deep concern and sympathy for the people of Guatemala following the devastating earthquake which struck that Central American nation in the early hours of Wednesday morning.

In a message to General Kjell Laugerud García, President of Guatemala, Mr. Ortiz Mena offered all support the Bank is able to extend on an immediate basis to alleviate the suffering of the earthquake victims.

In messages to President Laugerud García and to Jorge Lamport Rodil, Minister of Finance and Governor for Guatemala on the Bank's Board of Governors, Mr. Ortiz Mena expressed his concern for victims of the tragedy and pledged Bank financial and technical support for efforts to meet the present emergency and for subsequent reconstruction programs in areas affected by the quake.

Mr. Ortiz Mena's message read in part:

"Through Your Excellency I transmit our sentiments of solidarity with the people and the government of Guatemala."

The Bank's Board of Executive Directors, meeting in regular session today, heard a report on the damage caused by the earthquake, which also affected neighboring areas of Honduras and El Salvador. During the meeting the Directors approved a $7 million loan to help finance the expansion of small- and medium-sized industrial and tourism enterprises in Guatemala. The loan had been requested by the Guatemalan Government before the earthquake.

At the meeting, Mr. Ortiz Mena informed the Board of Directors that a Bank mission will leave for Guatemala tomorrow in order to discuss with Government authorities possibilities for additional cooperation by the Bank.

The Inter-American Bank has extended substantial support for the economic and social development of Guatemala in recent years. In 1975 the Bank approved loans totaling $120 million for development projects and programs in Guatemala, including four loans for $105 million for the construction of a 300,000-kilowatt hydroelectric power plant on the Chixoy River. This is the largest loan ever extended by the Bank in its 15 years of operations. Since 1961, the Bank has approved 34 loans for a cumulative total of $275.8 million for Guatemala.

The text of the messages of Mr. Ortiz Mena to the President of Guatemala follows:

"His Excellency, General Kjell Laugerud García, President of the Republic of Guatemala.

"We are deeply concerned by reports of the substantial damage produced by the earthquake in your country. We are prepared to extend all aid that the Bank may provide on an immediate basis to help relieve the suffering of the people, as well as the technical and financial cooperation (required) to solve problems of a less immediate nature. Through Your Excellency I transmit our sentiments of solidarity with the people and the Government of Guatemala."

The text of the cable sent by the President of the Bank to the Governor for Guatemala read:

"His Excellency, Jorge Lamport Rodil, Governor of the Inter-American Bank, Minister of Finance, Guatemala.

"On receipt of first reports of the damage caused by the earthquake I offer all the aid that the Bank may extend on an immediate basis to help resolve your most urgent problems, as well as our cooperation in reconstruction. Receive our sentiments of solidarity and sympathy."

[From the Washington Post, Feb. 16, 1976]

QUAKE DISRUPTS ANCIENT CULTURE IN GUATEMALA

(By Stuart Auerbach)

CHIMALTENANGO, GUATEMALA, February 15.—He lay on his back in the U.S. Army's hospital tent here, his unshaven face contorted with strain as he tried to pull his ragged trousers on over the thick cast on his right leg.

Lazarus Gnai, who saw his wife die in the earthquake 11 days ago that killed 8,000 of this area's 20,000 residents and destroyed most of its buildings, wanted to return to his home and family.

His acute problem cared for, the Army doctors wanted to transfer him to a Guatemalan hospital in the town of Huehuetenango, about a hundred miles away. Gnai, a wiry Cakchiquel Indian who has never been more than five miles from his home here, worried that his eight children are alone without food, money or anyone to care for them.

Besides, moving him to Huehuetenango without family or friends would wrench him from the community that gives him his identity. Without that identity, said Dr. Kent Campbell of the U.S. Communicable Disease Center who has served in Latin America, Gnai is nothing.

"The efficiency and necessity of a field hospital are clashing with the reality of an Indian culture that has a tremendous attachment to two things: family and places," said Campbell.

All Gnai wanted, he said in Spanish mixed with Indian is permission to go home for an hour to sell his cow to get money for food for his children.

"They have no money," he pleadingly told Fran Longo, a Peace Corps nurse from Albany, N.Y. "I don't even know if they have eaten. Here am I, and what are my children doing every day?"

Even though he is unable to walk, Gnai asked to be carried out of the hospital compound and left at the gate where he could flag a bus. Then he said he would catch another bus back in an hour.

But Miss Longo and the Army doctors knew he would probably never return. At least 50 patients have slipped away in the night from this 100-bed MASH-type Army field hospital rather than be separated from family and community.

And Friday, the first day the Army tried a mass evacuation of patients from here, some of the injured tried to roll off their litters to avoid being placed on the open truck for the four-hour ride to Huehuetenango. They were loaded anyway, with the help of Guatemalan soldiers.

This movement illustrates a wrenching apart of the thousand-year-old culture that may in the long run be one of the greatest tragedies of the earthquake, which left one in six Guatemalans homeless and killed more than 22,000 of its 6 million people.

Already there are signs that the close-knit Indian families are being torn asunder by the pressures of coping with the quake.

A man who said his wife had died in the quake left his three-month-old daughter, severely dehydrated from diarrhea, at the hospital last week because he said he couldn't care for her and his other children.

Some orphaned children have begun to beg in the streets, a practice not found as much in this country as in other Latin nations. For example, Ruth Costello, a Peace Corps nurse, said a boy around seven wandered into the Army hospital compound yesterday and tried to sell soldiers a rusty razor he had found. The boy said his entire family except for his eight-year-old brother—his mother, father, cousins, aunts and uncles—had died when their adobe house had collapsed on them.

In some remote villages, such as Patzun near Lake Atitlan southwest of here, American volunteers are noting the beginning of a "freebie" mentality that until now has been absent from Indians in this country, who make up half its population.

This tearing apart of the ancient Indian civilization—so tied to community that women in each village wear different designs on their blouses—is most vividly shown in the emergency hospitals.

At least 10,000 back-country Guatemalan Indians have been plucked from their villages by trucks and American helicopters and evacuated to emergency hospitals here, in Guatemala City and Huehuetenango.

"It's a tremendously wrenching experience," said Dr. Lee Huhn an American who has worked here four years. "I'm sure they are very much bewildered." It shows in the nights which ring with cries of "Dios mio"—"My God"—from patients who can't sleep despite sedatives. Unused to casts on broken limbs, patients try to scrape them off.

Somewhere in the village of San Martin three young children—the oldest five years old—are wandering around. Their father and four brothers and sisters died, and their mother Maria Flores is hospitalized with fractured ribs and pneumonia. She was taken from here to Huehuetenango, and there is no way for her children to join her.

"The big problem for this country is going to be getting people together again," said the Rev. James Carey, the Catholic chaplain for the Army hospital unit. "There are going to be a lot of lost children."

It's not the Army's fault. This unit is trained to offer sophisticated emergency field care—the kind that saved countless American lives in Vietnam and Korea—and then send patients back to other hospitals. And in this case they are working under the Guatemalan government, which is more concerned with immediate problems of food, water and shelter than with possible social disruption.

Still to be determined is the possible emotional damage from the quake and the more than 600 small tremors, which continue daily.

The newspaper Nacion reported that a woman in the city of Antigua, Francisca Strada Perec, set fire to herself after dousing her clothing with gasoline as a result of "psychosis provoked by the earthquake."

Adding to the emotional trauma is the breakdown of strong customs of burial and grief. Under the pressure of the large number of deaths, authorities have buried everyone in mass graves—which is repugnant to the local religions.

In some villages wild dogs have dug into the graves and dragged bodies into the brush. The villages reacted in an uncustomarily violent way. They took after the dogs with guns and machetes.

Psychiatrists who have studied the victims of previous natural calamities—the 1972 earthquake in Nicaragua, Hurricane Fifi in Honduras in 1974, and the Buffalo Creek, W. Va., floods in 1972—have noted that the inability of people to mourn their loved ones properly results in emotional problems later on.

In Honduras, people who were asked to move from areas that could be washed away by future hurricanes committed suicide rather than resettle, said Dr. C. J. Frederick, an official of the U.S. National Institute of Mental Health.

[From the New York Times, Feb. 22, 1976]

EARTHQUAKE RELIEF IN GUATEMALA APPEARS TO NEGLECT THE STRICKEN CITY SLUMS, AND POLITICS MAY BE A PART OF IT

(By Alan Riding)

GUATEMALA, February 18.—Sprawled beside an open sewer at the bottom of a 300-foot ravine the slum of Joya de Senahu is roughly the same size as many of the small towns to the north of Guatemala City that were destroyed in this month's earthquake.

But in the rush to help the wounded and hungry in the provinces, the 5,000 residents of Joya de Senahú and thousands more slum-dwellers throughout the capital appear to have been forgotten.

"At first, we feared the countryside might be ignored in favor of the city," Reginald Norton, the representative here of Oxfam-America, the relief organization, said "but now it seems the city is receiving less attention than it deserves."

From the aid supply center at the capital's international airport, helicopters and trucks continue to carry food, clothes, water tanks and even construction equipment to the towns and villages flattened by the Feb. 4 earthquake. And in almost every Indian settlement, foreign assistance groups are virtually competing to help the victims.

But in the unromantic and dusty slums of the capital, food and water remain in short supply, some wounded are still unattended and, above all, no government or private organization has dared face the dimension of the reconstruction problem.

This can be explained in part by the fact that only 1,000 of the 22,000 or more deaths caused by the earthquake occurred in the capital. With much of the city center unaffected by the disaster, it was easy to forget that marginal areas had been reduced to rubble.

But long-standing political rivalries and sociological prolems also emerged to complicate the relief operation.

While the right-wing Government coalition has enjoyed considerable backing in the countryside, the capital has been a stronghold of left-leaning opposition forces that have repeatedly won the mayoralty.

As a result, while the Government's National Emergency Committee claims to be nonpolitical, it has nevertheless refused to channel disaster relief to the city through opposition-dominated municipal organizations. Instead, food distribution in the slums has been left to a hard-working Mexican field kitchen, while most clothes, blankets, tents and construction tools have been dispatched to the provinces.

Then there is the sheer dimension of the problem of the city. In the provinces, the reconstruction of each town of 5,000 or 10,000 people can be tackled in isolation and limited expenditures can produce tangible results.

But in the capital, the collapse of some 60,000 houses has left 250,000 people homeless, crowded about and inside ravines on the periphery of the city where, under normal conditions, unemployment, violence and prostitution are high and health and living conditions are grim.

In Juya de Senahú, none of the shacks had running water before the earthquake, but now even the communal water tap has run dry. Women and children must climb a steep slippery path up the ravine to an emergency tank, which is also often empty when they arrive.

"The earthquake allowed people to see many problems that have always existed," Carlos Alberto Duarte, an auxiliary mayor, said. "Unless help comes now to attack some of the basic problems, people are going to live in temporary shacks for years to come."

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the alleged anti-Americanism of the United Nations in recent days has prompted some to call for a reassessment of the U.S. role in that international body. Those who question our continued support of the United Nations fear that U.S. ratification of the Genocide Convention will broaden the powers of the U.N. A more powerful U.N., these opponents argue, will be detrimental to the United States. I contend that U.S. ratification of the convention will not significantly alter the powers of the United Nations, and that our ratification will actually enhance our standing there.

Article VIII of the convention says that—

> Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

However, genocide already lies within the jurisdiction of the United Nations because it is an infringement upon human rights and a threat to world peace. The reference in article VIII to "action under the Charter of the United Nations" clearly establishes that the U.N. can at present discuss alleged genocide in any country whenever it wants. Article VIII does not enlarge the powers of the United Nations.

The importance of article VIII is in many ways representative of the significance of the whole Genocide Convention. By focusing specifically on genocide, each ratifying nation hopes to reinforce for itself and for its fellow nations the fight against genocide. I said earlier that U.S. ratification would enhance our standing in the U.N. The 84 nations which have signed the convention, and the others who have hesitated to do so because of our reluctance, will interpret our ratification as a measure of international good will. Ratification of the Genocide Convention will serve both to eliminate the horrendous crime of genocide and to enhance our own status in the international setting.

PRESIDENT MISREPRESENTS COMMITMENT TO EDUCATION

Mr. HUMPHREY. Mr. President, I am quite concerned that the President's fiscal year 1977 budget request for education fails completely even to keep up with our current needs. In essence, the budget request misrepresents the facts and is highly misleading. It is inflated by including 2 years of funding for vocational education, at $539 million a year, instead of a single year's funding as with other programs.

The administration has proposed the consolidation of the major programs of elementary, secondary, and vocational education, education for the handicapped, and library resources into a block or consolidated grant. This block grant proposal is similar to the education special revenue sharing consolidated grant proposals by the Nixon administration in conjunction with the budget requests

for 1973, 1974, and 1975. I frankly cannot believe that the Ford administration is introducing this block grant request once again. They tried this last year, and they could not even find a sponsor in Congress.

I am committed to the belief that if Federal aid to education is to be effective, then State and local education agencies must be able to set priorities and determine where and how these moneys are to be spent.

But I take a decidedly different position from President Ford, in calling for fundamental changes in Federal aid to education.

First, and foremost, I strongly oppose President Ford's view of Federal program "consolidation" because his budget clearly translates that to mean "sharp reduction" or even "termination" of Federal assistance.

The President has suddenly changed his budgetary mind and now plans to propose a modest increase in educational spending to help sell his consolidation proposal to Congress. In light of the President's past vetoes and rescissions of appropriations enacted by Congress for education, it may be that this last-minute proposal will, at best, only cover cost increases due to inflation.

It is urgent that the Federal portion of public resources devoted to education be substantially increased—for the simple reason that education represents a vital national interest; it is a solid investment in a better future for the United States.

The increases that the President talks about in his proposed budget are actually decreases. It is important to note that the proposed budget computes spending "increases" by comparing proposed fiscal 1977 expenditures with the President's "revised" fiscal 1976 figures. These figures are meaningless since the administration's proposed rescissions have no chance of enactment by Congress, which already overrode a veto of education appropriations last September.

For example, the President claims an overall increase of $465 million of budget authority for education—from $6.4 billion in fiscal 1976 to a requested $6.9 billion in fiscal 1977. However, the real fiscal 1976 expenditure, the amount actually enacted by Congress, is $7.4 billion, not the $6.4 billion claimed by the President.

Therefore, instead of a $465 million increase, we have a $535 million decrease proposed by the President. Further, the President's budget message slashes away at other programs which meet the vital needs of people, such as health care for the elderly, unemployment compensation, and other human resource programs.

It is my strong belief that we must encourage sound educational and fiscal management. We must insure that the students of this Nation have equal opportunities to obtain a quality education. These should be the constructive functions of the Federal Government.

DAVID BRODER ON RICHARD NIXON

Mr. McGOVERN. Mr. President, I think the column in today's Post on Mr. Nixon by the distinguished columnist, David Broder, represents Mr. Broder at his eloquent and passionate best.

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 Washington Post, Feb. 25, 1976]

NIXON'S CHINA TRIP: "NOTHING SHAMES HIM"

(By David S. Broder)

BOSTON.—This reporter is about to break a promise to himself not to write another word on the subject of Richard Nixon. The utter shamelessness of the man—his willingness to exploit and corrupt every institution and relationship of which he has ever been a part—has become so blatant that one would think it would not require comment.

But Nixon goes blithely on his way, demonstrating again in his incredible journey to Peking that there is nothing, absolutely nothing he will not do in order to salvage for himself whatever scrap of significance he can find in the shambles of his life.

Nixon's entire political career was a ceaseless scramble, first for advancement and then for rehabilitation. To his native intelligence, he added a dogged determination and single-minded ambition that propelled him with extraordinary speed from the House to the Senate to a highly visible post just a heartbeat away from the presidency.

Defeated for President by John F. Kennedy in the 1960 campaign, after an effort for which he needed to offer no apologies, Nixon might have retired into a useful role as titular leader of his party and indulged his growing interest in foreign affairs.

Instead, he plunged into a disastrous campaign for governor of California, trumping up a thoroughly phony "Communist" issue and employing the same shabby tactics that later came to be known as "dirty tricks" in his 1972 presidential race.

After that second defeat in California, Nixon might again have been thought ready to subside into a useful private role—but no. In 1964, he tried to maneuver himself into the presidential nomination and in 1968, finally persuaded his party to give him another chance at the White House.

Although he and his chosen campaign manager, John Mitchell, almost contrived to lose an election it seemed for the Democrats to win, Nixon at long last fulfilled his obsessive ambition and gained the presidency.

But possession of power proved as dangerous for him as the pursuit of power. In short order, Nixon and his cohorts had set about the subversion of the institutions and processes of government in the elaborate scheme that culminated in the effort to rig the 1972 election by use of a secret White House police force.

When that scheme was exposed, by accident, at Watergate, Nixon launched a desperate struggle to retain the power he had gained. Knowing full well, from the very start, what his guilt and complicity had been he nevertheless subjected his country to a two-year ordeal, during which his administration was shattered, his political party disgraced and the capacity of the government he headed to deal with the nation's real problems completely frustrated.

If there is any other act of personal selfishness by an American President that carried such high costs for the self-regard and self-confidence of our people, it does not come to mind.

Finally, when he was exposed as the fraud he was and forced to resign in the face of certain impeachment, his successor—a decent man who had defended Nixon far past the point of political prudence—granted him a pardon that spared Nixon the prospect of indictment and trial.

This reporter thought—and wrote—at the time that the public outcry against the pardon was wrong, believing, with Mr. Ford, that it was time to put Nixon and all he represented behind us. I believed, naively, that even a Nixon would have the decency to disappear from public view and reconstruct what remained of his life in private, instead of exploiting the country further for his own needs.

That was naive, for this man is utterly without shame. Within a year of his disgrace, the words from San Clemente indicated clearly that he was contriving his reappearance in public life.

The Chinese Communists have now given him his excuse, and Nixon has seized it, with typical disregard for the consequences.

That his trip is an enormous political embarrassment to the President who pardoned him is inconsequential to Nixon. That his first words in Peking were a repudiation of the Helsinki agreement and the policy of detente which he himself had willed to Mr. Ford, along with Secretary of State Kissinger, in no way discomfited Nixon.

Nothing shames him; nothing deters him. Nothing ever has and nothing ever will. So, in utter frustration and with no belief whatsoever that anything will influence him, I break my vow of silence on the subject of Richard Nixon and say: Sir, you presume too much on the patience of your country. Enough is enough.

FUTURE FARMERS OF AMERICA CONTINUE TO DRIVE TO AID CAMP COURAGE

Mr. HUMPHREY. Mr. President, I wish to share with my colleagues a heartwarming article in the Farm Journal entitled "Corn Drive for the Handicapped," by Kathy Frank Chesney.

This article describes the efforts by the Minnesota Future Farmers of America in conducting an annual corn drive which is designed to raise money for Camp Courage.

Camp Courage is designed to give handicapped youth an opportunity to improve their skills and have fun at the same time.

Each fall the FFA's publicize this event which now raises about $100,000 a year for Camp Courage. The first such event was held in 1953, and the effort turned over $90 for the camp.

Minnesota FFA Executive Secretary W. J. Kortesmaki says, "Young people also need to learn about cooperating with people and about helping others."

This FFA drive is an unique undertaking and a splendid opportunity for young people to work together to help those less fortunate. I commend this effort, and I am delighted that the Farm Journal included it in its February issue.

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

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

CORN DRIVE FOR THE HANDICAPPED

(By Kathy Frank Chesney)

Once each fall farmers in Minnesota expect, even welcome, a raid by an army in blue. Donald Lutteke, who farms in Freeborn County, knows that between sunup and sundown on a certain day a truck will streak out to the cornfield and stop conveniently close to the end of his rows. Inside the truck, blue-jacketed boys know that Lutteke's com-

bine hopper will be emptied into their truck instead of his wagons when he pulls up to unload.

They drive off with his corn. But Lutteke doesn't shoot at the "bandits." Instead, he starts four more rows, with a broad grin and a good feeling inside.

The good feeling radiates to others involved in the Minnesota FFA's annual Corn Drive. The fellow who loaned his truck to the FFAers has it. The corn buyer who pays a few cents over market price has it. The boys have it. And finally, people who really need help have it—when the FFA turns over the proceeds to Camp Courage, Minnesota's residential camp for physically handicapped people.

"Living to Serve" is part of the FFA motto. If you have wondered how important service really is in the FFA, come to Minnesota. Here, they mean it. "We can over-emphasize making a living," contends executive secretary of the Minnesota FFA, W. J. Kortesmaki. "Young people also need to learn about cooperating with people and about helping others." The Corn Drive teaches it. It's been molded and tested since 1953 when the Freeborn FFA held the first Corn Drive and turned over $90 to Camp Courage.

"The first day of school, students ask me the date of our Corn Drive," says Lynn Steenblock, FFA adviser at Montevideo High School. That chapter has led the state in collections for the past three years.

The FFAers spend only a day collecting, shelling and selling the corn, but planning and publicity take weeks. Senior advertising students make signs heralding the drive and place them in business establishments that farmers patronize. Other students schedule time with local radio, interviewing children who have attended Camp Courage or a representative of Courage Services. "We generate about two weeks of radio publicity and run big articles in town papers the week before the drive," Steenblock explains. "We have two chairmen, a junior and senior," he says. That way, one always has a year of experience.

The Montevideo FFAers set up 20 collection routes. (Some chapters use school bus routes.) They borrow 20 pickups and two trucks. In 1974, they collected 1,000 bushels of corn and $1,200 in cash donations—agribusinessmen and some farmers donate cash—for a total contribution of $3,900. In '75, when corn averaged around 80 bushels per acre in the area and sold for less per bushel, the final sum was $3,400.

Views Steenblock: "In the Corn Drive, students learn to serve, yes, but more than that. They discover leadership in themselves; learn to communicate with people they don't know; learn how to sell—Camp Courage *and* the FFA."

They also learn by doing, as Rudy Kezele, Elk River adviser, points out: "My only involvement was a little organizing. In 1974, the 24 Elk River FFAers collected 45 tons of corn. Each student put in 15 hours of his, or her, time. Why? They are appreciated for what they are doing, and they take pride in it," Kezele explains.

Scott Bendix, president of the FFA chapter at Echo, relates first-hand: "I met people I never knew before. It gives the chapter prestige within FFA and respect within the community. And it gives me a good feeling of accomplishment." There it is again—*good feeling*.

In most fund-raising projects, those who contribute and those they help never meet. They do in Minnesota's Corn Drive. "The FFAers can visit the handicapped children they have helped at Camp Courage and see what happens, see what their corn built," points out Kortesmaki, the executive secretary in Minnesota.

They see children with speech and hearing impairment learning to communicate in the Speech and Hearing Therapy building at Camp Courage, paid with Corn Drive money. A youth with a speech impediment put it this way: "At Camp Courage I learned to speak so people stopped saying, 'I can't understand you.' "

FFA also fosters better communications for the handicapped by funding a ham radio training school. This opens the world to those who are confined to the loneliness of a room or a house.

Corn Drive funds support two Travel Camps each year, where disabled adults leave their nursing homes or parents' homes and take a trip, sometimes as far as the Rockies.

Each summer the FFA sends 300 handicapped children and adults to Camp Courage where they spend a week or two on the wooded shore of Cedar Lake. Said one teenage camper, "I never dreamed there was a place where I could feel so at ease and so wanted by everyone. I always thought my mother was the only one who could handle me. I found out differently." She matured years in those two weeks.

A final project made possible by the energetic ag students is the production of an award-winning new film, "Faces of Courage." It emphasizes that the handicapped are, on the inside, as normal as everyone else. It shows how Camp Courage helps them gain the experiences necessary for a full, near-normal life. Interested groups may borrow the film, free, from Courage Center, 3915 Golden Valley Rd., Golden Valley, Minn. 55422.

And after the FFA students have seen all this, they truly have learned how to serve and how to live, as well as how to make a living. Do you have a project that accomplishes all that?

THE VITAL ROLE OF THE RSVP PROGRAM

Mr. WILLIAMS. Mr. President, as the ranking member and former chairman of the Special Committee on Aging, I have long maintained a vital interest in the development and proper maintenance of programs serving the needs of America's elderly citizens. I have been particularly concerned that older people have significant opportunities available to them for serving their communities in a meaningful fashion.

The retired senior volunteer programs—RSVP—now serving hundreds of localities throughout the Nation have proven themselves to be immensely successful in this regard. Volunteer workers 60 years of age and older are contributing their vast experience, special knowledge, and finely honed sensitivity to augmenting the function of public agencies and private nonprofit organizations serving individual communities. Senior volunteers are currently lending their skills to schools, courts, libraries, museums, hospitals, nursing homes, day care centers, institutions, and programs for shut-ins. Many times I have seen the marvelous work of these volunteers in visits I have personally made to pediatric wards, institutions for the mentally and physically handicapped, aged-care facilities, and homes for neglected youth.

Again and again, Congress has received reports of the valuable role senior volunteers are playing in towns, cities, and counties throughout America. A New Jersey library director has written me of the "dedicated work" and "indispensible contribution" of a group of retired volunteers working at his library. A nursing home employee in Burlington County, N.J., has written me that—

> Help like RSVP volunteers give can not be bought; these people give of their love, time, and selves.

Letters received by the Special Committee on Aging further document the important work senior volunteers are performing on behalf of their communities. A nurse writes:

> All of the Senior Volunteers' achievements and contributions aid us in promoting the operation of our hospital in a more advantageous manner.

The director of two day care centers writes:

> Because of our senior citizens, we have been able to provide an additional area of enrichment for our children in the centers.

And the managing attorney of a legal services program writes:

> Because of the RSVP Volunteers . . . and the competent and gracious assistance they are giving to us, we are able to serve a much larger number of clients in a much more professional atmosphere than would ever be possible in their absence.

Countless other examples affirm that senior volunteers are serving their communities, and serving them well, in a variety of volunteer activities.

Senior volunteers themselves derive important benefits from their participation in RSVP programs. Community work can recapture and preserve human abilities and provide a sense of personal satisfaction in one's own value to other human beings. Numerous RSVP volunteers have written me of their desire "to be an important person in society" and how their volunteer work in RSVP programs has helped to fulfill this desire. RSVP programs have proven an important utilization of human resources, benefiting both the volunteer and the community.

Although it may seem callous to think of RSVP in terms of return on investment, I think the value that is derived from this program by both the volunteer and the community would be hard to match by any comparable federally funded program. I would like to enter here for the record the cost and accomplishments of the Cape May RSVP program in my home State of New Jersey. Volunteers are reimbursed, if they choose, for their carfare and one meal a day. As may be seen from a summary of their activities and their cost, the contribution of 29,522 man-hours in 1975, at a total cost of $4,744.91, or 16 cents per hour, provided incomparable value for the cost.

Recently, many RSVP administrators have contacted me with regard to the difficult problem they face in obtaining sufficient local funding to meet the requirements established by the Federal-local funding formula. A recent survey of organizations and institutions to which senior volunteers have been assigned, revealed that two-thirds of the volunteer stations would be forced to eliminate services or activities if the contribution of these volunteers was for some reason curtailed. The crippling economic conditions that have plagued the United States have sharply curtailed the economic resources of local governments. As a re-

sult, many countries and municipalities are finding that they are increasingly less able to apportion scarce revenues to maintain ever more costly services programs at present levels. Private sources of funding have similarly been affected by the present economy.

Given the current economic squeeze which local jurisdictions are experiencing, it is extremely unrealistic to expect that they will be able to meet the requirements of the Federal/local RSVP funding formula; as presently established, this formula requires local funding to increase its percentage of the total cost at a time when it is difficult merely to maintain the current share of local support.

I, for one, feel that Congress must address this problem and find an appropriate solution that will enable the important work of RSVP volunteers to continue. The value of RSVP programs has been amply demonstrated by the impressive record of service compiled by the more than 170,000 volunteers now participating in almost 700 local projects throughout the Nation.

The importance of the programs may perhaps be best understood, however, in the words of the following letter I received from 48 elderly residents of a New Jersey nursing home served by RSVP volunteers:

You would have to be someone who has and continues to benefit from RSVP to really understand they are wonderful people . . . so willing, so helpful, so cheerful . . . we look forward to their visits . . . they give us the love and consideration of our own families . . . we love these people.

I ask unanimous consent to have printed in the RECORD certain statistics and sample letters in connection with this matter.

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

APPENDIX 1.—SUMMARY OF STATISTICS

RETIRED SENIOR VOLUNTEER PROGRAM OF CAPE MAY COUNTY, N.J., 1975

Name of volunteer site or station	Number of volunteers assigned during year	Number of hours served during year	Total direct expenses to support volunteers, i.e., meal and mileage reimbursements	Cost per hour	Value of volunteer work at minimum wage ($2.20) for exemplary purposes
Action line	1	97	$11.50	0.118	$213.40
B. T. Memorial Hospital	36	2,796	826.00	.295	6,151.20
Chamber of Commerce	1	29	0	0	63.80
ARC unit	1	19	15.60	.821	41.80
Crest Haven	8	1,425.5	0	0	3,136.10
Foster School	1	251.25	104.50	.416	552.75
Marine Sci. Con	3	358.5	152.00	.424	788.70
Millman Center	19	7,924.5	1,222.90	.154	17,433.90
Mill. Center (Nut.)	15	6,962	1,279.80	.184	15,316.40
Office on Aging	1	41.5	$16.00	.386	91.30
Star of Sea School	6	291.25	25.00	.086	640.75
St. Joseph School	4	414.5	62.06	.150	911.90
Victorian Towers	18	2,973.5	72.50	.024	6,541.70
Wwd. Nut. site	29	5,863.5	948.05	.162	12,899.70
Wwd. Service Center	1	75	9.00	.120	165.00
Total	144	29,522	4,744.91	.160	64,948.40

APPENDIX 2

Summary of work performed by senior volunteers at volunteer sites/stations during 1975. (This listing serves as a sample of *some* of the duties performed by Senior Volunteers at various sites. It is by no means complete.)

Actionline—perform clerical work, filing, answer telephone, operate office machines.

Burdette Tomlin Memorial Hospital—work in thrift shop, gift shop or snack bar; make and keep records, perform visitor control duties, operate book cart or gift shop wagon; visit lonely patients, assist in moving patients within hospital; perform clerical duties; assist generally where needed.

Chamber of commerce—answer visitor questions; give directions; perform office duties as required.

Unit for retarded citizens—perform secretarial and office work.

Crest Haven Nursing Home—assist with crafts/recreation activities; serve coffee or food to patients; make friendly visits to residents; assist generally where needed.

Foster school—work with children tutoring on a one-to-one basis; clerical work.

Marine sciences consortium—answer telephone; perform clerical and secretarial work; paint and perform maintenance work.

Millman center—maintain records, answer telephone, maintain library, inform new visitors/residents of activities, work with crafts groups (items made are sold to benefit the Center or other charitable or nonprofit organizations, or may be donated to such organizations); perform income tax preparation assistance.

Nutrition program for the elderly sites (2)—set up tables for meals; serve food; clean up, assist in concurrent recreation/activities programs; maintain records; deliver meals to homebound participants.

Office on Aging—assist with preparations and arrangements for Senior Citizens Month or other special activities.

Schools—teacher's aides; work tutoring children on one-to-one basis; library work; secretarial/clerical work; assist in lunchroom, at recess, with after-school clubs; assist with theatrical productions; operate/maintain audio-visual equipment, etc.

Victorian Towers—with Social Service Group, help to make items for donation to wide variety of charitable organizations, including Crest Haven, ARC, Vineland VA Hospital, etc., or, individually, persons perform telephone outreach work, supervise activities etc.; telephone answering for Towers.

Wildwood Service Center—group performs work similar to Victorian Towers Group.

LETTER FROM 48 GUESTS OF MACFARLAND NURSING HOME, BURLINGTON, N.J.

How can anyone let a wonderful agency like RSVP go down the drain, and this is what will happen if something is not done. I am a guest at MacFarland Nursing Home in Burlington, New Jersey. The RSVP's volunteers are wonderful people, so willing, so helpful, so cheerful. We look forward to their visits. They give us the love and consideration of a member of our own family (should do but usually most of the time our own families forget us but RSVP never does). We love and need these people.

Please help them by supporting continuous level funding and a lower community share of 25% instead of 50% after 5 yrs.

You would have to be someone who has and continues to benefit from RSVP to really understand. They are wonderful people and we love our volunteers. Please help them.

In July the legislation for RSVP funding will be coming up. Please support our cause, etc., a worthwhile one.

LETTER FROM GERTRUDE ANCHAK, BURLINGTON, N.J.

Let a wonderful agency like RSVP continue, please don't allow this agency to close. Help like RSVP volunteers give cannot be bought; these people give of their love, time, and themselves.

In 1974 RSVP came to Burlington County, N.J. They sponsor the Visiting Homemakers Home health aide of Burl. Co., are doing great work. RSVP helps senior citizens to feel like they are wanted—on both ends—the volunteer and the one who receives their services.

Communities cannot financially support RSVP's 50%. I urge you to support a lower community share of 25% instead of 50%. *Please* again I ask you to help this cause. It is indeed a great one.

Letter from Mr. Morris McNinney, Burlington, N.J.

Please do what you can to help RSVP of Burlington County, New Jersey.

They are a wonderful outfit. Please support cont. level funding and a lower community share of 25% instead of 50% after 5 yrs.

P.S. the legislation for RSVP funding will be in July—please support cont. level funding and a lower community share of 25% instead of 50% after 5 yrs.

LETTER FROM MR. JEREMY B. CLARK, EXECUTIVE DIRECTOR, CAPE MAY COUNTY RETIRED SENIOR VOLUNTEER PROGRAM, NEW JERSEY

Because of your constant interest in the welfare in activities of Senior Citizens and because of your support of the Retired Senior Volunteer Program, I thought you might be interested in the enclosed copy of our First Annual Report of Volunteer Activities.

Had it not been for the considerable federal monies supporting this Program by ACTION, we could not have achieved near the success which I feel we have.

Please do not hesitate to contact me if you have any questions or comments concerning the Retired Senior Volunteer Program of Cape May County.

LABOR'S POLITICAL POWER

Mr. GOLDWATER. Mr. President, the March issue of U.S. News & World Report has a very interesting article, "Union Strategy for Putting Man They Want in White House." Naturally, labor, like any assembly of people, has its pref-

erences for President, but I suggest that the leaders of labor have no more right to pick one man to be the President than the head of any corporation has that privilege. Reading this article will indicate why many of us are concerned about labor's power in the political field. I reiterate what I have often said: The laboring man not only has a right, he has a duty in the political field, but his bosses do not have the right to extract money from him and give it to whomever they care to give it to as long as they feel they will control the legislative bodies or the elected officials to whom they give it.

I recommend that my colleagues in the Senate and those who might read the RECORD on the outside look at this article closely because it spells out how millions of dollars will be spent in an effort to defeat any Republican candidate for President with any Democrat candidate the boys upstairs choose. I ask unanimous consent that this article be printed in the RECORD.

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

UNION'S STRATEGY FOR PUTTING MAN THEY WANT IN WHITE HOUSE

BAL HARBOUR, FLA.—Leaders of some of the country's most powerful labor unions are shaping a strategy to elect a Democrat as President in November.

As a central feature of this plan, organized labor intends to maneuver itself into the driver's seat at the Democratic National Convention in New York City.

The plan is this: Fill the meeting with so many union-picked delegates that they can coalesce to swing a deadlocked July Convention to a candidate of their choice.

The unions will also draw on reserves of manpower and money—contributed voluntarily by members—to back favored politicans for seats in Congress.

KEY PRINCIPLE

A hint of labor's strategy shows up in the fact that many union presidents who would already have given their support to a presidential candidate in past election years have kept themselves uncommitted this time. The guiding principle is not allegiance to any individual aspirant for the White House but rather the goal of sending the maximum number of union members to New York City as delegates to the Convention.

"We're not gung-ho about any single candidate," remarks Walter J. Burke, secretary-treasurer of the United Steelworkers, the AFL–CIO's largest affiliate. His union is backing one presidential contender in New Hampshire, a second in Arizona, a third in Texas and a fourth in Pennsylvania. None of them is the man Mr. Burke and I. W. Abel, Steelworker president, would prefer to see nominated. However, each candidate is willing to put Steelworkers on delegate slates.

"We really want Hubert Humphrey," says Mr. Abel.

Actually, Senator Humphrey is considered a good bet to benefit from any sudden switch of hundreds of labor union delegates' votes at a deadlocked convention. Although he is described as an "active noncandidate" at present, he is labor's sentimental favorite.

And AFL–CIO President George Meany, who claims neutrality in the nominating campaign, said after a meeting of the AFL–CIO Executive Council here in mid-February that Mr. Humphrey could be elected President more easily than any other Democrat.

Labor's strategy is not without peril, however. Its success hinges upon a deadlocked or "brokered" Convention. Only then would unionists elected to represent half a dozen different Democrats be free to switch to another candidate chosen by a "labor caucus." But if one of the contenders were to get a first-ballot nomination, he might owe little to union help in putting him over.

A few union presidents say a brokered Convention plan is doomed to failure. They urge their fellow unionists to take sides at once.

"Unless we move, we'll see Jimmy Carter grab the nomination," says Edward J. Carlough, president of the Sheet Metal Workers International Association. "Right now, too many of us can't make up our minds on time. If we're going to be leaders, we have got to get off the fence."

Mr. Carlough, along with several other presidents of construction and maritime unions, supports Senator Henry Jackson. But commitment to a single candidiate remains a rarity among labor leaders.

"Ed Muskie led Leonard Woodcock and Jerry Wurf and God knows how many others down the primrose path in 1972," says William Welsh, political director of the American Federation of State, County and Municipal Employes. "We learned then not to try to run these things from the top."

Glenn E. Watts, president of the Communications Workers of America, argues for putting unionists on the slates of many different Democrats because "we can't agree right now on a single person to support."

UNIONS' POLITICAL WAR CHESTS—A SAMPLING

[Examples of union contributions to Presidential and Congressional candidates last year, and funds on hand at the beginning of 1976]

	1975 political spending	On Hand, Jan. 1, 1976
United Auto Workers	$148,652	$978,184
Communications Workers of America	213,315	178,910
Marine Engineers	173,384	273,113
Marine Engineers Pensioners	401,982	78,784
International Association of Machinists	238,893	256,269
Teamsters	53,975	7,394
Seafarers International Union	138,457	69,353
Masters, Mates & Pilots	37,536	491,293
United Transportation Union	185,884	411,705
United Steelworkers	71,075	458,225
National Education Association	107,699	176,385
United Mine Workers	5,839	17,486
International Ladies' Garment Workers	223,926	229,717
Amalgamated Clothing Workers	30,495	45,000
American Federation of Teachers	6,763	64,566
AFL-CIO Committee on Political Action	614,116	51,431
American Federation of State, County and Municipal Employees	50,525	12,082
Total		3,799,330

JOINT EFFORT

The Communications Workers and eight other politically liberal unions are spearheading the drive to get union members picked as delegates for a number of candidates. The Labor Coalition Clearinghouse, as this group is called, also includes the Federation of State, County, and Municipal Employes, the United Auto Workers, the National Education Association, the United Mine Workers, the International Association of Machinists, the Graphic Arts International Union, the International Union of Electrical Workers and the Oil, Chemical and Atomic Workers. Their combined membership is 6 million persons—about a third of the entire labor movement.

Political directors of these nine unions confer regularly to exchange information and work out joint strategy: Should they all support a single candidate in a State? Or split two, three or five ways? What can be done to get union members on the Convention floor as delegates?

For Florida's March 9 primary, the Coalition unions are behind Mr. Carter as the best hope to defeat Alabama Governor George Wallace, who is anathema to most union leaders.

For the March 2 primary in Massachusetts, these same unions have lined up member support on behalf of several candidates—thus insuring that the unions will be well represented among Convention delegates from Massachusetts, no matter who wins in the primary. In Indiana, where Senator Birch Bayh is favored, the Coalition is united on his behalf.

Other unions are employing these same tactics independently.

DIVISIVE REACTION

But signs of disunity and possible trouble ahead are visible. Mostly, they involve Mr. Carter, who is less well known to union leaders than others among the moderate and liberal candidates.

A small but vocal opposition to Mr. Carter is developing among unionists.

Richard Murphy, legislative director of the Service Employes International Union, distributed at the Bal Harbour meetings copies of a letter written by Mr. Carter to the National Right to Work Committee in 1971, soon after he became Georgia's Governor. In it, Mr. Carter stated his desire to retain the Georgia right-to-work law, which bans compulsory union membership. Mr. Carter now says he would sign legislation repealing such State laws.

Mr. Carlough, of the Sheet Metal Workers, claims a Carter nomination would split the labor movement just as did George McGovern's candidacy in 1972. The AFL–CIO refused to endorse Mr. McGovern for election.

"Carter and Wallace together can determine the national ticket," says Mr. Carlough. "All the guys here who think Humphrey or Ted Kennedy will come out of the wings are dreaming."

For every detractor, though, Mr. Carter appears to be winning two admirers. Says Mike Miller of the Communications Workers: "He'll telephone a union president at home in the evening and say, This is Jimmy Carter. Any time you have suggestions, or criticisms of my campaign, just call my home in Georgia. My family will pass the message and I'll return the call at once.' It's damned effective."

ON OTHER FRONTS

While the pre-Convention maneuvering is going on, the AFL–CIO's Committee on Political Education (COPE) is gearing up for the November elections.

Its mission, besides ousting Gerald Ford from office, will be to preserve the present Democratic majorities in the House and Senate.

COPE Director Alexander Barkan proclaimed to one meeting of top union officers, "COPE at this time is organizationally in the best condition ever for the beginning of an election year."

One measure of COPE's strength is the money generated by it and the AFL–CIO unions. Increasingly, these funds are not going to favored candidates directly but are used to finance campaign activities on their behalf by union members. The American Federation of State, County and Municipal Employes has graduated 2,000 members and officers from week-long "schools" of electioneering since 1973. Other unions are training their members to perform nuts-and-bolts political chores, too. Says Rachelle Horowitz, political director of the American Federation of Teachers:

"Any fat cat can give away more money than the AFT. But in one evening a teacher can make 50 phone calls to other teachers or union members for a candidate. You can't buy that."

EVER-BUSY COMPUTER

To help these volunteers, a computer in COPE's Washington headquarters now operates around the clock, seven days a week. Inside it are the names of 14 million union members and their spouses. At the touch of a button, this computer churns out lists

showing who is registered to vote and who is not—giving their names by union affiliation and by city or even by the side of the street on which they live.

In this manner, organized labor is rolling up its sleeves to play a dominant political role in 1976.

RECESS UNTIL 12 MERIDIAN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 12 o'clock noon.

There being no objection, the Senate, at 10:59 a.m., recessed until 12 meridian; whereupon, the Senate was called to order by the Presiding Officer (PHILIP A. HART).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DAYLIGHT SAVING TIME ACT OF 1976

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 2931, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 2931) to provide for daylight saving time on an 8-month and 1-week basis, beginning with the first Sunday in March and ending with the second Sunday in November, for a 2-year period beginning with the first Sunday in March of 1976 and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. Time for debate on this bill is limited to 3 hours, divided and controlled equally by the majority and minority leaders, with 1 hour on any amendment in the first degree, 30 minutes on any amendment in the second degree, debatable motion, appeal, or a point of order, with the vote on final passage to occur at the hour of 3 p.m.

The pending question is on amendment No. 1411, which the clerk will state.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. FORD) for himself and Mr. HUDDLESTON and Mr. TALMADGE propose amendment No. 1411.

The amendment is as follows:

On page 2, line 4, strike out: "first Sunday in March" and insert in lieu thereof "last Sunday in April".

On page 2, lines 5 and 6, strike out: "second Sunday of November" and insert in lieu thereof "last Sunday in September".

Mr. FORD. Mr. President, I ask unanimous consent that Frank Barton of my staff be granted privileges of the floor during all considerations of the so-called daylight saving time bill.

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

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. With time to be charged to neither side?

Mr. FORD. Neither side. It does not make any difference.

The PRESIDING OFFICER. We will charge time equally.

Mr. FORD. That will be fine.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

Who yields time?

Mr. MAGNUSON. Mr. President, I yield to the distinguished Senator from Kentucky.

Mr. HUDDLESTON. I thank the distinguished chairman.

Mr. President, I recognize that when we are talking about the times and the various zones across the United States, we are really engaged in what can be called, in the classic sense, a true dilemma, because it is clear that what is best and most convenient for one section of the country is not best and most convenient for another section of the country. So it seems that our responsibility is to try to resolve these differences in the best interests of the majority of the people and balance the pluses and the minuses as they may apply to any given area of the United States. For that reason, I have joined my colleague from Kentucky, Mr. FORD, in offering the amendment that is now pending to the daylight saving time bill.

It is important to point out that in our State of Kentucky, we, No. 1, are split into two different time zones. Second, a major portion of our State lies in the westernmost end of the Eastern time zone. Consequently, the sun, in its travels across the universe, arrives in Kentucky some 52 minutes after it arrives on the eastern shore. So, in effect, we have in this section of the country already 52 minutes out of the 60 minutes that daylight saving time is supposed to add for a specific area.

Therefore, by imposing the additional hour of daylight saving time on top of that, we get out of sync with the normal working habits of our area.

I think it is reasonable to expect that this probably applies to the extreme ends of other time zones as well.

So we have a situation in which it is impossible to say that a particular plan will apply equally to all sections of the country. We have had the experimental daylight saving time year-round, which was brought about in the hope that it would result in some saving of energy.

It was a noble experiment, but one which has already been proven to be of very little significance as far as effecting any substantial savings of energy.

The Department of Transportation study on the experimental daylight saving time extension found very little energy savings under year-round daylight saving time. So I think we can rule that out as a legitimate reason for continuing an experiment which, in my judgment, would demonstrate very little in additional definitive information relating to that particular problem.

The Department of Transportation did make one significant finding that relates to what this amendment is trying to do. The Department noted that in some months daylight saving time created considerable problems and they recommended that at least 4 months of the year be exempted from daylight saving time. We think that more than 4 months ought to be exempted because in some areas of the country the same problems that are attendant to many sections of the country in the dead winter months are attendant in the early winter and late winter months. This is the reason that my colleague and I are offering this amendment to have daylight saving time apply beginning with the last Sunday in April and through the month of September. There are some very substantial and tangible reasons why we think this ought to be done.

Certainly, the danger to school children, who must stand out in the dark, waiting for school buses, is a very valid concern.

Mr. MAGNUSON. Will the Senator yield on that point?

Mr. HUDDLESTON. I yield.

Mr. MAGNUSON. I appreciate what the Senator has said. My State is very strong for daylight saving time for recreation. But some localities will still have problems no matter what the result is today on this bill. So we all ought to encourage the Department of Transportation, which has the authority, to take a good, long look at these time zone boundaries. They have the right to change them. Sometimes, I think that the boundaries should be drawn east-west, instead of north-south. But there is not any easy answer.

There is no sense in having States cut in half by time zones. The State of Alaska has five time zones. The State of North Dakota is cut right down the middle, and Indiana and the Senator's State are divided into two time zones.

Mr. HUDDLESTON. That is correct.

Mr. MAGNUSON. I think we all ought to pursue, no matter what happens here today on this bill, the idea of having the Department of Transportation work out something that is more sensible for time zones boundaries.

Mr. HUDDLESTON. I think the Senator's point is well taken. The time zones, as he knows, were set many years ago, to accommodate railroads.

Mr. MAGNUSON. Oh, yes, to accommodate railroads. Now they accommodate airlines.

Mr. HUDDLESTON. The transportation situation, plus our improved communication system, may make it an entirely different matter now.

I think that question needs to be addressed, as the Senator from Washington pointed out.

Mr. MAGNUSON. With the help of the Senator's distinguished colleague, who is a member of our committee, we will be active in asking the DOT to come up with some new ideas about the time zones.

Mr. HUDDLESTON. I think that might be a positive step. It may well be that we need only three time zones in the United States.

Mr. MAGNUSON. We cannot stop the Sun, but we can work out a little better way to live with it.

Mr. HUDDLESTON. Nobody has been able to stop the Sun and, contrary to what some people seem to assume when we are dealing with daylight saving time, nobody can add any daylight to the day either.

Mr. MAGNUSON. No, we can only change the clock, one way or the other.

Mr. HUDDLESTON. That is correct.

That points up, really, another problem. Back to the school children question, we have, in our State at least, a situation that has exacerbated that problem by the fact that now we are busing many more students than we had been, some 20,000 extra in the city of Louisville. They are also subject to early darkness as they prepare for their schoolday. As a matter of fact, many of them have to be in school before daylight, under the daylight saving time provision, in the month of April.

Mr. MAGNUSON. Who was it in mythology who tried to control the Sun and had his wings burned off and just dropped from the sky? I forget the name of the fellow.

I wanted to make the point that I think part of this controversy is concerned with the time zones and their boundaries.

Mr. HUDDLESTON. I suggest that this would be a problem to proceed on.

The farmer, too, in our area has a difficult problem to contend with. This problem, many times, is downgraded by some of my city residents. They think that there is no reason that he cannot adjust his schedule, too. But actually, there is a reason. If he is to employ people to work on his farm, they want to work the same hours by the clock that other people work. The clock and the Sun not being synchronized according to the needs of the farmer makes that a very difficult proposition.

Second, if industry, businesses, and the services and goods that the farmer needs are closing at the normal time, say 5 o'clock in the afternoon, and the Sun is still 3 hours up in the sky, the farmer has a difficult time adjusting his schedule to leave the field and get to the town and make his purchases before closing time. This is a hardship to him and causes him economic difficulty.

The point I want to make, Mr. President, is that the effects of daylight saving time in the late fall and early spring months are real. They are tangible things that the people who are affected by them—the schoolchild and the farmer—are faced with every day. Every day when he gets up and throughout his day, he has to contend with this problem. It is for these reasons, principally, that I believe daylight time ought to be shortened from the last Sunday in April through the month of September, as the amendment that we have presented here would do. I think we shall have a better daylight saving time bill if this happens. We would be left with the summer months, when there is enough daylight, so that hours on the clock do not preclude it at either end of the day.

You can get up in the daylight and go to bed in the daylight, too, if you want to, in the summertime. But in other months, for children, for farmers, and for others who have to contend with the clock in their area being out of synchronization with the Sun, it is a real and pressing problem.

I urge, Mr. President, that the amendment be agreed to by the Senate.

Mr. STENNIS. Mr. President, may I have the attention of the Senator from Kentucky?

Mr. FORD. I yield to the Senator as much time as he needs under the amendment, Mr. President.

Mr. STENNIS. Mr. President, I thank the Senator very much.

This is a matter that, naturally evokes a difference of opinion among the people and among the membership here. Everyone, of course, is acting in the utmost good faith. With all deference, Mr. President, we do not have a bill before us now that has anything about rezoning or changing the time problem by rezoning. The only thing this bill affects is the daylight saving time proposition. If I had my "druthers" on it, I should like to see it go back to the regular law, and that will automatically happen if we do not pass any bill—that is, 6 months of the daylight saving and 6 months of the regular time.

We have this bill before the Senate, and I am not complaining about that. I support the amendment though offered by the Senator from Kentucky, as being more realistic than the bill itself.

We have tried—we have switched back and forth, and we have tried—this method for saving energy, and we found out it did not appreciably—that was the official conclusion—save any appreciable amount of energy. We did find out though that unmistakably in some areas of the Nation, at least, including my own, the long period of daylight saving increased the accident rate, particularly in the morning and particularly with reference to schoolchildren.

Now, as I say, I do not know how it was in other parts of the Nation, but that is the experience that we had, and I have heard of it in other places.

So I hope that is something to be avoided as much as possible.

It seems to me we have just got to get something here that does the most good and the least harm and accommodates the most people. So, by and large, throughout the Nation—and I am more familiar, of course, with the lower Mississippi Valley area, but throughout the Nation—it seems clear to me that on balance more good would come from this division as the Senator from Kentucky proposes generally of 7 and 5. If that amendment is not agreed to, I hope we can defeat the bill and put at rest this in and out, out and in, back and forth, change every year or every 2 years.

As I said, the present law would go back into effect at the end of the temporary law, and we would have the 6 months each way.

The most good, and also under the test of the least harm—and I have not heard much proof, much claim, that any harm is going to come in making it nearer an equal division of this daylight time. It might be some added pleasures for some, but there is an offsetting hardship for others. But as to any general harm to the country, I have not heard any substantial proof of that along that line.

I do not think we would ever have changed this law back from what was settled law or settled custom more or less except in an effort to try to save energy, and that is where we got off the track. Let us put it back on the track, and let it run on in its more even, more smooth way, and with more good to more people and less harm to the people, and let it be a signal that we, under the present general facts, are not going to be fooling with this law again every year or two. Adjustments have to be made, but so far as this amendment is concerned, a great deal of adjustment would not have to be made to go under its provisions which, I hope, will be adopted.

If the amendment is adopted I will support the bill, as amended, in a token of compromise. If it is not adopted, I will renew my opposition to the bill.

I again thank the Senator for yielding to me.

Mr. FORD. Mr. President, I thank the Senator from Mississippi for his support of this amendment.

I yield myself such time as I may need on the amendment.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, I made most of my remarks on the bill and on this amendment on Monday.

I shall reiterate two or three items that I believe are important. I believe these items are a thread through each amendment that has been presented, and the concern of the Members of the Senate as it relates to daylight saving time.

We hear much from the survey by the Department of Transportation. But, when you take those who are undecided in that percentage and those who prefer a change back to an even 6 and 6—and I agree with the Senator from Mississippi that 6 and 6 would be acceptable—but you take those who do not like daylight saving time, those who are undecided, and put those two groups together in most every region of this country you have a majority.

Now, they say almost 2 to 1 want daylight saving time.

Mr. STONE. Mr. President, will the Senator yield for a brief observation?

Mr. FORD. The Senator will yield for a brief observation.

Mr. STONE. In an extended period of daylight saving time, the situation early in the morning beset the school children in north Florida to the extent that the Orlando Sentinel, our leading newspaper in the Orlando area, used to run a banner headline at the time we had the daylight saving time in the early period, and the banner headline said, "Save Children, Turn Your Porch Lights On."

Now, the Senator from Florida would like to ask the Senator from Kentucky whether that type situation, which requires a leading newspaper to urge citizens to turn on their porch lights to pro-

tect little kids from getting injured in the street, is calculated to save energy to the country?

Mr. FORD. I would say to the Senator from Florida it is not. I think the Department of Transportation study has several faults in it. Even with that, the saving of energy was so minute that it was not a factor to be reckoned with. They used the TVA area of their distribution of energy as one of the criteria, and they failed to take into consideration that TVA serves only the eastern side of a time zone not the western side of a time zone, and they failed to go to Louisville Gas & Electric, for instance, to talk to their people. They will tell you the lights go on earlier, the heat goes up during the coldest time of the morning, and more energy is used rather than a reduction in energy.

I might say to the distinguished Senator from Florida that Florida was mentioned in the survey, in the study, and that just because 5 or 6 young people were killed in Florida during the early hours of the daylight saving time, during the daylight saving time period, the daylight saving time had nothing to do with it.

But when you take February and March in the State of Florida—and if I am wrong the Senator will correct me—I know you have a lot of fog, you have inclement weather, and the people from DOT and from the National Safety Council admitted it was more dangerous for children going to school in the rain, the mud, and the fog during the light, and so a safety factor is imposed here by not having the early hours of daylight saving time or early months of daylight saving time.

Mr. STONE. Mr. President, if the Senator will permit me, I think the logic that it is more dangerous to go to school in the dark than it is to go to school in the light is almost irresistible.

[Laughter.]

Mr. MAGNUSON. Mr. President, will the Senator yield, because I have to leave in just a few minutes?

Mr. FORD. Is the Senator going to use time under the bill?

Mr. MAGNUSON. Yes, not on the Senator's time.

Mr. FORD. Mr. President, I yield to the distinguished Senator from Washington.

Mr. MAGNUSON. I just wanted to say there has been no increase in traffic fatalities since this bill has been enacted nationwide, and those that have been mentioned have all taken place not within the daylight saving period but at other times during the day, and these are the best figures that we get: there is no apparent statistical evidence of a national daylight saving time impact on fatal accidents involving schoolchildren during March and April.

These are all the figures we were given.

Mr. FORD. Will the Senator yield for a question on that point?

Mr. MAGNUSON. I know there is an argument about this.

Mr. FORD. I want to know if they specify the hours like 7 to 8, 8 to 9, 9 to 10, or just the average.

Mr. MAGNUSON. During March and April.

Mr. FORD. What about during the times of day?

Did they take the hour of 7 to 8 and gage that against the year previously, or did they just take the total number of fatalities for those months and say that there has been no change?

Mr. MAGNUSON. There was no change during the hours of schoolchildren traffic affected by daylight saving time.

Mr. FORD. I understand.

Mr. MAGNUSON. The Department of Transportation and the National Safety Council said there was no change. The National Safety Council, which keeps track of this, said that its information concerning schoolchildren fatalities during the hours—I think this will answer your question—6 a.m. to 9 a.m., and 3 p.m. to 6 p.m., for the months of March, April, October, and November, 1972, 1973, and 1974.

The Council presented these data because it involved the time frames of going-to-school hours and the coming-from-school hours in the months critical to the daylight saving time.

The National Safety Council says there has been no change.

Mr. FORD. The chairman of the National Safety Council attended a hearing. I am going to find his statement and look at it.

Mr. MAGNUSON. Yes.

Mr. FORD. I do not think the information the Senator is giving here includes the last year.

Mr. MAGNUSON. I do not know. All that we have is the information provided by these experts.

On the energy matter, I must say, frankly, I do not know whether it saves 1 percent or no percent at all.

Mr. FORD. Neither does the Department of Transportation.

Mr. MAGNUSON. But I do know that due to the life style of the American people they want daylight saving of some kind.

We are arguing about whether it should be in March and April.

Mr. FORD. When this bill is passed we will have some kind of daylight saving time. I underscore "some kind."

Mr. MAGNUSON. As we go further north from Florida, up through Puget Sound, more people want it and more people want more of it.

As I said earlier—I do not know if the Senator was here or not—I think sometimes we ought to ask the Department of Transportation to look at time zone boundaries.

Mr. FORD. Why do we not call this bill off and let them make that study? I would be willing to go back to 6 and 6 while they make that study.

Mr. MAGNUSON. I have a very close relative, in fact it is our daughter, who has two youngsters, our grandchildren, one is now 6, one is 9.

She wrote me a letter about this going to school in the morning, but, at the same time, she wants to have an additional hour of daylight when her husband gets home at 5:30 in the evening. They want to go out fishing or playing tennis.

Mr. STONE. Mr. President, if the Senator will yield, did his granddaughter want the daylight saving time hours, or not want it?

Mr. MAGNUSON. We do not know. She wants it both ways.

Mr. STONE. Well, that is the way it is.

Mr. MAGNUSON. I merely wanted to put these figures in.

The figures in some cases, as the Senator from Kentucky points out, are not exactly the last statement on what is happening. But I think, overall, the bulk of the American people want it and we are arguing about 2 months.

If the Dole amendment is presented, which is 7 and 5, we are talking about 2 weeks one way and 2 weeks the other way.

The bulk of the American people—the bulk of them, the great majority—seem to have been satisfied with the 8 and 4 system in 1975.

The further north we go, the better we like it, because a big part of daylight saving, a big important part to the American people, is recreation; to have a little more time in the evening.

If we never had an energy shortage, I still think this bill would be worthwhile for that.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I am about to propound a unanimous-consent request which I hope will meet with the approval of all concerned and which I think very likely will.

Mr. President, I ask unanimous consent that beginning at the hour of 2 o'clock the Senate turn to the consideration of two amendments to be offered by the Senator from Kansas (Mr. DOLE); that the time period for consideration of those two amendments be 50 minutes to be equally divided between the manager of the bill, the Senator from Washington (Mr. MAGNUSON), and the sponsor of the two amendments (Mr. DOLE).

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

Mr. MANSFIELD. I ask unanimous consent that for the remaining 10 minutes of that hour, the hour between 2 and 3, specifically from 2:50 to 3 o'clock, that there be a debate on the pending amendment, the time to be equally divided between the manager of the bill and the Senator from Kentucky (Mr. FORD).

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

Mr. MANSFIELD. First, I should notify the Senate that there may well be rollcall votes on both of the Dole amendments. There will undoubtedly be a vote on this amendment. There will be a vote on final passage, and it will follow in sequence, one vote after the other.

I ask unanimous consent that the vote on the Ford amendment occur at the hour of 3 o'clock and that it be a 15-minute vote under the usual conditions; that the vote on the two following amendments be 10 minutes apiece because they will be back to back, and that the vote on final passage be a 10-

minute vote because it, likewise, will be back to back.

In other words, four votes in a row.

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

Mr. MANSFIELD. Following the disposition of the pending business, then we will revert, under the agreement entered into, to S. 507 on which there is a one-half-hour limitation on the Hansen amendment on which there will be a rollcall vote. It is my understanding there will also be a rollcall vote on final passage.

After the disposition of the Hansen amendment, the vote will occur immediately on final passage.

So we have six votes in a row, the way it looks at the present time, but the last two votes will, of course, be 15-minute votes on S. 507.

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order at this time to ask for the yeas and nays on the Dole amendments, the Hansen amendment, and on final passage of both bills, with one show of hands.

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the Dole amendments, the Hansen amendment, and on final passage of both bills.

The yeas and nays were ordered.

ADDITIONAL STATEMENTS SUBMITTED ON S. 2931

Mr. TALMADGE. Mr. President, I was opposed to imposing daylight saving time on a year-round basis.

I am opposed to imposing daylight saving time for 8 months of the year.

My reasons for opposition to this proposal are the same today as they were in the winter of 1973, when the 12-month daylight savings plan was stampeded through the Congress at the height of the Arab oil embargo.

That action was a prime example of Congress leaping before looking.

Before we leap again, let us look at the record.

Only 12 Members of the Senate voted against year-round daylight saving time.

Mine was one of those 12 votes.

The bill was wrapped in all kind of rhetoric about how it would conserve energy.

It apparently was anticipated that the American people would welcome such action with open arms.

It was rushed pellmell into enactment.

Then came the moment of truth.

It did not conserve energy to any substantial degree.

People did not warmly receive daylight saving time in the winter months.

They hotly opposed it.

Members of Congress got the message when they went home for the December-January recess.

In March, 12-month daylight saving time was repealed.

We are now being offered a warmed-over concoction of essentially the same dish.

The American people had no appetite for it in the first instance and I don't believe their taste has changed.

The 8-month daylight saving time proposal offers more of the same.

It is much ado about nothing.

This legislation is not needed, except perhaps as a convenience for people who seek additional daylight hours for recreation at the end of the day.

That is a perfectly legitimate desire.

However, its principal fault lies in the fact that it ignores the concern of many more people, particularly parents who are fearful of putting their children on the street or a country road in rain, sleet, or snow, in the dark of morning, to await transportation to school.

That concern, the concern of parents for the safety and welfare of their children, ought to override any other consideration.

The validity of that concern was tragically demonstrated by the increase in school bus accidents in the aftermath of the 1973 fiasco.

Extending daylight saving time into fall, winter, and early spring months endangers the lives and health of schoolchildren.

If there were no other reason, that one would be sufficient for me.

To claim that the extension of daylight saving time will conserve fuel and energy is to indulge in fantasy.

Factories operating on two or three shifts will consume the same amount of energy.

People getting up to go about their business while it is still dark have to turn on lights.

When it is cold, they have to turn up the heat.

That does not save energy.

It costs energy.

It is one thing to argue that 8-month daylight saving time will be a convenience to some people.

I can understand that.

But let us not be deluded into believing it will save any significant degree of energy.

The fact is, Mr. President, this legislation is hazardous to untold millions of schoolchildren.

I suggest we learn from our mistakes of the past.

I suggest we save ourselves the trouble of having to come back and correct another error.

We can do so by defeating this bill now.

Mr. HRUSKA. Mr. President, the legislation now before us would extend daylight saving time to 8 months and 1 week each year. This is an unwise and unneeded bill.

As my colleagues are aware, since the Arab oil embargo of 1973, this Nation, and the Congress, have been grappling with the serious problem of how to make the most of our energy resources. One of the several attempts to deal with this situation resulted in putting the entire Nation on fast time for 2 years.

Many Nebraskans have made their views known to me on the issue of extended daylight saving time, and the overwhelming majority oppose it. In the words of one mother:

> It is just too early to send our children to school.

Other Nebraskans have been upset by the change daylight saving time caused in their work habits.

We of rural America are morning people. Many of the day's activities are accomplished in the waking hours. This legislation, by eliminating an hour of daylight in the morning, adversely affects our work habits. That lost hour cannot be made up at the end of the day, as every farmer knows. There are certain farm chores that must be done in the early part of the day, whether in darkness or light, which cannot be altered by an act of Congress. It is no wonder that Nebraskans have never liked this kind of manipulation. I do not blame them.

Mr. President, the experiment enacted by the Congress in 1973 has not proven itself worthy of being continued. We have made schoolchildren arise in the dark for the sake of energy conservation—and at what gain?

Is the benefit to be derived from the small savings of energy envisioned under S. 2931 worth the discomfort and inconvenience it would cause to our school-age children and their mothers? It is not. Forcing small children to leave their homes before dawn will not solve the energy shortage. Our priorities must be truly askew to think that it ever would.

The proposal embodied in this bill is being thrust upon this Nation without a thorough examination of its consequences. Only 1 day of hearings was held on this legislation, on November 13, 1975. That clearly is not enough.

Perhaps there was a need for experimentation such as contained in the bill approved in 1973. Now, however, after several years—and great inconvenience to many citizens—the proponents of this legislation claim that further experimentation is needed to prove that extended daylight saving time is beneficial. This Senator cannot agree with those conclusions. We have given extended daylight saving time a chance, and it has not been a success. We should not continue to give our approval to what has proved to be a worthless endeavor.

Before adjourning last December, the Congress approved legislation continuing the bankrupt policy of price controls on crude oil, promising an end to such controls more than 3 years in the future. The Congress thus ignored the opportunity to enact true energy-saving legislation which could have put this Nation well on the road to energy independence. Having bypassed that opportunity, however, I am shamed that this body has taken to tinkering with time in an effort to correct its failure.

All we do here today is tinker with time. And for what purpose? To achieve a minuscule savings of energy and to provide a human laboratory for some bureaucrat in the Department of Transportation to test his theories on daylight

saving time. This bill could result in a possible reduction of only 1 percent in electricity usage for 2 months of the year, according to the Department of Transportation. A grand projected savings of less than 0.1 percent in home heating oil is foreseen as well. These figures indicate the folly of attempting to achieve measurable savings of energy through enacting changes in time law.

One of the supposed benefits of this legislation is to increase the percentage of the voting populace participating in the electoral process next November. A noble goal, Mr. President. I cannot believe, though, that an added hour of daylight offers the slightest inducement to vote. Surely, this bill is a prime example of why people are absent from the voting booth at election time.

For these reasons, Mr. President, the long shadow of extended daylight saving time should not be cast over this Nation once again.

Mr. CLARK. Mr. President, I oppose the daylight saving time bill reported by the Senate Commerce Committee because I believe it provides for few benefits and many inconveniences.

Massive studies have been done on the subject by the Department of Transportation. They indicate that a miniscule amount of energy may be saved by extending DST by 2 months and that there is little conclusive evidence of other benefits.

My mail and the people I have talked to in Iowa indicate that most people in my State would prefer the traditional 6 months of standard/6 months of daylight saving time system that we have returned to in the last few months, and I support the continuation of that system.

But, frankly, I think it is time we stopped playing around with daylight saving time. Many people have expressed many opinions to me on this subject. But the overriding feeling is that they wish we would not keep changing it—from 6-month DST to year-round DST to 8 months to 6 months and now, according to this bill, back to 8 months for 2 years after which we will discuss it again.

Why do we have to keep experimenting, keep people wondering what will happen next year, keep wasting the Senate's time? The 6-month DST/6-month standard time system seems to provide a workable compromise between people who strongly support DST and those who just as strongly oppose it.

Mr. President, I believe we should defeat this bill and accept the present system—permanently.

Mr. PELL. Mr. President, I am glad to support S. 2931, the Daylight Saving Time Act of 1976. Senator STEVENSON and the other members of the Commerce Committee are to be congratulated for their efforts in bringing this matter to the floor.

In the 93d Congress, along with my distinguished senior colleague from Rhode Island (Senator PASTORE), I was proud to sponsor a bill to provide for daylight saving time on a year-round basis. I have long believed that there are substantial benefits to be derived from our Nation's observance of daylight saving time throughout the year.

Although S. 2931 only provides for DST during a 8-month and 1-week period, from the first Sunday in March to the second Sunday in November, on a 2-year trial basis, I am nevertheless convinced that the measure deserves the support of the Senate. It is a step in the right direction.

According to the mandate of the Emergency Daylight Saving Time Energy Conservation Act of 1973, the Secretary of Transportation was to report to the Congress with his findings on the 2-year DST experiment. The findings contained in the Secretary's study are most instructive, Mr. President, and serve to reinforce my belief that DST is a most worthwhile venture for this country.

The Secretary recommended a 2-year extension of daylight saving time to allow a further study of DST's effect on our Nation, but over an 8-month period rather than the present 6-month system.

The basis for recommending an extension of daylight saving time nationwide is substantial, Mr. President. The evidence cited by the Secretary bears out this contention: A 1 percent savings in electricity for the months of March and April; a reduction in automobile fatalities of approximately 0.7 percent; a substantial decrease in violent crime. Furthermore the fear of increased danger to school children in the morning hours has fortunately not been realized. In fact, the Secretary found no detrimental aspects to the expanded use of daylight saving time during those winter months and widespread public approval.

I am pleased that the committee has adopted much of the Secretary's report in S. 2931 and especially allowed for additional study of its impact. Such a study, I believe will provide further evidence of the need for daylight saving time on a year-round basis.

Mr. TAFT. Mr. President, I rise today to oppose passage of this legislation.

I have seldom seen an issue where opinion in my State has been so united. The primary reason for this strong opposition arises from the fears of parents sending their children to school in the dark in the morning.

When this experimental program started, working parents had to rearrange their schedules as they wanted to drive their children to school in the dark while they were able to walk in the daylight. This also causes increased consumption of gasoline in our State. This may be off balance in some other areas as we noticed the Department of Transportation's study doesn't indicate any appreciable saving, one way or another.

Ohio is on the western side of the eastern time zone, so when daylight reaches the east coast, there is still another hour of darkness in Ohio.

I know that all Americans are aware of our energy crisis. We need to take significant steps to become independent of foreign energy sources.

The people of Ohio are willing to take any meaningful step in this direction, but every study has shown that year-round or 8-month daylight saving time produces little real energy savings.

The final report on daylight saving time issued by the DOT states that the imposition of 8 months daylight savings time versus 6 months would only bring a reduction of electrical load of 1 percent. Now, this is not meaningful energy savings.

This saving of 1 percent of our electricity consumption translates into six-tenths of 1 percent of our daily consumption of 17 million barrels of oil per day.

Again, I repeat, this is not meanginful energy legislation.

I believe that the Congress is trying to enact a total energy program that will include deregulation to encourage exploration of new oil and gas, the establishment of a strategic oil reserve, an expanded research effort into new energy sources.

I support this effort and I believe the people support this program. However, they are unwilling to take token steps that do more harm than good.

Eight-month daylight savings time is such a token piece of legislation that will do more harm than good in getting public support for energy conservation.

In reviewing the final report on daylight savings time, it is clear that there is no real advantage to its approval.

While each agency states that there would be no harm from passage, none states any significant advantage.

I can assure you that parents of schoolchildren see one very large disadvantage and that is sending their children off to school in the dark.

Another, of course, of the major factors which ought to be of concern, I believe, particularly in view of our economic problems in this country and essentially economic problems in the construction industry is the fact that construction workers are greatly handicapped by this inconvenience in hours, whereas you say on the western side of the time zone you either work in the dark or change your hours to those which are desirable, and that does not coincide with the other working hours that they have tried to coincide with.

I can only state once again that there is no significant energy savings provided by 8-month daylight savings time and I hope we in Congress will allow the 6-month program to once again be the national policy, and defeat this bill.

ORDER EXTENDING TIME FOR FILING ANNUAL REPORT OF THE SPECIAL COMMITTEE ON AGING

Mr. CHURCH. Mr. President, under terms of Senate Resolution 62, reported last July 23, the Senate Special Committee on Aging is required to submit its annual report by February 29 of this year. I ask unanimous consent, however, to delay filing of the report until April 2, in order to permit discussion in the report of recent significant events related to Federal policy on aging and in order to allow minority members adequate time for study.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS UNTIL 2 P.M. TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2 p.m. today.

There being no objection, the Senate, at 12:50 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. STAFFORD).

DAYLIGHT SAVING TIME ACT OF 1976

The Senate continued with the consideration of the bill (S. 2931) to provide for daylight saving time on an 8-month and 1-week basis, beginning with the first Sunday in March and ending with the second Sunday in November, for a 2-year period beginning with the first Sunday in March of 1976 and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise.

The PRESIDING OFFICER. The Chair in his capacity as a Senator from the State of Vermont suggests the absence of a quorum and instructs the clerk to call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. What is the time element in this particular case?

The PRESIDING OFFICER. The Chair is advised that the Senator from Kansas was to be recognized for the purpose of calling up two amendments, on which the Senator has a total of 50 minutes.

Mr. MAGNUSON. Mr. President, if the Senator will yield, may I inquire? There was a unanimous-consent request made by the majority leader about the voting. Will the Presiding Officer state the time of voting, both on the Dole amendments and the amendment of the Senator from Kentucky, on which the yeas and nays have already been ordered?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that at the hour of 3 p.m. a vote will occur on the amendment of the Senator from Kentucky (Mr. FORD), on the two amendments of the Senator from Kansas (Mr. DOLE), and then on final passage of the bill. There will be four rollcall votes.

Mr. MAGNUSON. That is beginning at 3 p.m.?

The PRESIDING OFFICER. Yes. The Chair understands the first vote will be a 15 minute vote and the succeeding votes will be of 10 minutes duration.

Mr. PASTORE. I yield the floor.

Mr. DOLE. Mr. President, I suggest the absence of a quorum with the time to be charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DOLE. 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. DOLE. 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:

The Senator from Kansas (Mr. DOLE) proposes an amendment.

Mr. DOLE. Mr. President, I ask 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 2, line 4, delete "first" and insert in lieu thereof "second";

On page 2, line 6, delete "November" and insert in lieu thereof "October";

Mr. DOLE. Mr. President, I am offering an amendment today that would provide for 7 months of daylight saving time and 5 months of standard time. The 7-months daylight saving time would last from the second Sunday in March to the second Sunday in October.

This amendment is an effort to achieve a compromise between the present law providing for 6 months of daylight saving time and the bill S. 2931, as reported by the Senate Commerce Committee, which provides for 8¼ months of DST.

This compromise amendment seeks to take into consideration the problems a longer period of daylight saving time would cause for small groups within the population, as well as provide some additional daylight saving time for the convenience of what may be the majority of the population.

Several groups specifically have objections to extending the daylight saving time period. As this Senator understands, an extension of daylight saving time is opposed primarily by farmers, by construction workers and construction companies, by most radio broadcasters and by parents with schoolchildren who wait for schoolbuses in the morning.

The main message this Senator has received from a great many people is simply that most Americans would like to have a clear and permanent policy on daylight saving time. They would like the Congress to agree upon a single clear policy and avoid changing the daylight saving time period from year to year as we have in recent years.

I am sympathetic to that popular demand and feel that this public concern makes it even more likely that any daylight saving time period agreed upon here will become the permanent policy for this country. Even though this bill is specifically limited to only 2 years, it seems highly probable that the period agreed upon by the Congress will be extended indefinitely at the end of the 2-year period.

So it is my feeling that the time period we agree on here in the Senate today will have a long term effect. This makes it even more vitally important that we adopt a policy that provides consideration for the majority of the people, yet that does not ride roughshod over the interests and the rights of smaller groups of the population.

My compromise amendment providing for 7 months of DST gives moderate change. The 8-month and 1-week-period of DST, as provided in the committee bill, is a more radical and more drastic change that, in my opinion, would cause some severe hardship for several parts of the population during certain periods of the year.

EFFECT ON FARMERS

The farm population has traditionally had difficulties with daylight saving time and has opposed any extension of DST. Farmers have the problem of going to work in the dark during the early spring and late fall months that are under daylight saving time.

The impression of this Senator is that anyone who works outside for a living has a problem with extending daylight saving time in early spring or late fall because of the difficulty of working in the dark when they begin work in the morning.

As in the case of dairy farmers, milk cows must be milked according to when the Sun comes up and the Sun goes down. Milk cows do not change their routine according to the way Congress sets the daylight saving time period. Milk cows cannot advance their routine by 1 hour just because we have a different policy. If a dairy farmer establishes the routine of milking his cows at sunup he must adjust his entire day 1 hour later under daylight saving time in order to correspond to the habit his cow herd is in. Obviously this can cause difficulties for dairy farmers as they try to adjust to the rest of society that is going to work and closing down 1 hour earlier. The problem is especially severe for farmers on the western edge of a time zone where sunrise comes late anyway and where the effect of advancing the clock under DST is to have a double daylight saving time.

In many cases when a farmer is still working in full daylight in the afternoon the businesses in town are already closed down. Let us say a farmer is rushing to complete his harvest, for example, and he happens to have a part break on his combine, he may then have a great deal of difficulty in getting a new part because the shop in town has already closed even though a large portion of the working day is still remaining for the farmer.

So the net effect for the farmer is a severe hardship that may not result for a majority of the population. While a longer daylight saving time period may be convenient for a majority of the population, the degree of difficulty for farmers and other small groups may be relatively more severe than is the degree of benefit for the populace at large.

The American Farm Bureau Federation, the Farmers Union in Kansas, the Grange and the National Milk Producers Federation have indicated support for the 7-month amendment over the present bill.

SAFETY IN CONSTRUCTION

As this Senator understands, a similar problem exists for the construction industry.

We have been in touch with construc-

tion workers and construction companies in Kansas, as well as representatives of the construction industry here in Washington. My understanding is that the proposed extension of daylight saving time is not an overwhelming problem for those in the construction industry. It is simply a small, but significant problem that is bothersome both for construction workers and construction companies. Under the 8 month and 1 week proposal reported by the Commerce Committee, many construction workers would find it is still dark in the morning when they arrive at the construction site. Without corrective action and even in some cases with corrective action, the early morning hours of darkness under daylight saving time create an additional safety hazard for construction workers.

The early morning hours of darkness created by daylight saving time can be dealt with in at least two ways. One possibility is that the project sight can be lighted with floodlights. This, of course, causes an additional expense and requires the additional use of electricity or some other form of energy which is contrary to the energy saving goals of daylight saving time; the second solution is to start work an hour later. This kind of adjustment is simply a headache for management and labor alike. It causes workers to get off the job an hour later during certain periods of the year which tends to disrupt their living habits.

The understanding of this Senator is that this amendment would greatly reduce the difficulties of darkness during early morning hours under daylight saving time. As I understand, the greatest difficulties occur in late October and early November, as well as early March under the 8-month bill. Under the 7-month compromise daylight saving time would not begin until the middle of March and would end in the middle of October which avoids the problems under the beginning and ending weeks of the 8¼-month approach.

As with farmers, most of those in the construction industry would probably prefer to stay with the present 6-month approach. However, the compromise 7-month amendment I am offering would be preferable to an 8 month and 1 week bill.

I have material from the Associated General Contractors of America in support of this amendment, which I ask unanimous consent to have printed in the RECORD at this point.

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

THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA,
Washington, D.C., February 24, 1976.

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

DEAR SENATOR DOLE: The Associated General Contractors of America is a national business association representing more than 8,000 general construction firms. These firms perform about 60 percent of the annual contract construction volume of the United States. Our membership represents the full range of the construction industry, including the construction of highways, buildings, municipal-utilities projects and heavy and industrial facilities.

We would like to take this opportunity to express our support for your proposed amendment to S. 2931, the Daylight Saving Time Act of 1976. It is our belief that standard time should be marked during the winter months November through March. Otherwise, in the construction industry we have the problem of temporarily amending collective bargaining agreements to provide later starting and quitting times during the winter months. Starting the construction work day in morning darkness is unsafe, unproductive, disruptive of job continuity and unnecessarily costly. Enclosed is a copy of our policy on this subject.

Thank you for your time and consideration. If you have any questions, please do not hesitate to contact us.

Sincerely,

JAMES M. SPROUSE,
Executive Vice President.

REPEAL DAYLIGHT SAVINGS TIME

Whereas, the Emergency Daylight Savings Time Energy Conservation Act of 1973 (PL 93–182) was hastily enacted into law as an energy conservation effort by providing daylight savings time on a year-round basis for a two-year trial period, and

Whereas, the construction industry recognizes its responsibilities to help solve the energy crisis, and

Whereas, the construction industry further recognizes the problems of temporarily amending collective bargaining agreements to provide later starting and quitting times during the winter months due to darkness, and

Whereas, the Building and Construction Trades Department, AFL–CIO, has also encouraged State and Local Building Trades Councils to adjust starting and quitting times for job continuity as a result of the Act, and

Whereas, State and Local Building Trades Councils have not adjusted their working hours thereby causing unsafe working conditions, reduction of productivity, disruption of project continuity, and increased costs.

Now, therefore be it resolved, that the Associated General Contractors of America, assembled in its 55th Annual Convention, March 8–13, 1974, urges the Administration and Congress to repeal Daylight Savings Time during the winter months of November 1974 through March 1975 to avoid disruption of the local bargaining process and to provide the incentive for construction safety, project continuity, increased productivity and energy conservation on construction projects. (Labor Committee Report to Board Meeting, March 1974.)

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., June 28, 1974.

Hon. GERALD FORD,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am transmitting herewith for the consideration of the Congress the interim report and recommendations on year-round daylight saving time (YRDST), as required by the Emergency Daylight Saving Time Energy Conservation Act of 1973.

The report supports proceeding with the second year of the experiment. It does recommend, however, that the Emergency Daylight Saving Time Energy Conservation Act of 1973 be amended to provide that during the second year of the experiment, the nation observe daylight saving time for eight months of the year and standard time for the remainder, from the last Sunday in October 1974 through the last Sunday in February 1975.

The principal reasons for this recommended course of action are:

Probable savings in energy. Electricity savings of approximately one percent occurred during March and April, with coal the predominant fuel saved. Further evaluations of other areas of fuel use such as transportation or heating are not definitive and may disclose additional savings or partially offsetting increases.

Elimination of concern regarding school children safety. While there was public apprehension over the safety of children traveling to school on dark mornings, the limited data available for the brief period of last winter's YRDST experience and the unusual travel conditions prevailing at that time do not provide an adequate basis to determine whether the public's apprehension was justified. Sunrises during March and April occur early enough so that this concern about early morning darkness may be eliminated.

Public preference. A majority of the public, as measured in a March 1974 national opinion poll, prefers daylight saving time from March through October.

Need for more conclusive data. It is desirable to have another year's experiment to determine better the net effects of daylight saving time and consequent public reactions so as to establish the merits of altering the historical daylight saving time system.

Sincerely,

CLAUDE S. BRINEGAR.

THE SECRETARY OF COMMERCE,
Washington, D.C.

Hon. CLAUDE S. BRINEGAR,
Secretary of Transportation,
Washington, D.C.

DEAR CLAUDE: In response to your letter of February 19, 1974, this Department has undertaken a careful review of the foreign trade and domestic commerce effects of Year-Round Daylight Savings Time (YRDST).

Our review indicates that some energy savings can be expected as a result of YRDST. These savings, in the range of one-fourth to three-fourths percent, represent 90 to 275 thousand barrels of oil per day. These amounts, though small when compared to the Nation's total energy demand, are an important contribution to the Nation's energy conservation efforts.

The attitudes of business and industry do not seem to indicate overwhelming approval or disapproval of YRDST except in one important case. The construction industry, represented by the Associated General Contractors of America (AGC), opposes the measure for several reasons, including the safety hazards of working during early-morning darkness in winter. AGC reports that this danger and complications involving safety procedures as outlined in industry labor contracts have caused unnecessary problems. We have enclosed copies of AGC documents and correspondence further outlining this position. It should be noted that the construction industry is the Nation's largest industry.

We have no evidence that the Nation faces any deleterious effects in international commercial relations due to YRDST.

In summary, the Department of Commerce favors continuation of YRDST because of the significant energy savings it can be expected to achieve. However, we recommend that your Department give careful consideration to any measures that may be available to lessen the impact of YRDST on particular groups, such as the construction industry, for whom the measure has adverse effects.

Sincerely,

———,
Secretary of Commerce.

RADIO BROADCASTERS

Mr. DOLE. Many radio broadcasters have a special difficulty with extending daylight saving time into November. During the period of late October and early November radio stations receive a rating on their listening audiences. Because of international treaties with Mexico and Canada, it would not be possible, as I understand, for the FCC to grant an exemption for daytime stations to operate at full power prior to 7:30 during the early weeks of November.

This means that those stations would lose a prime operating time between 7 and 7:30. It is during this time that most daytime broadcasters provide their most important services on weather, driving conditions and school closings to families and to persons driving to work. It is my understanding that additional daylight saving time period the committee bill would provide in November would be disastrous to their revenue picture and to the ratings of a great many daytime broadcasters.

The indication by the National Association of Broadcasters is that 300 radio broadcasters would prefer the 7-month compromise amendment as opposed to the 8¼ bill, although many broadcasters would probably prefer to retain the present 6 and 6 formula. The 7-month compromise would avoid the problem encountered by many broadcasters during late October and early November daylight saving time.

I have a memorandum from representatives of the radio broadcasting industry explaining in greater detail the problem they have with daylight saving time in November. I ask unanimous consent that it be printed in the RECORD at this point.

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

FEBRUARY 23, 1976.

MEMORANDUM TO SENATOR DOLE

The Daylight Savings Time bill as reported out of the Senate Commerce Committee would have a serious effect on a number of radio broadcasters. In the past, daylight time has always extended until the last Monday in October. Under this arrangement, broadcasters could be certain that they would not have a sign-on later than seven o'clock in the morning, even with daylight time in effect.

This was so because for the entire month of October, daytime only stations are allowed to sign-on at seven o'clock. Each station is given a sign-on time by the Commission and this is done on a monthly basis.

However, under the Committee bill, daylight time will not end until the second Sunday in November. In November, the sign-on time for that part of the month under daylight time will be 7:30 a.m. This means that for the first eight days to two weeks, many broadcasters will not be able to serve their communities until seven thirty. The normal information that many people expect to have at that time in the morning will not be available to those who need it. There will be no weather, traffic or road condition information, and the public will be the loser.

There is a second reason why this period is vitally important to radio broadcasters. During late October and early November, for a 21-day period the radio stations have their ratings adjusted. The sale of all advertising time is based on ratings and therefore those ratings are vitally important to the industry. When a station misses a half-hour of its most saleable time during this rating period, such as would be the case between 7:00 and 7:30 a.m. in early November, then this has a substantial effect on the amount and cost of advertising for the coming year.

The ratings cannot take place earlier in October because it has been found that the World Series distorts the ratings to a great degree. They cannot be taken later in November because then the new ratings would not be ready for the new advertising year beginning in January.

Hence, the broadcasters would support an amendment to end daylight time in October rather than November.

DANGER TO SCHOOLCHILDREN

Mr. DOLE. Probably the issue of greatest public concern relating to daylight saving time—and properly so in my opinion—is the danger to schoolchildren waiting for the schoolbus during the hours of darkness in the morning. Under the 8 month and 1 week bill this problem would be especially great during the early weeks of March and the late weeks of October and early weeks of November.

The Senator from Kansas is well aware of the Department of Transportation study which indicates that additional morning hour darkness under daylight saving time presents no additional danger for schoolchildren waiting for the bus. In fact, Department of Transportation testimony before the Commerce Committee indicates that daylight saving time actually has resulted in an overall safety improvement for children, since the decline of schoolchildren fatalities in the afternoon has more than offset fatalities in the morning.

The statistics in the Department of Transportation notwithstanding, a great many parents continue to be especially concerned about additional danger to their children during early morning hours of darkness under daylight saving time. It is my impression that all the data accumulated by Department of Transportation and all the analysis of that data has not changed the opinion of parents that 8 months of daylight saving time increases the danger to their children.

The Senator from Kansas is well aware that it is possible to show many things with statistics. This Senator is also well aware that people are capable of judging any additional danger to their children and all the statistics in the world are not going to change that judgment as long as some substantial danger does exist.

The greatest problem of early morning hours of darkness under daylight saving time occurs during the early weeks of daylight saving time in the spring and the last days of daylight saving time in the fall. The compromise amendment would reduce this problem greatly by starting daylight saving time later in the spring and ending it earlier in the fall than would the committee bill. It is my feeling that this compromise amendment would greatly improve the safety aspect for children waiting for schoolbuses in the morning, as well as for children who walk to school or ride bicycles.

Another school-related aspect of daylight saving time is the additional energy consumption. Many parents feel that it is necessary to drive their children to school rather than let them stand in the darkness waiting for a schoolbus or walk or ride by themselves to school during the hours of darkness. This results in additional expenditure of gasoline. In addition, school superintendents have indicated to me that they are forced to start their furnaces earlier in the morning in order to get buildings warm in time for school to start. Since buildings are colder earlier in the morning, it requires an additional amount of heating oil or natural gas under daylight saving time. The Senator from Kansas is aware that the Department of Transportation study indicated a net 1 percent saving of electricity during daylight saving time periods. However, this Senator knows of no precise study of the expenditure of additional amounts of gasoline, heating fuel, and other petroleum products during daylight saving time periods. It is my impression that there may be a net increase in energy consumption rather than a net decrease under daylight saving time.

OBJECTIONS DISCOUNTED

The Senator from Kansas is well aware of the numerous arguments in support of the committee bill providing for 8¼ months of daylight saving time as opposed to a shorter period. The Senator from Kansas is receptive to many of these arguments.

But this distinct impression of this Senator, after reviewing the hearing record on daylight saving time and the questioning by the junior Senator from Kentucky (Mr. FORD), is that the analysis of the benefits of daylight saving time and the indications drawn from that analysis are highly inconclusive.

The Department of Transportation indicates that a 2-year extension of the 8-month daylight saving time period is essential in order to achieve a meaningful analysis. The Senator from Kansas would agree that a full 2-year period is necessary to obtain any meaningful indication of the benefits and problems.

But the Senator from Kansas would question whether a 2-year extension for a daylight saving time period of 8¼ months is necessary. My belief is that a meaningful analysis could be accomplished under this 7-month amendment which would offer a compromise between those who would benefit and those who would suffer from more daylight saving time.

ENERGY SAVINGS

As mentioned earlier, the Department of Transportation study indicates a savings of electricity of 1 percent under daylight saving time. This electricity saving amounts to an equivalent of about 100,000 barrels of oil per day. About one-half of this saving is in electricity produced from coal and nuclear generation. The other half would be from electricity produced from petroleum products.

So the electricity savings that relates to our oil import problem and our dependence on uncertain foreign sources of oil amounts to about 50,000 barrels of crude oil per day. This is a small but significant savings of energy.

However, as I understand, the Department of Transportation study does not address any other area of energy consumption where there might be an additional level of consumption or an additional area of energy savings as a result of daylight saving time. The Senator from Kansas does not pretend to know all the areas where there might be additional saving or consumption due to daylight saving time, but there are obviously a few areas where greater consumption might more than offset the saving achieved in the use of electricity.

For example, I have already cited two school related energy uses where gasoline consumption would be greater.

Another area where gasoline and petroleum consumption would be greater is in the additional shopping and recreation trips made because of daylight saving time. In other words, going back to the initial purposes of creating daylight saving time, there are additional trips made for shopping and recreation purposes when Americans have more daylight hours in the afternoon when they get off work. So clearly more fuel must be burned.

There are many other areas where additional energy might be consumed. Any type of industry where outdoors activity is necessary will, of course, require additional lighting and heating energy during the daylight saving time period. Families that rise before light during daylight saving time that would otherwise rise after sunup during standard time would require additional energy for lighting and heating.

Many of these examples I have cited would require additional consumption of petroleum products. At least in the area of electricity generation, half of the primary fuel can be produced domestically in the form of coal or nuclear power. But in the case of gasoline and other petroleum products, every additional increment of crude oil must be imported from the Middle East. That is because we are already at full capacity oil production in this country and because many other countries such as Canada and Venezuela are also at full capacity production. In essence the only source of additional increments of production, as I understand, are in the Middle East. So any additional consumption of fuel must come from that source and the Department of Transportation study makes no accounting of additional petroleum consumption outside of electric generation under daylight saving time.

The critical analysis of the Department of Transportation study by Mitre Corp. indicates that the savings of electricity described in the Department of Transportation study is by no means as strongly supported by the available data as the study suggests.

In view of the uncertainty about energy consumption under daylight saving time the Senator from Kansas would feel that the more cautious approach in this compromise amendment is more appropriate than the committee proposal.

TRAFFIC SAFETY

The Department of Transportation testimony before the Commerce Committee also states that motor vehicle safety is improved because of daylight saving time. The theory, as this Senator understands, is that traffic patterns are heavier in the evening than in the morning rush hours due to the shopping and other commercial traffic that adds to normal rush hour traffic in the evening. Department of Transportation maintains that the additional hours of daylight in the afternoon provide an additional safety factor that more than offsets any decline in safety during the morning hours.

While the Senator from Kansas would not dispute this logic, it is noteworthy that the Mitre Corp. critique of the Department of Transportation study indicates that it is not conclusive that the decline in fatal accidents under daylight saving time resulted because of the additional hours of daylight in the afternoon or to the fact that there were fewer cars on the road as a result of the energy shortage existing then.

ELECTION DAY AND HALLOWEEN

It has been called to my attention that the committee bill extends daylight saving time into the first 2 weeks of November in order to have additional daylight for the evenings of Halloween and election day.

The Senator from Kansas understands the intent of the committee regarding daylight saving time for these 2 days. But it is the opinion of this Senator that providing additional daylight hours for Halloween and election day is a very weak reason for extending daylight saving time for 2 additional weeks in the fall when it will cause greatest hardship for radio broadcasters, farmers, construction workers, and any other industry that is required to work outdoors.

In the instance of election day a great many steps have already been taken to provide individuals the opportunity to vote before work, during the daytime hours, and after work until late in the evening. It is the feeling of this Senator that citizens seeking to vote will not be deterred by the amount of daylight when they get ready to go to the polls. On the other hand those who do not care to register their vote will not be persuaded to vote just because there is additional daylight during the evening hours on election day.

Only in large metropolitan areas where there may be a high crime rate that would discourage individuals from going to the polls during evening hours of darkness could the election day concern have any validity. And in those cases, as I mentioned earlier, a great many steps have been taken to allow citizens to vote during the early morning hours before they go to work or to leave their job during the day to go to the polls.

In the instance of providing additional daylight hours during the evening of Halloween day, it is the understanding of this Senator that the intent is to increase the safety of children going from door to door. But as this Senator recalls, the normal practice of the "trick or treat" tradition is to go from door to door after the hour of darkness. It would be my expectation that parents and children alike would continue this practice even in the event of daylight saving time. But since daylight saving time would mean that darkness would come 1 hour later, it could be expected that children and parents might be forced to stay up an hour later on Halloween night in order to follow their customary tradition.

At the same time, those parents who prefer their children to "trick or treat" during daylight hours could still follow that practice even in the absence of daylight saving time.

The Senator from Kansas believes these arguments to be weak justification for passing the 8¼-month bill as reported by the Commerce Committee. The absence of daylight saving time on election day and Halloween under my compromise amendment is certainly no major reason why such a compromise should not be agreed to.

REDUCTION OF CRIME

The Department of Transportation witnesses before the Commerce Committee hearing indicated that the extension of daylight saving time into March and April is justified in order to reduce crime during the evenings. This statement is based on statistics for Washington, D.C., showing a decline in the number of violent crimes during the evening hours when daylight saving time has been in effect during the past 2 years in March and April.

The Senator from Kansas supports all efforts to reduce crimes—especially violent crimes. To the extent that daylight saving time may reduce violent crime in the evenings it would be a positive factor in favor of expending daylight saving time.

But the Mitre Corp. witness stated before the Commerce Committee that based on the Department of Transportation study and the data behind it, a conclusion about the effect of daylight saving time on reducing crime "cannot be reached until data for other areas becomes available and is analyzed."

The compromise 7-month amendment would allow this data to be collected and to be analyzed.

The compromise amendment would extend daylight saving time into April and the middle of March. This additional 1½-month period should allow the Department of Transportation and the Law Enforcement Assistance Administration to study in detail the effect of daylight saving time on crime in all cities across the country.

BALANCED COMPROMISE

The Department of Transportation has strongly emphasized the importance of having a balance in the months of daylight saving time.

As the Senator from Kansas understands, the hour of sunrise in March is equivalent to the hour of sunrise in October. Similarly the hour of sunrise in April is equivalent to the hour of sunrise in September.

In this regard, the Senator from Kansas would say that the committee bill is not balanced. The committee bill extends daylight saving time to the second Sunday of November. To have a balanced

bill, the committee approach would have to begin daylight saving time in the middle of February.

This extension of daylight saving time into February, as well as into November, in my opinion, would be strongly opposed by a great many people.

The 7-month compromise bill introduced by the Senator from Kansas is a balanced approach. It provides that daylight saving time would begin the second Sunday of March and end the second Sunday of October. It follows the principle that has been called the sunrise-symmetrical system.

The compromise 7-month amendment provides for daylight saving time in the last half of March and in the first half of October. This means that the Sun would rise at about the same hour when the daylight saving time begins as it does when the daylight saving time period would end. It would not mean that we would have a very late sunrise in the fall at the end of the daylight saving time period, and a very early sunrise at the beginning of the daylight saving time period.

The compromise amendment would not extend daylight saving time to the degree provided under the committee bill. Any hardship that might arise from extending daylight saving time would be less under the compromise amendment. Yet there would be the additional convenience for most people of having additional daylight hours in the evening for 1 extra month of daylight saving time.

Mr. President, the compromise 7-month daylight saving time amendment is intended to reduce the adverse impact of extending daylight saving time for several groups that are in the minority. Yet the compromise amendment recognizes what may be the desire of a majority of the population for additional daylight saving time and, in addition, tries to accommodate this desire. It is my hope the Senate will adopt this amendment today.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. DOLE. Mr. President, will the Senator yield me 5 additional minutes?

Mr. PASTORE. Yes; the Senator may have 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. DOLE. Mr. President, that concludes the comments of the Senator from Kansas with reference to the first amendment.

It is my understanding that amendment will be voted upon following the vote on the Ford amendment.

Depending on the outcome of the vote on the amendment offered by the Senator from Kansas, there may be a vote on the second amendment which I now send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GOLDWATER). The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. DOLE. 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 2, line 4, after the word "antemeridian" strike all through the word "1977," on line 6 and substitute the following: "on the last Sunday of October 1976 and ending at 2 o'clock antemeridian on the second Sunday of November 1976 and commencing at 2 o'clock antemeridan on the first Sunday of March 1977 and 1978, and ending at 2 o'clock antemeridian on the second Sunday of November 1977 and 1978,".

On page 2, line 14, strike "February 1, 1976" and substitute "October 30, 1976".

On page 3, line 2, strike "1977" and substitute "1978".

On page 4, after line 5, insert the following:

"Amend the title so as to read: 'A bill to provide for daylight saving time on an eight-month and one-week basis, beginning with the first Sunday in March and ending with the second Sunday in November, for a two-year period and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise.'.".

Mr. DOLE. Mr. President, this amendment would delay the effective date of S. 2931 for 1 year. The purpose of this amendment is very simple.

The reason for this delay is that we are already at a late point in the year where it would be extremely difficult or impossible for our tremendous commercial system to adjust their schedules for the time that daylight saving time would go into effect under this bill.

Today is February 25. This bill would put daylight saving time into effect in March, which is only a few weeks away.

The Air Transport Association of America provided testimony before the Senate Commerce Committee hearing on daylight saving time stating that a minimum of 60 days' advance notice would be best in order to avoid passenger confusion and delay. In other words, it is going to take 2 months for a schedule to be made so that people may understand that there has been a change.

This leadtime is needed prior to the implementation of the new daylight saving time in order to assure that published airline schedules will reflect the correct departure and arrival times.

A similar situation would exist in the bus and railroad industries. The rest of the entire transportation system in this country would also have to make adjustments in schedules. The Senator from Kansas has not heard specific leadtimes requested by railroads, bus companies, and the trucking industry, but it is clear that as much leadtime as possible would be the best situation.

So it is appropriate that we delay the effective date of this legislation for 1 year.

If this legislation is passed by the Senate today—and this Senator expects that some legislation will be passed—it will be sent to the House of Representatives. Since the House of Representatives has apparently not begun consideration of this legislation, it is entirely possible that this legislation might not even be enacted before the daylight saving time date would arrive as presently stated in the bill.

A second added benefit of adopting this amendment would be to allow 2 full years for analysis of the additional daylight saving time months. In testimony before the Senate Commerce Committee the Department of Transportation stressed the importance of having 2 years of daylight saving time in order to make an accurate analysis of the benefits and problems.

The Senator from Kansas does not feel that we should set daylight saving time schedules simply for the purpose of allowing the Department of Transportation to complete a study. However, a delay of 1 year in the effective date of this bill would be appropriate for scheduling purposes as I have just discussed and it would also have the added benefit of giving DOT 2 full years to make an analysis of the impact.

The Senator from Kansas hopes the managers of this bill might accept this amendment.

It is my understanding that the Senator from Washington, depending on the outcome of the vote on my first amendment, might be in a position to accept the second amendment.

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

Mr. DOLE. I yield.

Mr. PASTORE. Merely for the purpose of clarification of the record.

Do I correctly understand the Senator to say that if the Ford amendment should be defeated and his first amendment should be defeated as well, his third amendment would allow daylight saving time to go into effect the last Sunday of April until the second Sunday of November, for this year?

Mr. DOLE. That is correct.

Mr. PASTORE. But, then, for the next 2 years it would allow the 8 months of daylight saving time as stipulated in the bill that was reported by the committee. Is that correct?

Mr. DOLE. That is correct.

Mr. PASTORE. The reason I ask the question is that there is logic to what the Senator proposes in his second amendment. Of course, whether or not the committee will accept that amendment depends entirely upon what happens to the first and second amendments as well—that is, the first amendment and the amendment of the Senator from Kansas as well.

I understand that there seems to be an inclination on the part of the committee to go along with that concept, for the simple reason that it could not actually be put into effect under the terms of the bill that was reported by the committee. I merely want the record to show that.

Mr. DOLE. The Senator is correct. As I understand it, depending upon the outcome of the votes on the Ford amendment and the first amendment offered by the Senator from Kansas, if they are defeated, then there might be acceptance of the second amendment offered by the Senator from Kansas.

Mr. President, I yield back the remainder of my time.

Mr. PASTORE. Mr. President, this

great Republic of ours is not going to rise or fall on whether or not this measure is passed, one way or the other.

Up to now, we have been accustomed—except the last year—to begin our daylight saving time the last Sunday of April, to run until the last Sunday of October. Originally, it was the last Sunday of September. Then, of course, there was a tremendous amount of pressure on the part of recreational resorts which thought they should have a longer season, and there is a great deal of logic to that.

The argument has been made by the distinguished Senator from Kansas that this will disturb the agricultural people and the construction people. That is not the way the committee was informed. We have letters from the executive branch departments to the effect that it will have no effect. The Department of Agriculture provides this letter:

> This is in reply to your letter of January 28 regarding information on the impact on agriculture of Daylight Saving Time.
>
> The Department concludes that our previous findings reported to you for the interim report on the operations and effects of the Emergency Daylight Energy Conservation Act of 1973 remain unchanged. That is, there are no significant impacts on agricultural production.

We have a similar letter from the Department of Labor.

> This is in reply to your letter of January 28, concerning the impact on the labor force of the present Daylight Saving Time cycle.
>
> The Department of Labor has determined that the system now in use has no adverse impact on working people.

These are the reports that we get from a Republican administration, and I do not say that in any sense of impertinence. But this matter was studied by the Department of Transportation; and, as a matter of fact, the measure before the Senate now is recommended by the administration.

I repeat: To me, personally, it would not make that much difference. I am an early riser, and I go to bed rather early. But statistics do show that the genesis of this legislation was absolutely justified. It was initiated in order to save energy, and I think it does. I am not saying that it is the answer to our energy problem. It certainly is not that. But it is a step in the right direction, and that is why we initiated it in the first place.

The big argument that is being made here is: "Why do you go to the second Sunday of November?" I asked that question before the committee. I said:

> Why do you have to go to the middle of the month in order to get this thing straightened out?

The answer came up rather quickly:

> Because election day is the first Tuesday after the first Monday in November, and we do not want to change the election time at that time.

Not, I suppose, that it makes a great deal of difference whether people go to vote in the light or in the dark, but darkness has a restraining effect on the volume of the vote.

I say to the Senator that when this matter was discussed in the executive committee, I was not the manager of the bill. I am the manager of the bill for this interim period only because Mr. MAGNUSON is busy with hearing evidence on the busing situation, particularly in the State of Massachusetts, and that is why he is not here. However, I am familiar with the arguments pro and con.

I think the bill makes some sense. If we are going to do it at all, why stop in the middle of October? Imagine what is going to happen to all these candidates who are running for the Presidency if you begin to change the time in the middle of October. A lot of them are confused at the present time. Just imagine the havoc that would be wrought at that time.

[Laughter.]

When the matter came up before the committee, the gentleman who was representing the committee on this wanted to make this permanent legislation, and then somebody suggested that it be for 3 years. I interceded. I said:

> No. This is a recommendation that has been made to the committee by the department that made the investigation. They made a recommendation. You either take it in toto or you leave it alone, because the minute you begin to monkey with it, then you are going to change the whole situation.

So the measure as it stands before us now is practically the same as the measure recommended by the administration.

I repeat: I do not think the Republic is going to rise or fall one way or the other, whether we have it for 7 months, 6 months, or 8 months. But if we do it for 8 months, it might ameliorate our energy crunch. And it will help to restrain street crime. Everybody knows that the more lights you have, the less the possibility of street muggings in the evening. To what extent, I do not know. I do not think anybody ever will know for an absolute certainty. But we now have evidence that daylight saving in March and April saves about 48,000 megawatts of electricity.

If we want to be fair and sensible either we should accept the DOT recommendation or reject it. The point is that if Senators believe the arguments of the administration, if they believe the arguments of the Department that made this recommendation, they should vote against the Ford amendment and vote against the amendment that has been proposed by the distinguished Senator from Kansas. You take your choice. I should like to go for the 8 months. I should like to go along with the committee that investigated it, came up with all the statistics, and said this is the right thing to do.

If you disagree with it, naturally, you have a perfect right to vote against it. I hope that we shall resolve this thing after 3 o'clock without too much fuss, confusion, or bitterness.

Frankly, I have said all that there is to be said. I am perfectly willing to ask for a quorum call, because we cannot vote before 3 o'clock. If anybody else wants to talk, I shall yield.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. PASTORE. I yield.

Mr. STENNIS. I mean to use some time.

Mr. PASTORE. On this particular amendment, on the bill?

Mr. STENNIS. Yes.

Mr. PASTORE. I yield to the Senator all the time he needs. I have 20 minutes.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Is the time controlled?

The PRESIDING OFFICER. The time is controlled. All the time, however, belongs to the opponents.

Mr. PASTORE. I am an opponent. I shall give the Senator all the time he wants up to 3 o'clock.

Mr. STENNIS. I thank the Senator from Rhode Island.

I ask the Chair to remind me at the end of 3 minutes.

Mr. President, this is an awfully serious matter for the people who are going to have to live under this law. It is an awfully serious matter in the area where the little children go out to the highways and the byways and wait for the school bus at certain times of the year, when it is not even daylight, or barely daylight. It is a mighty serious thing to the farmer who has to put up with all the uncertainties and the penalties of the weather; and then, an hour that he cannot live with compounds all of those elements of weather that tend to beset his days and the burdens that he has to carry.

I hope that at least one of these amendments dividing up this time just a little more fairly, as it seems to us, more equitably, without penalty to any but with fairness to all, will pass.

Personally, I should rather see just the 6 and 6—6 months one and 6 months the other—but I am willing to yield on that. I shall vote for a bill that carries either one of these amendments. But there could not be anything that affects the daily livelihood, the matter of making a living, more. Let us come to those who have to make a living outdoors, first, before we get to vacationers. Vacationers have their place, and it is a great place, in the Sun. But let us see if we cannot be fair to those who work outside, carry the burdens of the weather, and furnish the food for the tables of our great Nation. I hope that those points will have some bearing, Mr. President.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, of course this matter of schoolchildren and the bus transportation problem was discussed by the committee. After all, most schools open at 9 o'clock in the morning. On the first Monday in March, we have daylight everywhere in the Nation well before the bus comes along. At least, in Rhode Island, we have daylight well before the schoolbus comes along, even with a 1-hour daylight saving time advancement.

I say frankly, if this were going to be damaging to the schoolchildren and their bus transportation, surely, I would be the first one against it. I have six

young grandchildren that I think the world of and, certainly, I am not going to jeopardize them. But I think we are overdoing this business about the bus coming around in the dark, unless we are going to transport these people from New York to Los Angeles.

It strikes me that the committee's proposal is convenient. I realize that certain States have a very parochial problem. That is why, in this bill, we gave a certain amount of latitude to the States.

But I repeat again—somebody stood up and said, "This is a very, very, very important piece of legislation." I do not know too much about the "very, very, very," but I say very frankly, whether we vote for or against this today, I think we can sleep well tonight.

I am ready to yield back my time.

Mr. DOLE. Will the Senator yield?

Mr. PASTORE. I yield.

Mr. DOLE. I think the Senator from Rhode Island has been very fair in his debate and, certainly, there are more important issues. As far as the voters or the candidates being in the dark, if the New Hampshire primary proved anything, it proved they were in the dark yesterday.

Mr. PASTORE. It all depends on whom you are for.

Mr. DOLE. It is hard to tell after the results are in. I do not know who won.

But it seems a rather flimsy reason to extend it for 2 weeks this November just to take care of Halloween and election day. The Senator from Rhode Island did not comment on Halloween.

Mr. PASTORE. I shall do that.

Mr. DOLE. I knew the Senator would.

Mr. PASTORE. I did not want to bring the goblins in, but, if the Senator wants me to bring that in, I will. I do not know where he lives, but where I live, they begin to ring my doorbell at 4:30 in the afternoon.

Mr. DOLE. I live at the Watergate. They do not even ring.

Mr. PASTORE. My wife and I have a grand time. I am glad to see that most of these children now are accompanied by their parents. We have had certain insane people passing out dangerous things to the young people. I hope we can put a stop to that.

But, as far as Halloween is concerned, they trick or treat rather early in Rhode Island. I do not know about Kansas, but they ring my doorbell around 4 or 4:30 in the afternoon. I tell the Senator they may come back the second time at 6:30. Maybe they like what we give them.

So I am not too concerned about Halloween. The whole spirit behind this bill, let us face it, was to alleviate the energy crunch. If we did not have that, I do not think we would be bothering with this legislation today. We would leave it where it is. But we are told that this will help, that it will do a lot of good.

I realize that there are certain Senators who feel, because of parochial problems, that they cannot subscribe to it. I say very frankly, I will love them just as much after they vote against me as I do now.

Mr. DOLE. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Parliamentary inquiry: Is not the next 10 minutes allotted to Mr. FORD?

The PRESIDING OFFICER. The vote is called for 3 o'clock.

Mr. PASTORE. I suggest the absence of a quorum so that he may be notified.

The PRESIDING OFFICER. In answer to the Senator's question, the next 10 minutes following the next minute will be on the Ford amendment, 5 minutes to a side.

Mr. PASTORE. May I suggest the absence of a quorum for 1 minute?

The PRESIDING OFFICER. It is within the Senator's privilege.

Mr. PASTORE. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. 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. PASTORE. Mr. President, I ask unanimous consent that Les Goldman have the privileges of the floor during the discussion on this bill, S. 2931.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR VOTE ON FORD AMENDMENT AT 3:05 P.M.

Mr. PASTORE. Mr. President, it has been called to my attention that the Senator from Illinois (Mr. STEVENSON), who landed at Dulles at 20 minutes to 3, is on his way in. I am going to ask unanimous consent that the beginning of the vote be delayed until 5 minutes past 3.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

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

Pursuant to the previous order, the Senate will now proceed to vote on the amendment offered by the Senator from Kentucky (Mr. FORD). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) and the Senator from North Carolina (Mr. MORGAN) are absent on official business.

I also announce that the Senator from Montana (Mr. METCALF) and the Senator from California (Mr. TUNNEY) are absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. MORGAN) would vote "nay."

The result was announced—yeas 31, nays 62, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—31

Abourezk	Garn	Nunn
Allen	Goldwater	Sparkman
Bentsen	Griffin	Stennis
Byrd, Robert C.	Helms	Stevens
Chiles	Hollings	Stone
Church	Hruska	Taft
Curtis	Huddleston	Talmadge
Dole	Inouye	Tower
Domenici	Laxalt	Young
Eastland	Long	
Ford	McGovern	

NAYS—62

Baker	Gravel	Nelson
Bartlett	Hansen	Packwood
Beall	Hart, Gary	Pastore
Bellmon	Hart, Philip A.	Pearson
Biden	Haskell	Pell
Brock	Hatfield	Percy
Brooke	Hathaway	Proxmire
Buckley	Humphrey	Randolph
Bumpers	Jackson	Ribicoff
Burdick	Javits	Roth
Byrd, Harry F., Jr.	Johnston	Schweiker
Cannon	Kennedy	Scott, Hugh
Case	Leahy	Scott, William L.
Clark	Magnuson	Stafford
Cranston	Mathias	Stevenson
Culver	McClure	Symington
Durkin	McGee	Thurmond
Eagleton	McIntyre	Weicker
Fannin	Mondale	Williams
Fong	Montoya	
Glenn	Moss	
	Muskie	

NOT VOTING—7

Bayh	McClellan	Tunney
Hartke	Metcalf	
Mansfield	Morgan	

So Mr. FORD'S amendment was rejected.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. BARTLETT). The question now is on agreeing to the Dole amendment No. 1. On this question the yeas and nays have been ordered.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. I understand that we are now going to vote, and the yeas and nays have been ordered, on the so-called Dole amendment.

The PRESIDING OFFICER. Dole amendment No. 1.

Mr. MAGNUSON. Which would change the committee's bill to 7 months of daylight saving time from mid-March to mid-October for 1977 and 1978.

Mr. DOLE. Seven months of daylight saving time; that is correct.

Mr. MAGNUSON. And then there is a second Dole amendment. The commit-

tee will accept that amendment if the first Dole amendment fails. So we will not have to vote on that. I assume the Senator from Kansas will withdraw his second amendment, if the first Dole amendment is passed.

The PRESIDING OFFICER. The question is on agreeing to the Dole amendment No. 1. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) and the Senator from North Carolina (Mr. MORGAN) are absent on official business.

I also announce that the Senator from Montana (Mr. METCALF) and the Senator from California (Mr. TUNNEY) are absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. MORGAN) would vote "yea."

The result was announced—yeas 48, nays 45, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—48

Abourezk	Eastland	Nunn
Allen	Fannin	Packwood
Bartlett	Ford	Pearson
Bellmon	Garn	Proxmire
Bentsen	Goldwater	Randolph
Biden	Griffin	Schweiker
Buckley	Hansen	Scott,
Burdick	Hart, Philip A.	William L.
Byrd,	Helms	Sparkman
Harry F., Jr.	Hruska	Stennis
Byrd, Robert C.	Huddleston	Stevens
Chiles	Humphrey	Stone
Church	Laxalt	Taft
Culver	Long	Talmadge
Curtis	McGovern	Tower
Dole	Mondale	Young
Domenici	Nelson	

NAYS—45

Baker	Haskell	Montoya
Beall	Hatfield	Moss
Brock	Hathaway	Muskie
Brooke	Hollings	Pastore
Bumpers	Inouye	Pell
Cannon	Jackson	Percy
Case	Javits	Ribicoff
Clark	Johnston	Roth
Cranston	Kennedy	Scott, Hugh
Durkin	Leahy	Stafford
Eagleton	Magnuson	Stevenson
Fong	Mathias	Symington
Glenn	McClure	Thurmond
Gravel	McGee	Weicker
Hart, Gary	McIntyre	Williams

NOT VOTING—7

Bayh	McClellan	Tunney
Hartke	Metcalf	
Mansfield	Morgan	

So Mr. DOLE's amendment No. 1 was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2 of the Senator from Kansas (Mr. DOLE). On this question the yeas and nays have been ordered.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that I may have 1 minute to discuss the next amendment with the Senator from Kansas.

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

Mr. MAGNUSON. As I understand it, the last vote makes moot the Senator's second amendment, and therefore he should withdraw it.

Mr. DOLE. The amendment of the Senator from Kansas which was just adopted makes d.s.t. effective the second Sunday in March. So the Senator from Kansas withdraws his second amendment, but this Senator would still feel that as a practical matter it is too late this year to implement d.s.t. by the second Sunday in March. It is the hope of this Senator that the House of Representatives will delay the effective date until 1977. By the time this bill is taken up in the House, the second Sunday of March 1976 may have already passed so that making the bill effective in 1977 will be appropriate.

The PRESIDING OFFICER. Is there objection to the amendment being withdrawn? The Chair hears none, and it is so ordered.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. The vote now will be on final passage, on which the yeas and nays have been ordered. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the Clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) and the Senator from North Carolina (Mr. MORGAN) are absent on official business.

I also announce that the Senator from Montana (Mr. METCALF) and the Senator from California (Mr. TUNNEY) are absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. MORGAN) would vote "yea."

The result was announced—yeas 70, nays 23—as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—70

Baker	Dole	Hatfield
Bartlett	Domenici	Hathaway
Beall	Durkin	Hruska
Bellmon	Eagleton	Humphrey
Biden	Eastland	Inouye
Brock	Fannin	Jackson
Brooke	Fong	Javits
Buckley	Glenn	Kennedy
Byrd,	Goldwater	Laxalt
Harry F., Jr.	Gravel	Leahy
Byrd, Robert C.	Griffin	Magnuson
Cannon	Hansen	Mathias
Case	Hart, Gary	McGee
Cranston	Hart, Philip A.	McIntyre
Culver	Haskell	Mondale
Montoya	Proxmire	Stafford
Moss	Randolph	Stennis
Muskie	Ribicoff	Stevens
Nelson	Roth	Stevenson
Packwood	Schweiker	Symington
Pastore	Scott, Hugh	Thurmond
Pearson	Scott,	Weicker
Pell	William L.	Williams
Percy	Sparkman	Young

NAYS—23

Abourezk	Curtis	McClure
Allen	Ford	McGovern
Bentsen	Garn	Nunn
Bumpers	Helms	Stone
Burdick	Hollings	Taft
Chiles	Huddleston	Talmadge
Church	Johnston	Tower
Clark	Long	

NOT VOTING—7

Bayh	McClellan	Tunney
Hartke	Metcalf	
Mansfield	Morgan	

So, the bill (S. 2931), as amended, was passed as follows:

S. 2931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Daylight Saving Time Act of 1976".

SEC. 2. (a) Notwithstanding the provisions of section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)), the standard of time of each zone established by the Act of March 19, 1918 (15 U.S.C. 261–264), as modified by the Act of March 4, 1921 (15 U.S.C. 265), shall be advanced one hour during the periods commencing at 2 o'clock antemeridian on the second Sunday of March 1976 and 1977, and ending at 2 o'clock antemeridian on the second Sunday of October 1976 and 1977, respectively, and such time as so advanced shall for the purposes of such Act of March 19, 1918, as so modified, be the standard time of each such zone; except that

(1) any State that lies entirely within one time zone may by law exempt itself from the provisions of this subsection providing for the advancement of time, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable during that period, and (2) any State with parts thereof in more than one time zone may by law exempt either the entire State as provided in (1) or may exempt the entire area of the State lying within any time zone.

(b) Any law in effect on February 1, 1976, adopted by a State pursuant to section 3(a) of the Uniform Time Act of 1966 shall be held and considered to remain in effect as the exercise by that State of the exemption permitted by subsection (a) of this section unless that State, by law, provides that such exception shall not apply for the purpose of subsection (a) of this section.

(c) The provisions of subsections (b) and (c) of section 3 and section 7 of the Uniform Time Act of 1966 shall apply to the provisions of this section.

SEC. 3. (a) The Secretary of Transportation shall, on or before July 31, 1977, submit a report to the Congress on the operation and effects of this Act. Such report shall give particular attention to such effects on the use of energy in the United States, traffic safety, including the safety of children traveling to and from school, and the effect on school hours. Such report shall also include such recommendations for legislation or other action as the Secretary may determine. The report shall include any recommendations of the Secretary with respect to time zone limits.

(b) The Secretary of Transportation shall consult with the departments, agencies, and instrumentalities of the United States having

information or expertise with respect to the operation and effects of this Act. Each such department, agency, and instrumentality shall exercise its powers, duties, and functions in such manner as will assist in carrying out the provisions of this section.

SEC. 4. Notwithstanding any other law or any regulation issued under any such law, the Federal Communications Commission shall, consistent with any existing treaty or other agreement, make such adjustment by general rules, or by interim action pending such general rules, with respect to hours of operation of daytime standard amplitude modulation broadcast stations, as may be consistent with the public interest, including the public's interest in receiving interference-free service. Such general rules, or interim action, may include variances with respect to operating power and other technical operating characteristics. Subsequent to the adoption of such general rules, they may be varied with respect to particular stations and areas because of the exigencies in each case.

Mr. MAGNUSON. I move to reconsider the vote by which the bill was passed.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I have an amendment to the title of the bill. I ask that it be considered.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Amend the title so as to read: "To provide for daylight saving time on a seven-month basis, beginning with the second Sunday in March and ending with the second Sunday of October, for a two-year period beginning with the second Sunday in March of 1976 and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise.".

The PRESIDING OFFICER. The question is on agreeing to the amendment to the title.

The amendment was agreed to.

NATIONAL RESOURCE LANDS MANAGEMENT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 507, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 507) to provide for the management, protection, and development of the national resource lands, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The time for debate on the Hansen amendment No. 1392 is limited to 30 minutes, with 20 minutes to the Senator from Wyoming (Mr. HANSEN) and 10 minutes to the Senator from Colorado (Mr. HASKELL).

The amendment is as follows:

SEC. 6. (b) Notwithstanding any other provision of law and except where a smaller fee is necessary to meet the objectives of other federally sponsored programs and except where the cost of collection of the fee would exceed the amount collected, the Secretary, with respect to the commercial grazing of domestic livestock on the public lands under the Taylor Grazing Act (43 U.S.C. 315) and the Act of August 28, 1937 (43 U.S.C. 1181a–1181j), and the Secretary of Agriculture, with respect to the commercial grazing of livestock on lands within the national forest system in the eleven Western States, shall charge an annual fee per animal unit month for such grazing which shall be computed for group I land by multiplying $1.70 by the beef price index minus the cost-of-production index plus one hundred, and for group II land, by multiplying $1.40 by the beef price index minus the cost-of-production index plus one hundred, where:

(a) Lands will be designated as group I land or group II land as determined by the district manager in the case of the Bureau of Land Management, and the forest supervisor in the case of the Forest Service, using the immediate preceding year or the most recent range survey to determine the amount of forage required for one animal unit month.

(1) Group I land shall be that which requires less than eleven acres to provide sufficient forage for an animal unit month.

(2) Group II land shall be that which requires eleven acres or more to provide sufficient forage for one animal unit month.

(3) The land classifications described in paragraphs (1) and (2) shall be carried to the district or forest unit level. Existing allotment management plans shall be classified as group I land or group II land. All future allotment management plans shall be classified as group I land or group II land.

(b) The beef price is the price reported to the Statistical Reporting Service, United States Department of Agriculture, representing average prices received for beef cattle in the eleven Western States.

(c) The beef price index for any fee year is computed by dividing the simple average of the beef prices for the preceding three years by the simple average of the base years 1964–1968.

(d) The cost-of-production index is an index of prices paid by farmers for commodities and services, interest, taxes, and farm wages as collected and published by Statistical Reporting Service, in Agricultural Prices, United States Department of Agriculture.

(e) The cost-of-production index for any fee year is computed by adding the cost-of-production index for each of the three preceding years and dividing by three.

(f) The term "animal unit month of grazing" as used in this section means the forage required by the grazing of one cow and calf or its equivalent for a period of one month. One cow shall, for the purpose of this definition, be considered the equivalent of one horse or five sheep or goats.

The PRESIDING OFFICER. Who yields time?

Mr. HASKELL. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I wish to yield a few minutes to the distinguished Senator from New Mexico (Mr. DOMENICI).

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 3 minutes.

Mr. DOMENICI. Mr. President, I commend the distinguished Senator from Wyoming for introducing this amendment. I hope the Senators understand that this bill is not an effort on the part of the Senator from Wyoming and those who cosponsored this to lower the grazing fees to be paid by the cattlemen who use the public domain. Quite to the contrary. This is just an alternate way of setting the per-acre fee. Instead of relating the fee to what is presently being used or proposed, which is to relate it to private land and its leasehold price, this will relate the permit price to the cost or market value of beef on an annual basis.

Those of us who propose it know the fees will go up and that eventually they will go up substantially. But we feel it is far more relevant to relate it to the cost or market value on an annualized basis of beef.

This will mean that the permit fee will be related to the marketplace and will move up and down with what it costs to bring beef onto the marketplace. We all think that is a much better approach, and most cattle people will accept a higher cattle fee if it is tied to something as rational as this item.

Second, this amendment of Senator HANSEN will create two kinds of grasslands basically, and for those who would just want to talk about it in layman's language, the very good grassland would bring a better fee than the very poor grassland, and the way the amendment distinguishes is on the number of acres that are needed per unit. You will draw the line at 11 so that poor grazing land which uses 11 or more acres per calf unit would have a different grazing fee than the 11 or less which are better.

We all feel this will bring additional revenue, will cause the fees to go up, but in proportion to something that is directly related to the industry, and certainly will not be related to something such as private leasehold payments which, we are convinced, have no real relationship in the public domain stage to what the public domain should bring in the marketplace and in the cattle industry.

We are also very concerned, Mr. President, that this particular increase, unless changed by this law, which is a full 51-percent increase, comes at a most disadvantageous time. The industry has not recovered from the bad years, and in this particular year we are adding 51 percent across the board to the grazing fees with no distinction as to good, inferior, or bad grazing land, just adding it and then, thereafter, it will be related to this rather fictitious relationship of private land which really has no true place in the market.

I thank the distinguished Senator from Wyoming for yielding.

The PRESIDING OFFICER (Mr. PACKWOOD). The Senator's time has expired.

Mr. HANSEN. Does the Senator wish any more time? Has he had enough time?

Mr. DOMENICI. I have stated my views. I thank the Senator for yielding.

Mr. HASKELL. Mr. President, I oppose this amendment principally because I do not know what its economic effects would be. For those Senators who may be present or for the staff aides who may be present, let me read from the amendment. I saw this the day before yesterday. Here is how the fees are prescribed.

The Secretary of Agriculture . . . shall charge an annual fee per animal unit month for such grazing which shall be computed for group I land by multiplying $1.70 by the beef price index minus the cost-of-production index plus one hundred—

And for group II land—

by multiplying $1.40 by the beef price index minus the cost-of-production index plus one hundred . . .

I have not got the faintest idea what it does, although I suspect it reduces grazing fees.

Mr. President, I ask unanimous consent to have printed in the RECORD letters of opposition to this particular amendment—a letter signed by the National Wildlife Federation, and another letter signed by 10 different environmental groups—preceded by a letter from the chairman of the Interior Committee and the chairman of the Subcommittee on Minerals, Materials, and Fuels.

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

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C., February 25, 1976.

DEAR COLLEAGUE: We urge you to vote against Senator Hansen's amendment (No. 1392) to S. 507, the National Resource Lands Management Act.

The Hansen Amendment would, for the first time, establish a statutory formula for fees to be charged for the grazing of domestic livestock (cattle, sheep and horses) on national resource lands administered by the Bureau of Land Management and the National Forest Lands administered by the U.S. Forest Service.

All of the provisions of S. 507 apply only to lands administered by the Bureau of Land Management. We see no justification to expand the scope of the bill to include National Forest Lands.

Federal land grazing fees have a long and very controversial history. In 1969 the Secretaries of the Interior and Agriculture established a grazing fee formula, based on the comprehensive 1966 Western Livestock Grazing Survey Act designed to set Federal land grazing fees at fair market value by 1980. We believe that the present formula is sound. It—

(1) is based on the fair market value concept—the amount a prospective user is willing to pay for that product;

(2) complies with the statutory mandate in the Independent Offices Appropriations Act of 1952 that the fees charged by Federal agencies shall be self-sustaining to the fullest extent possible and fair and equitable to the user;

(3) complies with the policy expressed in section 3(b)(vi) of S. 507: "assure payment of fair market value by users of (BLM) lands"; and

(4) is accepted by conservation groups, the general public and non-public land livestock interests, all of whom were concerned about the Federal subsidy for western livestock interests inherent in fees set below fair market value.

The Hansen amendment is faulty because (1) the Beef Price Index does *not include sheep prices*, (2) the Cost of Production Index includes prices paid by *all* farmers not just ranchers for *all* commodities bought including interest, taxes and wage rates, and (3) does not relate the return to the public for its property—the public land forage—to the value of that property.

The National Resources Council of America and the National Wildlife Federation oppose the amendment.

The Committee has agreed to hold promptly a hearing on the issues to which this proposal attempts to respond.

We urge you to vote against the amendment.

HENRY M. JACKSON,
Chairman.

LEE METCALF,
Chairman, Subcommittee on Minerals, Materials, and Fuels.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., February 25, 1976.

Hon. FLOYD K. HASKELL,
Chairman, Subcommittee on the Environment and Land Resources, Interior and Insular Affairs Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The National Wildlife Federation appreciates your invitation to comment on S. 507, the proposed Natural Resources Land Management Act.

The Federation has long been on record as supporting, in principle, the major thrust of S. 507. The bill will provide long needed policy direction and authority to properly administer the millions of acres of public lands under the stewardship of the Bureau of Land Management.

However, our support of S. 507 does not extend to proposed amendment No. 1392 which would legislate a new grazing fee formula. NWF is firmly opposed to such an amendment.

In our judgment, the Senate would be well advised to indicate its support for the equitable formula now in use by rejecting the proposed amendments which would subsidize private livestock use of public lands at the expense of other natural resource values. The existing formula was developed only after long study and at considerable cost as part of the comprehensive interagency Western Livestock Grazing Survey conducted in 1966. The objective of requiring private grazers to pay fair market value for forage on public lands is finally being achieved. It would be most unfortunate, for the public therefore, if proposed Amendment No. 1392 was approved by the Senate.

Thank you for this opportunity to express our views.

Sincerely yours,

THOMAS L. KIMBALL,
Executive Vice President.

FEBRUARY 24, 1976.

DEAR SENATOR: The Nation's major conservation and environmental organizations strongly endorse the objectives of S. 507, the Natural Resources Lands Management Act schedueld for floor vote Wednesday, February 25. The bill will provide needed policy direction and authority to administer the nearly one fifth of this country's land surface entrusted to the Bureau of Land Management.

However, we strongly oppose pending amendment No. 1392 which seeks to write a grazing fee formula into law. By rejecting this undesirable amendment, the Senate will uphold the equitable formula now being used, a formula that was developed at the expenditure of millions of dollars in the comprehensive interagency 1966 Western Livestock Grazing Survey. Amendment No. 1392, if approved, would subsidize private livestock use of public lands to the detriment of their other resource values. Only by continuing to require payment of fair market value can misuse of public lands be avoided.

Yours truly,

American Forestry Association, William E. Towell, Executive Vice President; Boone and Crockett Club, Frederick C. Pullman, Conservation Chairman; Citizens Committee on Natural Resources, John M. Burdick, Executive Director; Friends of the Earth, George Alderson, Legislative Consultant; International Association of Game, Fish and Conservation Commissioners, John S. Gottschalk, Executive Vice President; Izaak Walton League of America, Maitland S. Sharpe, Environmental Affairs Director; National Audubon Society, Charles Callison, Executive Vice President; Sierra Club, Charles M. Clusen, Washington Representative; Sport Fishing Institute, Richard H. Stroud, Executive Vice President; Wildlife Management Institute, Daniel A. Poole, President.

Mr. HASKELL. I offered to the Senator from Wyoming to hold hearings on the issues addressed by his amendment. My offer still stands if his amendment fails because I think we ought to know what we are talking about.

I point out if the amendment does what I suspect it does, that is, reduce the grazing fees on public lands, obviously, it discriminates against the person who happens to graze his livestock on private lands.

So, because I do not know what the amendment does, and because I suspect it reduces fees, thereby discriminating against people using private lands, I oppose the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. Mr. President, I yield such time to the Senator from Idaho as he may require.

Mr. McCLURE. Mr. President, I thank the Senator for yielding this time. I will be brief.

I am a little puzzled when the manager of the bill says, "I oppose this amendment because I do not understand what it means." Then he says he has had 2 days to study it. Various other people have had time to study it, and they know what it means.

The Senator from Colorado said, in addition to that, a moment ago, that he suspected it would lower grazing fees. Well, it would have the effect of making the fee more responsive to the changes in market in precisely the same way that we have fluctuations in the cost of timber harvested from resource lands in fluctuations according to the market.

It just does not seem to me that there is anything very pernicious about this, certainly nothing very hidden about it. Certainly it is out in the open that it is the intention of the people who are sponsoring the amendment, certainly of myself, to make the fee a related fee to the market of the resource that is being marketed as a result of the grazing upon the national resource lands.

While the formula may appear complex on its face, I think every analysis I have seen of it, even by those who are opposed to it, recognizes that it might in some events result in a lowered grazing fee. It might also in other events result in a higher grazing fee, and I think the opposition, therefore, is not well-founded on that basis of uncertainty, and certainly it should not be turned down because some one person or other says, "I do not know what it means."

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I want to say, in all honesty, to the Senator from Colorado that, perhaps, the objection that is lodged by the various groups that he mentioned might very well be lodged because of the two tiers. But, as a matter of fact, on pricing, I might say to my good friend from Colorado, I can assure him that this will not yield less. In fact, it will go up the first year over the $1.51 that is presently contemplated, but in the future it would be tied to a different relationship than what private lands in the public domain may be leasing for.

The objection could very well be that we have set a unit where you may have

more than 11 acres per unit that gets the lower price, and I would assume if there is objection, principally it is that. But we do not propose that it be less. Basically it will be higher under this but related to a different marketplace fact.

Mr. HASKELL. Mr. President, I yield myself 1 minute.

I oppose this amendment because I do not understand it, and the formula is complex. Maybe it is meritorious. As I told my friend from Wyoming, I would be very pleased to have hearings on this subject.

But my principal concern is the vast uncertainty surrounding this proposal. Quite simply, no public record has been established on this proposal and its advantages and disadvantages. The amendment provides for the first time a statutory base for determining grazing fees. Its formula is very complicated. I simply do not know what the full economic impact of this proposal would be.

I think it highly undesirable to place in a Senate-passed bill a provision to set fees for use of a public resource when we have so little knowledge as to what the impact of the formula would be. This is especially true when the present fee structure will bring in over $25 million in fiscal year 1976 and over $34 million in fiscal year 1977.

Mr. President, I urge my colleagues to vote against this amendment. I do so with a pledge to promptly hold hearings on this and any other proposal which attempts to respond to the issues raised by the present grazing fee system.

I am prepared to yield back the remainder of my time if the Senator from Wyoming is. I ask for a 10-minute rollcall on this vote and on the succeeding vote.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment of the Senator from Wyoming. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. HANSEN. Mr. President, may I be heard?

Mr. HASKELL. The Senator from Wyoming did not say whether he yielded back all his time.

The PRESIDING OFFICER. Does the Senator from Wyoming yield back his time?

Mr. HANSEN. Mr. President, the situation we are trying to address is brought about by the fact that about 2 percent of the livestock, the cattle, that are raised in the United States today graze at some time during their lives upon the publicly-owned lands of the United States. We are not talking about a lot of cattle in terms of total numbers but, nevertheless, that 2 percent is important to the continuing welfare of many, many small communities and counties and, indeed, States of the West.

The fact is also that the grower, the breeder of cattle has been in a very difficult situation. But the fact is they have been going out of business. When this happens, the jobs that were provided by those ranching operations suddenly vanish. The support that goes to communities dries up. The tax base is eroded as poorer uses have to be made of these ranch properties. The absence of the livestock from the tax rolls hurts schools, hurts communities, hurts businesses throughout the West.

This formula, I grant and agree with my good friend from Colorado, is not easily understood unless you are familiar with the livestock business, and if you are, as BLM people are and as forest people are, it makes good sense. In fact, it says simply two things: If the price of livestock increases, the grazing fees will reflect proportionately a like increase. If they drop lower the grazing fee that will be levied the next year will be lower in a proportional amount.

It also takes cognizance of the fact that there is a difference—as has been pointed out by the Senator from New Mexico—in lands. That some lands are not as good as other lands. In Wyoming we have areas where it may take at least 160 acres or even as much as a section to graze one cow for 1 year.

That is about the limit.

There are other parts of the West where the grasses are very verdant and they are densely found growing on the land. It recognizes that that sort of difference can make the difference in how fat an animal and how much growth will take place during the grazing season.

This bill is important if we want to keep people in the cow business.

I am surprised at the environmental groups who were so greatly concerned about trying to keep little ranchers on the land when they wanted the strip mining, but suddenly now dry up their support and say that this does not matter, they wanted it as long as it was strip mining, but go down the drain on this one?

I have to say that I hope this amendment, which has wide bipartisan support, will prevail.

I yield such time as the Senator from Arizona may desire.

Mr. FANNIN. I thank the distinguished Senator from Wyoming.

I support this amendment. I feel that if consideration is given the livestock people that they are justly deserving, this amendment will be readily approved.

We have many acres in the West. In fact, sections of land yield very little grazing fodder, but they are used for that purpose.

We have many benefits that accrue to the people in those areas. For instance, the hunters and the people that are visiting those areas that want to have some protection.

The ranchers certainly give that protection in many instances. Fencing is maintained in many instances by the ranchers. We have stocked ponds. Many services are performed by these livestock people that could not otherwise be performed.

Certainly, over the years, they have suffered from drought. They have had very difficult times. They have not been subsidized, as many others. They have fought their own battle.

It seems only fair and equitable they have this opportunity to have a formula that would give them a fair break.

Mr. President, it is my pleasure to be a cosponsor of the pending amendment. Consequently, I would like to address the economic sense that this amendment would make.

To begin with, consumers have been a major concern of the Congress in recent years. We have been very aware of the high increases in vital commodities such as food and energy, and have sought to bring relief by various measures. Though our methods of aiding consumers come under considerable debate, there is never argument over our sincere desire to stabilize the cost of living in America.

Thus the recent grazing fee increases were very unwelcome. It is estimated that the 51-percent increase in stock grazing on our public lands will cost western cattlemen and wood growers over $5 million in 1976. And though consumers will eventually bear this burden, the immediate impact will be on the ranchers—who are already coping with a 25-percent cost-of-production increase in the cattle business coupled with a 20-percent beef selling price decrease, since 1973. Their costs are going up and their selling price going down.

Mr. President, this policy is further aggravated by the increasing trend by the BLM and Forest Service to cut back grazing allotments, rather than implement range improvement methods. How do we justify these activities to the ever-dwindling numbers of cattlemen and woolgrowers; and how do we justify these actions to consumers?

This amendment would at least assure a direct relationship between livestock prices and grazing fees. If adopted, this provision would still provide reasonable fees to the Forest Service and BLM, with percentages for range improvement that are consistent with the Taylor Grazing Act. But, it would also provide for consideration of the beef price index and cost of production, to justify further increases in grazing fees.

The public lands should be managed on behalf of and in the interest of the American people. This amendment would further that goal.

Mr. President, I ask unanimous consent that an article "Grazing Fee Rise Angers Stockmen," which appeared in the February 2 issue of the Arizona Daily Star, be printed in the RECORD.

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

GRAZING FEE RISE ANGERS STOCKMEN

(By Gil Russell)

Arizona stockmen are up in arms over recent increases averaging almost 50 per cent in the fees they pay the federal government to graze livestock on public lands.

Despite a congressional study contending that the grazing fees amount to less than 1 per cent of the cost of a ranching operation, John Olson, executive vice president of the Arizona Cattle Growers Assn., said the boosts "will most assuredly put some small operators out of business."

Olson said he "can't understand why Congress felt the need to make the increase so extreme."

As of Jan. 1, the fee for grazing cattle on national forest land went from $1.11 to $1.60 per cow per month. On lands administered by the Bureau of Land Management the fee was increased from $1 to $1.51.

The increases were ordered by Congress to

bring the fees to a level more closely reflecting their true value, and follow several smaller increases since 1969.

Continued fee boosts are in store for cattlemen through 1980, said Charles Ames, chief of grazing operations on the Coronado National Forest headquartered in Tucson. By then, he said, grazing fees for BLM and Forest Service lands will be roughly equal and represent their true value.

Olson said the increases will create hardships for all ranchers who depend on public lands for grazing. They will add to the cost of ranching and decrease the value of ranches by making them less profitable, he said.

Ted Lee, owner of a Hereford breeding operation near Willcox, said, "I think government land is plenty high-priced now." Ranching on private land is cheaper, according to Lee, because property taxes on private land are less per acre than lease rates for public land.

Lee, who has control over about 64,000 acres, including his permit for grazing on Coronado National Forest and BLM land, said the increased fees will ultimately affect the consumer in the form of higher beef prices.

Lee said the fee increases "will knock some of the marginal (ranch) operators out of business. Not necessarily the smallest but the least efficient. I guess you'd say it's just another of those costs we'll have to bear."

Congress postponed increasing the fees last year because of the depressed cattle market, and justified the sharp increases Jan. 1 on the basis of improved market conditions during 1975. Olson, however, contends that other ranching costs have more than devoured any increased revenues for cattle.

"The cattleman is in no better shape now than he was a year ago," Olson said. "Costs have gone up like you wouldn't believe."

About 227,800 head of cattle are grazed on BLM land in Arizona, a total of 12.8 million acres, mostly along the Colorado River. About 1.3 million acres of BLM land is in the Safford area.

There are 12 million acres in national forests in Arizona, including 1.8 million within the Coronado National Forest. About 36,000 head of cattle are grazed on the Coronado.

Mr. HANSEN. Mr. President, let me yield back the remainder of my time after first reserving such time as there may be for the use of the distinguished Senator from Colorado. I know he wants to speak now. Whatever time he needs over what he may have, I yield to him, and if there is any left, I yield it back.

The PRESIDING OFFICER. I think I understand. The Senator is giving him the remainder of his time that he needs.

Mr. HANSEN. Mr. President, I am making a very generous gesture.

Mr. HASKELL. Mr. President, the Senator from Wyoming always makes very generous gestures.

I merely reiterate, I do not understand what this amendment does.

I have received a letter from somebody who may not understand it, either, in the Grand Junction area, grazing on private lands, who, to say the least, was somewhat vehement against this amendment because it said it would place ranchers who graze their livestock on private land at a competitive disadvantage.

I am perfectly willing to have hearings on the subject. As a matter of fact, I think there should be hearings on the existing grazing fee structure and proposals to alter it.

With that, I hope the Senate will defeat the amendment.

ADDITIONAL STATEMENTS SUBMITTED ON AMENDMENT NO. 1392

Mr. DOMENICI. Mr. President, I support the amendment introduced by the distinguished Senator from Wyoming (Mr. HANSEN). This amendment is designed to take care of a problem which has faced the livestock industry for many years. This amendment contains a reasonable formula for establishing grazing fees on public lands which is fair to the rancher and it also provides a fair and equitable return to the Government for the use of the forage resources on public lands.

The present system of arriving at grazing fees is subject to administrative whim on a year-by-year basis which makes it difficult for the rancher to plan for the future. This amendment will provide stability by establishing a statutory fee formula.

Recently, a 50-percent increase in grazing fees was announced by the administration. This increase threatens the very existence of many livestock producers, particularly, the small younger livestock producer who may be operating on small margins of equity. The small rancher has no recourse but to pass along his increased operating costs, and his grazing fee expense is a significant part of those costs.

A healthy livestock industry is necessary to the welfare of the Nation, and in my own State of New Mexico, this industry is very important because farming is a major industry—second only to the mineral extractive industry—and two-thirds of the farm receipts are from livestock. In New Mexico the Federal Government owns millions of acres; therefore, the livestock industry is heavily dependent on federally owned grazing lands.

Under present law, the establishment of grazing fees on Federal lands is left to administrative determination. The proposed 50-percent increase follows a moratorium on fee increases in 1975. In recent years there have been many sharp increases of these fees with no recognition of the economic conditions of the livestock industry. The rancher in the West is confronted with an uncertain situation in a matter that is of fundamental economic importance to his operations. By establishing a formula governing the fixing of fees for grazing rather than by administrative fiat, much of this economic uncertainty facing our western stockmen would be eliminated.

Some have argued that grazing charges on public land should be set at a level comparable to those for similar private land. This argument completely fails to recognize that ranchers utilizing public domain lands must make substantial investments in connection with their use of the acreage. Expenditures for range improvement, facilities and outlays for other purposes have costs, and will continue to cost these ranchers a great deal. These investments are not required on private land or the costs are reflected in higher land values to the landowner. It is imperative that these factors be considered in setting of grazing fees.

On public domain land grazing permits and leases, there is no term fixed. The Government can, at any time, cancel the permit or lease if the lands are to be devoted to some other use. Except in very limited circumstances, the Secretary has absolute discretion to refuse to renew a permit, and also, with the exception of limited situations, no provision is made for the recovery of the losses sustained by the permittee or lessee when the permit or lease is terminated.

Therefore, public domain permits and leases differ significantly from private leases. Normally, private leases are negotiated for specific periods of time. The leases are noncancellable, and if the lessor interferes with or prevents the lessee's use of the land during the period of the lease, he may be required to respond in damages to the lessee for any losses resulting from his action.

Another factor which must be considered when setting fee level is the economic strength and well-being of the industry. Failure to heed this can only lead to worsening the economic difficulties livestock producers often face.

Mr. President, no responsible livestock operator expects to use the public lands free of charge; however, the amount he pays should bear a reasonable relationship to the value of that use. This amendment accomplishes this goal by revising the grazing fee formula to take into account the cost of livestock production and the price received for meat animals by using the beef price index and the cost-of-production index.

Mr. McGEE. Mr. President, I wish to add my support to the amendment offered by my distinguished friend and colleague, Senator HANSEN. As you may know, the Departments of the Interior and Agriculture will raise the price of grazing on public lands some 51 percent on March 1. Yet, this grazing fee increase comes at a time when the stockgrower is receiving less for his product while his operating costs are climbing steadily.

Beef prices for instance, have decreased from $43 per hundredweight in 1973 to $32.20 per hundredweight in 1975 according to Department of Agriculture figures. Livestock producers are therefore being forced to pay increased grazing fees at a time when they can least afford it. The Department of the Interior has stated that they wish to arrive at a fair market value fees system. But what is "fair market value" on public lands when the fees charged may drive some permittees out of business? Does this return a "fair market value" to the producer? Does it assist in controlling inflation and lessen food costs to the consumer? I think not.

Mr. President, this amendment would address some of the obvious inequities in the present grazing fee system. It would establish a simple formula by which the cost of livestock production and the price received for these animals would be also tied to ability of public lands to support grazing. Under this formula the producer would not have to bear the brunt of drastic changes in price structure and would pay for grazing in a manner that would reflect the ability of the land to support his stock.

Mr. BUCKLEY. I have long been bothered by the fact that the Federal controls such vast acreage that is substantially devoted to private uses—such as

grazing. Land is kept off local tax rolls, and the marketplace cannot function in establishing competitive—therefore reasonable fees and rentals.

It is in this context that I conclude that the Hansen proposal, on balance, will prove favorable. The value of grazing rights is a function of the net value of the meat it will produce. To peg grazing rights is a function of the net value of the wheat it will provide. To pay rentals to the price of beef and productivity appears to me is as reasonable a basis as any other for setting rentals on land owned by a monopoly landlord.

Mr. HASKELL. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Wyoming. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MATHIAS. Mr. President, on this vote I have a live pair with the Senator from Oregon (Mr. HATFIELD). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD), the Senator from North Carolina (Mr. MORGAN), the Senator from New Hampshire (Mr. DURKIN), and the Senator from New Mexico (Mr. MONTOYA) are absent on official business.

I also announce that the Senator from Montana (Mr. METCALF), and the Senator from California (Mr. TUNNEY) are absent because of illness.

On this vote, the Senator from New Mexico (Mr. MONTOYA) is paired with the Senator from North Carolina (Mr. MORGAN).

If present and voting, the Senator from New Mexico would vote "yea" and the Senator from North Carolina would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent.

The result was announced—yeas 36, nays 53, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—36

Abourezk	Fong	Moss
Baker	Garn	Pearson
Bartlett	Goldwater	Randolph
Bellmon	Gravel	Scott, Hugh
Bentsen	Griffin	Scott, William L.
Buckley	Hansen	Stennis
Cannon	Helms	Stevens
Church	Hruska	Thurmond
Curtis	Inouye	Tower
Dole	Laxalt	Young
Domenici	McClure	
Eastland	McGee	
Fannin	McGovern	

NAYS—53

Allen	Chiles	Hollings
Beall	Clark	Huddleston
Biden	Cranston	Humphrey
Brock	Culver	Jackson
Brooke	Eagleton	Javits
Bumpers	Ford	Johnston
Burdick	Glenn	Kennedy
Byrd, Harry F., Jr.	Hart, Gary	Leahy
Byrd, Robert C.	Hart, Philip A.	Long
Case	Haskell	Magnuson
	Hathaway	McIntyre
Mondale	Percy	Stevenson
Muskie	Proxmire	Stone
Nelson	Ribicoff	Symington
Nunn	Roth	Taft
Packwood	Schweiker	Talmadge
Pastore	Sparkman	Weicker
Pell	Stafford	Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mathias, against.

NOT VOTING—10

Bayh	Mansfield	Morgan
Durkin	McClellan	Tunney
Hartke	Metcalf	
Hatfield	Montoya	

So Mr. HANSEN's amendment No. 1392 was rejected.

Mr. JACKSON. Mr. President, I am pleased to join with the distinguished senior Senator from Colorado in calling for the prompt enactment of S. 507, the National Resource Lands Management Act.

The Federal Government has long overlooked the national resource lands. This valuable resource comprises 20 percent of our entire land base and 60 percent of all Federal property. The neglect of this, our largest single block of federally owned lands must come to an immediate halt. Unfortunately, Mr. President, the Congress must share the blame for the lack of proper attention to these lands. Over the years we have legislated rather extensively concerning other Federal land systems, such as the national forests, parks, wildlife refuges, and wilderness systems; but, in my judgment, we have failed to provide adequate statutory protection for the greatest public land resource—the national resource lands.

The public lands of the United States have always provided the arena in which we Americans have struggled to fulfill our dreams. Even today many dreams of wealth, adventure, and escape are still being acted out on these far-flung lands. These lands and the dreams—fulfilled and unfulfilled—which they foster are a part of our national destiny. They belong to all Americans.

What we do with the public lands of the United States tells a great deal about what we are—what we care for—and what is to become of us as a nation.

Until recently, the lands under the jurisdiction of the Bureau of Land Management have been, for the most part, neglected lands. They were the leftovers from which were carved lands for homesteading, parks, forests, or other uses considered more important. They have not even been dignified with a name other than public domain. Other Federal lands have been given titles which befit their importance—such as national parks, national forests, and national seashores. Therefore, the very first section of this bill would give these lands the name of "national resource lands." Hopefully, this symbolic gesture of respect will complement the numerous, necessary authorities which this legislation would provide for the management of these lands.

Until the 20th century and the establishment of the national park, forest, and other Federal land systems, nearly all the Federal lands were in the category of what this act designates as national resource lands. Although the establishment of the various Federal land systems presaged the end of the era of wholesale disposal of Federal lands, it was only with the Taylor Grazing Act of 1934 that the general policy of disposal of national resource lands was altered.

The Bureau of Land Management, the agency charged with the task of administering the national resource lands, is the successor agency to the General Land Office which was established by the act of April 25, 1812, as a bureau of the Treasury Department. The office was transferred to the Department of the Interior when that department was created in 1849. Passage of the Taylor Grazing Act led to the establishment of the Grazing Service to manage grazing districts authorized under the act. In 1946, the General Bureau of Land Management.

Although many areas within the national resource lands tend to be less desirable from a recreational or scenic point of view than the lands already selected for inclusion in the national systems, our country's expanding and more mobile population has placed increasing demands for public use on these lands. In addition, our Nation's economy requires the fuels, minerals, timber, and forage resources on and under the national resource lands. In order to meet these demands, the Bureau of Land Management has fully adopted the retention philosophy and is managing those lands so as to provide for a wide variety of uses.

However, the Bureau's efforts have been impeded by its dependence on a vast number of outmoded public land laws which were enacted in earlier periods in American history when disposal and largely uncontrolled development of the public domain were the dominant themes. The agencies which have jurisdiction over the other national systems possess modern statutory mandates which reflect changing philosophies toward management of the Federal lands. The Organic Act of the Forest Service, first passed in 1897, and amended thereafter, remains a "modern" mandate, particularly when supplemented by the Multiple Use-Sustained Yield Act of 1960. The Park Service's Organic Act of 1916 has been renewed through amendments and through individual acts creating national parks. Our pride in these laws must necessarily be tempered by the recognition of our failure to provide a complementary statutory base for the Bureau of Land Management and its national resource lands.

The lack of a modern management mandate for the Bureau and its dependence on some 3,000 public land laws, many of which are clearly antiquated, were among the reasons for congressional recognition of a need to review and reasses the entire body of law governing Federal lands. This review was begun when, on September 19, 1964, Congress created the Public Land Law Review Commission.

After 5 years of extensive investigations, the Commission completed its review and submitted its final report, entitled "One Third of the Nation's

Land," to the President and the Congress on June 20, 1970. The report contains 137 numbered, and several hundred unnumbered, recommendations designed to improve the Federal Government's custodianship of the Federal lands. The legislation we introduce today is in accordance with over 100 of these recommendations.

Principal among these recommendations is the Commission's view that:

> The policy of large-scale disposal of public lands reflected by the majority of statutes in force today (should) be revised and that future disposal should be only those lands that will achieve maximum benefit for the general public in non-Federal ownership, while retaining in Federal ownership those whose values must be preserved so that they may be used and enjoyed by all Americans.

S. 507, as reported by the Interior Committee, specifically adopts this goal in stating as policy that "the national interest will be served by retaining the national resource lands in Federal ownership" and that management of these lands will be "under principles of multiple use and sustained yield in a manner which will * * * assure the environmental quality of such lands for present and future generations."

In addition, the Commission emphasized a need to develop "a clear set of goals for the management and use of public lands * * * particularly * * * (For) lands administered by the Bureau of Land Management." The Commission's report stated specifically that:

> A congressional statement of policy goals and objectives for the management and use of public lands is needed to give focus and direction to the planning process.

The bill also answers this call of the Commission by providing a clear statement of goals and objectives by which these lands must be managed.

The National Resource Lands Management Act also directs the Secretary of the Interior to prepare and maintain an inventory of the national resource lands and their resources. Congressional recognition of the importance of such authority for proper management of the national resource lands has been long standing, as demonstrated by the passage of the 1964 Classification and Multiple Use Act. That act contained temporary authority providing the Bureau of Land Management with criteria to conduct a systematic effort to classify lands. However, this authority expired on December 23, 1970, and unless we enact the legislation, the Bureau of Land Management will continue to lack the necessary authority to properly manage the national resource lands.

Perhaps the most critical finding of the Commission is the appalling absence of the enforcement authority so necessary for any land management agency. The National Resource Lands Management Act would provide the BLM with authority similar to that already possessed by the Park Service and the Forest Service.

Mr. President, we must act expeditiously on this measure. It has been 12 years since the creation of the Public Land Law Review Commission, 6 years since the submission of its report and the expiration of the Classification and Multiple-Use Act, and 6 years since I first introduced a National Resource Lands Management Act. This bill's predecessors have been reported three times by the Senate Interior Committee and passed twice by the Senate. It would not be in the public interest to delay further.

The PRESIDING OFFICER. Under the previous order, the engrossment and third reading of the bill are now in order. The question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? This will be a 10-minute vote. The clerk will please call the roll.

Mr. FORD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. There was a unanimous-consent agreement for a 10-minute rollcall on this vote. The clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, upon the disposition of this matter——

Mr. PASTORE. Mr. President, may we have order? This is a very important announcement.

Mr. ROBERT C. BYRD. Upon the disposition of this matter there will be no more rollcall votes today.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from North Carolina (Mr. MORGAN), the Senator from New Hampshire (Mr. DURKIN), and the Senator from New Mexico (Mr. MONTOYA) are absent on official business.

I also announce that the Senator from California (Mr. TUNNEY), and the Senator from Montana (Mr. METCALF) are absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. MORGAN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 78, nays 11, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—78

Abourezk	Burdick	Dole
Allen	Byrd, Harry F., Jr.	Eagleton
Baker	Byrd, Robert C.	Eastland
Beall	Cannon	Fong
Bellmon	Case	Ford
Bentsen	Chiles	Haskell
Biden	Church	Glenn
Brock	Clark	Gravel
Brooke	Cranston	Griffin
Buckley	Culver	Hart, Gary
Bumpers	Dominick	Hart, Philip A.
Hathaway	Mondale	Scott, William L.
Hollings	Moss	Sparkman
Hruska	Muskie	Stafford
Humphrey	Nelson	Stennis
Inouye	Nunn	Stevens
Jackson	Packwood	Stevenson
Javits	Pastore	Stone
Johnston	Pearson	Symington
Kennedy	Pell	Taft
Leahy	Percy	Talmadge
Long	Proxmire	Thurmond
Magnuson	Randolph	Weicker
Mathias	Ribicoff	Williams
McGee	Roth	Young
McGovern	Schweiker	
McIntyre	Scott, Hugh	

NAYS—11

Bartlett	Garn	Laxalt
Curtis	Goldwater	McClure
Domenici	Hansen	Tower
Fannin	Helms	

NOT VOTING—11

Bayh	Huddleston	Montoya
Durkin	Mansfield	Morgan
Hartke	McClellan	Tunney
Hatfield	Metcalf	

So the bill (S. 507) was passed, as follows:

S. 507

An act to provide for the management, protection, and development of the national resource lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "National Resource Lands Management Act".

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Sec. 504. Repeal of laws relating to administration of national resource lands.
Sec. 505. Repeal of laws relating to rights-of-way.

SEC. 2. DEFINITIONS.—As used in this Act:

(a) "The Secretary" means the Secretary of the Interior.

(b) "National resource lands" means all lands and interest in lands (including the renewable and nonrenewable resources thereof) now or hereafter administered by the Secretary through the Bureau of Land Management, except the Outer Continental Shelf.

(c) "Multiple use" means the management of the national resource lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including recreation and scenic values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment, with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

(d) "Sustained yield" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of land without permanent impairment of the quality and productivity of the land or its environmental values.

(e) "Areas of critical environmental concern" means areas within the national resource lands where special management attention is required to protect important historic, cultural, or scenic values, or natural systems or processes, or life and safety as a result of natural hazards.

(f) "Right-of-way" includes an easement, lease, permit, or license to occupy, use, or traverse national resource lands granted for the purposes listed in title IV.

(g) "Holder" means any State or local governmental entity or agency, individual, partnership, corporation, association, or other business entity receiving or using a right-of-way under title IV.

SEC. 3. DECLARATION OF POLICY.—(a) The Congress hereby declares that—

(1) the national resource lands are a vital national asset containing a wide variety of natural resource values;

(2) sound, long-term management of the national resource lands is vital to the maintenance of a livable environment and essential to the well-being of the American people;

(3) the national interest will be best realized if the national resource lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process coordinated with other Federal and State planning efforts; and

(4) except where disposal of particular tracts is made in accordance with title II, the national interest will be best served by retaining the national resource lands in Federal ownership.

(b) The Congress hereby directs that the Secretary shall manage the national resource lands under principles of multiple use and sustained yield in a manner which will, using all practicable means and measures: (i) assure the environmental quality of such lands for present and future generations; (ii) provide for, but not necessarily be limited to, such uses as provision of food and habitat for wildlife, fish and domestic animals, minerals and materials production, supplying the products of trees and plants, human occupancy and use, and various forms of outdoor recreation; (iii) include scientific, scenic, historical, archeological, natural ecological, air and atmospheric, water resource, and other public values; (iv) continue certain areas in their natural condition; (v) balance various demands on such lands consistent with national goals; (vi) assure payment of fair market value by users of such lands; and (vii) provide maximum opportunity for the public to participate in decisionmaking concerning such lands.

SEC. 4. RULES AND REGULATIONS.—The Secretary is authorized to promulgate such rules and regulations as he deems necessary to carry out the purposes of this Act. The promulgation of such rules and regulations shall be governed by the Administrative Procedure Act (60 Stat. 237), as amended. Prior to the promulgation of such rules and regulations, the national resource lands shall be administered under existing rules and regulations concerning such lands.

SEC. 5. PUBLIC PARTICIPATION.—In exercising his authorities under this Act, the Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give the Federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards and criteria for, and to participate in, the preparation and execution of plans and programs for, and the management of, the national resource lands.

SEC. 6. ADVISORY BOARDS AND COMMITTEES.—In providing for public participation in the planning for and management of the national resource lands, the Secretary, pursuant to the Federal Advisory Committee Act (86 Stat. 770) and other applicable law, may establish and consult such advisory boards and committees as he deems necessary to secure full information and advice on the execution of his responsibilities. The membership of such boards and committees shall be representative of a cross section of groups interested in the management of the national resource lands and the various types of use and enjoyment of such lands.

SEC. 7. ANNUAL REPORT.—The Secretary shall prepare an annual report which he shall make available to the public and submit to the Congress no later than 120 days after the close of each fiscal year. The report shall describe, in appropriate detail, activities relating or pursuant to this Act for the fiscal year just ended, any problems which may have arisen concerning such activities, and other pertinent information which will assist the accomplishment of the provisions and purposes of this Act. The report shall contain a detailed list and description of all transfers of national resource lands out of Federal ownership for the fiscal year just ended. It shall include such tables, graphs, and illustrations as will adequately reflect the fiscal year's activities, historical trends, and future projections relating to the national resource lands.

SEC. 8. DIRECTOR.—Appointments made on or after the date of the enactment of this Act to the position of the Director of the Bureau of Land Management, within the Department of the Interior, shall be made by the President, by and with the advice and consent of the Senate. The Director shall have a broad background and experience in public land and natural resource management.

SEC. 9. APPROPRIATIONS.—There is hereby authorized to be appropriated such sums as are necessary to carry out the purposes and provisions of this Act.

TITLE I—GENERAL MANAGEMENT AUTHORITY

SEC. 101. MANAGEMENT.—The Secretary shall manage the national resource lands in accordance with the policies and procedures of this Act and with any land use plans which he has prepared pursuant to section 103, except to the extent that other applicable law provides otherwise. Such management shall include:

(1) regulating, through permits, licenses, leases, or such other instruments as the Secretary deems appropriate, the use, occupancy, or development of the national resource lands not provided for by other laws including long term leases to permit individuals to utilize national resource lands for habitation, cultivation, and the development of small trade or manufacturing concerns: *Provided, however,* That no provision of this Act shall be construed as authorizing the Secretary to require any Federal permit to hunt or fish on the national resource lands;

(2) requiring appropriate land reclamation as a condition of use, and requiring a performance bond or other security guaranteeing such reclamation in a timely manner from any person permitted to engage in an extractive or other activity likely to entail significant disturbance to or alteration of the national resource lands;

(3) inserting in permits, licenses, leaves, or other authorizations to use, occupy, or develop the national resource lands, provisions authorizing revocation or suspension, after notice and hearing, of such permits, licenses, leases, or other authorizations, upon final administrative finding of a violation of any applicable regulations issued by the Secretary under any Act applicable to the national resource lands or upon final administrative finding of a violation on such lands of any applicable State or Federal air or water quality laws or regulations: *Provided,* That any such suspension shall be terminated no later than the date upon which the Secretary determines the cause of said violation has been rectified: *Provided further,* That the Secretary may order an immediate temporary suspension prior to a hearing or final administrative finding if he determines that such a suspension is necessary to protect public health or safety or the environment: *Provided further,* That, where other applicable law contains specific provisions for suspension, revocation, or cancellation of a permit, license, or other authorization to use, occupy, or develop the national resource lands, the specific provisions of such law shall prevail; and

(4) the prompt development of regulations for the protection of areas of critical environmental concern.

SEC. 102. INVENTORY.—(a) The Secretary shall prepare and maintain on a continuing basis an inventory of all national resource lands, and their resource and other values (including outdoor recreation and scenic values), giving priority to areas of critical environmental concern. Areas containing wilderness characteristics as described in section 2(c) of the Act of September 3, 1964 (78 Stat. 890, 891), shall be identified within five years of enactment of this Act. The inventory shall be kept current so as to reflect changes in conditions and in identifications of resource and other values. The preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change in the management or use of national resource lands.

(b) As funds and manpower become available, the Secretary shall provide (i) means of public identification of national resource lands, including signs and maps, and (ii) State and local governments with data from the inventory for the purpose of planning and regulating the uses of non-Federal lands in the proximity of national resource lands.

SEC. 103. LAND USE PLANS.—(a) The Secretary shall, with public participation, develop, maintain, and, when appropriate, revise land use plans for the national resource lands consistent with the terms and conditions of this Act. The Secretary, insofar as he finds feasible and proper or as may be required by the enactment of a national land use policy or other law, coordinate such plans with the land use plans, including the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended, of State and local governments and other Federal agencies and consider current use and zoning patterns of land affected by the use of national resource lands.

(b) In the development and maintenance of land use plans, the Secretary shall:

(1) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and social sciences;

(2) give priority to the designation and protection of areas of critical environmental concern;

(3) rely, to the extent it is available, on the inventory of the national resource lands, their resources, and other values;

(4) consider present and potential uses of the lands;

(5) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values;

(6) weigh long-term public benefits; and

(7) consider the requirements of applicable pollution control laws including State or Federal air and water quality and noise standards, and implementation plans.

(c) Wherever any proposed change in the permitted uses on any national resource lands would affect authorization for use of such lands, persons holding leases, licenses, or permits concerning the use to be affected and State and local governments with jurisdiction in the affected area shall be given written notice by the Secretary of such proposed change sufficiently in advance to permit such persons to initiate such administrative review processes available to them under the authorization before such change is put into effect.

(d) Areas identified pursuant to section 102 as having wilderness characteristics shall be reviewed within fifteen years of enactment of this Act pursuant to the procedures set forth in subsections 3 (c) and (d) of the Act of September 3, 1964 (78 Stat. 890, 892–893): *Provided, however*, That such review shall not, of itself, either change or prevent change in the management or use of the national resource lands.

TITLE II—CONVEYANCE AND ACQUISITION AUTHORITIES

SEC. 201. AUTHORITY TO SELL.—Except as otherwise provided by law, and subject to the requirements of section 3 of this Act, the Secretary is authorized to sell national resource lands. Any tract of the national resource lands may be sold if the Secretary, in accordance with the guidelines he has established for sale of national resource lands and after preparation pursuant to section 103 of a land use plan which includes such tract, determines that the sale of such tract will not cause needless degradation of the environment and meets the disposal criteria of section 202.

SEC. 202. DISPOSAL CRITERIA.—(a) Except as to conveyances under sections 208, 213, and 214, a tract of national resource lands may be transferred out of Federal ownership under this Act only where, as a result of land use planning required under section 103, the Secretary determines that—

(1) such tract, because of its location and other characteristics, is difficult to manage as part of the national resource lands and is not suitable for management by another Federal agency; or

(2) such tract was acquired for a specific purpose and the tract is no longer required for that or any other Federal purpose; or

(3) disposal of such tract will serve objectives which cannot be achieved prudently or feasibly on land other than such tract and which outweigh all public objectives and values which would be served by maintaining such tract in Federal ownership.

(b) Where the Secretary determines that land to be conveyed under clause (3) of subsection (a) is of agricultural value and is desert in character, such land shall be conveyed either under the sale authority of section 201 or in accordance with existing law.

SEC. 203. SALES AT FAIR MARKET VALUE.—Sales of national resource lands under this Act shall be at not less than the appraised fair market value as determined by the Secretary.

SEC. 204. SIZE OF TRACTS.—The Secretary shall determine and establish the size of tracts of national resource lands to be sold on the basis of the land use capabilities and development requirements of the lands; and, where any such tract which is judged by the Secretary to be chiefly valuable for agriculture is sold, its size shall be no larger than necessary to support a family-sized farm.

SEC. 205. COMPETITIVE BIDDING PROCEDURES.—Except as to sales under sections 208 and 214, sales of national resource lands under this Act shall be conducted under competitive bidding procedures to be established by the Secretary. However, where the Secretary determines it necessary and proper (i) to assure equitable distribution among purchasers of national resource lands, or (ii) to recognize equitable considerations or public policies, including but not limited to a preference to users, he is authorized to sell national resource lands with modified competitive bidding or without competitive bidding.

SEC. 206. RIGHT TO REFUSE OR REJECT OFFER OF PURCHASE.—Until the Secretary has accepted an offer to purchase, he may refuse to accept any offer or may withdraw any land or interest in land from sale under this Act when he determines that consummation of the sale would not be consistent with this Act or other applicable law. The Secretary shall accept or reject, in writing, any offer to purchase made through competitive bid at his invitation no later than thirty days after the submission of such offer.

SEC. 207. RESERVATION OF MINERAL INTERESTS.—All conveyances of title issued by the Secretary under this Act, except conveyances under section 213, shall reserve to the United States all minerals in the lands, together with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary may prescribe: *Provided*, That, where prospecting, mining, or removing minerals reserved to the United States would interfere with or preclude the appropriate use or development of such land, the Secretary may (1) enter into covenants at the time of conveyance of such land or thereafter which provide that such activities shall not be pursued for a specified period, or (2) convey the minerals in the conveyance of title in accordance with the provisions of section 208(a) (1) and (2).

SEC. 208. CONVEYANCE OF RESERVED MINERAL INTERESTS.—(a) The Secretary may convey mineral interests owned by the United States where the surface is in non-Federal ownership, regardless of which Federal agency may have administered the surface, if he finds (1) that there are no mineral values in the land, or (2) that the reservation of the mineral rights in the United States is interfering with or precluding appropriate nonmineral development of the land and that such development is a more beneficial use of the land than mineral development.

(b) Conveyance of mineral interests pursuant to this section shall be made only to the record owner of the surface, upon payment of administrative costs and the fair market value of the interests being conveyed.

(c) Before considering an application for conveyance of mineral interests pursuant to this section—

(1) the Secretary shall require the deposit by the applicant of a sum of money which he deems sufficient to cover administrative costs including, but not limited to, costs of conducting an exploratory program to determine the character of the mineral deposits in the land, evaluating the data obtained under the exploratory program to determine the fair market value of the mineral interests to be conveyed, and preparing and issuing the documents of conveyance: *Provided*, That, if the administrative costs exceed the deposit, the applicant shall pay the outstanding amount; and, if the deposit exceeds the administrative costs, the applicant shall be given a credit for or refund of the excess; or

(2) the applicant shall have conducted, and submitted to the Secretary the results of, such an exploratory program, in accordance with standards promulgated by the Secretary.

(d) Moneys paid to the Secretary for administrative costs pursuant to subsection (c) (1) of this section shall be paid to the agency which rendered the service and deposited to the appropriation then current.

SEC. 209. TERMS OF PATENT.—The Secretary shall insert in patents or other documents of conveyance he issues under this Act such terms, covenants, conditions, and reservations which he deems to be essential to insure proper land use and protection of the public interest: *Provided*, That a conveyance of lands by the Secretary, subject to such terms, covenants, conditions, and reservations, shall not exempt the grantee from compliance with applicable Federal or State law or State land use plans.

SEC. 210. CONFORMING CONVEYANCES TO STATE AND LOCAL PLANNING.—At least ninety days prior to a sale or other conveyance of national resource lands under this Act, the Secretary shall notify the Governor of the State within which such lands are located and the head of the governing body of any political subdivision of the State having zoning or other land use regulatory jurisdic-

tion in the geographical area within which such lands are located in order to afford the appropriate body or bodies the opportunity to zone or otherwise regulate, or change or amend existing zoning or other regulations concerning, the use of such lands prior to such conveyance. The Secretary shall also promptly notify such public officials of the issuance of the patent or other document of conveyance for such lands.

SEC. 211. AUTHORITY TO ISSUE AND CORRECT DOCUMENTS OF CONVEYANCE.—Consistent with his authority to dispose of national resource lands, the Secretary is authorized to issue deeds, patents, and other indicia of title, and to correct such documents where necessary. In addition, the Secretary is authorized to make corrections on any documents of conveyance which have heretofore been issued on lands which would, at the time of their conveyance, have met the description of national resource lands.

SEC. 212. RECORDABLE DISCLAIMERS OF INTERESTS IN LAND.—(a) After consulting with any affected Federal agency, the Secretary is authorized to issue a document of disclaimer of interest or interests in any lands in any form suitable for recordation, where the disclaimer will help remove a cloud on the title of such lands and where he determines (1) a record interest of the United States in lands has terminated by operation of laws; or (2) the lands lying between the meander line shown on a plat of survey approved by the Bureau of Land Management or its predecessors and the actual shoreline of a body of water are not lands of the United States; or (3) accreted, relicted, or avulsed lands are not lands of the United States.

(b) No document of disclaimer shall be issued pursuant to this section unless the applicant therefor has filed with the Secretary an application in writing, notice of such application setting forth the grounds supporting such application has been published in the Federal Register at least ninety days preceding the issuance of such disclaimer, and the applicant has paid to the Secretary the administrative costs of issuing the disclaimer, as determined by the Secretary. All receipts shall be credited to the appropriation from which expended.

(c) Issuance of a document of disclaimer by the Secretary pursuant to the provisions of this section and regulations promulgated hereunder shall have the same effect as a quit-claim deed from the United States.

SEC. 213. ACQUISITION AND EXCHANGE OF LAND.—(a) The Secretary is authorized to acquire, by purchase, exchange, or donation, lands or interests therein where necessary for proper management of the national resource lands: *Provided,* That lands or interests in land may be acquired pursuant to this title by eminent domain only if necessary in order to secure access to national resource lands: *Provided further,* That any such lands or interests acquired by eminent domain shall be confined to as narrow a corridor as is necessary to serve such purpose.

(b) Acquisitions pursuant to this Act shall be consistent with applicable land use plans prepared by the Secretary under section 103.

(c) In exercising the exchange authority granted by subsection (a) of this section, the Secretary may accept title to any non-Federal lands or interests therein and in exchange therefor he may convey to the grantor of such lands or interests any national resource lands or interests therein which are located in the same State as the non-Federal land to be acquired, and (1) which he finds proper for transfer out of Federal ownership pursuant to section 202, or (2) the values of which and the objectives which such lands or interests may serve if retained in Federal ownership he finds to be outweighed by the values of the non-Federal lands or interests and the public objectives they could serve if acquired. The values of the lands or interests so exchanged either shall be equal, or if they are not equal, shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require: *Provided,* That such payment shall not exceed 30 per centum of the total value of the lands or interests transferred out of Federal ownership.

(d) Lands or interests in lands acquired pursuant to this section or section 301(c) shall, upon acceptance of title, become national resource lands, and, for the administration of public land laws not repealed by this Act, shall become public lands. If such acquired lands or interests are located within the exterior boundaries of a grazing district established pursuant to section 1 of the Taylor Grazing Act (48 Stat. 1269), as amended, they shall become a part of that district.

(e) Lands or interests in lands acquired under this section or section 301(c) which are within the boundaries of the national forest system may be transferred to the Secretary of Agriculture for administration as part of, and in accordance with, the laws, rules, and regulations applicable to, the National Forest System. Such transfer shall not result in the reduction in the percentage of in-lieu payments receivable by State and local governments. Lands or interests in lands acquired under this section or section 301(c) which are within the boundaries of the National Park, Wildlife Refuge, Wild and Scenic Rivers, or Trails System, or any other system established by Act of Congress, may be transferred to the appropriate agency head for administration as part of, and in accordance with the laws, rules, and regulations applicable to, such system.

SEC. 214. OMITTED LANDS.—(a) The Secretary is hereby authorized to convey to States or their political subdivisions under the Recreation and Public Purposes Act (44 Stat. 741), as amended, but without regard to the acreage limitations contained therein, unsurveyed islands determined by the Secretary to be public lands of the United States. The conveyance of any such island may be made without survey: *Provided, however,* That such island may be surveyed at the request of the applicant State or its political subdivision if such State or subdivision donates money or services to the Secretary for such survey, the Secretary accepts such money for services, and such services are conducted pursuant to criteria established by the Director of the Bureau of Land Management. Any such island so surveyed shall not be conveyed without approval of such survey by the Secretary prior to the conveyance.

(b)(1) The Secretary is authorized to convey to States and their political subdivisions under the Recreation and Public Purposes Act, but without regard to the acreage limitations contained therein, lands other than islands determined by him after survey to be public lands of the United States erroneously or fraudulently omitted from the original surveys (hereinafter referred to as "omitted lands"). Any such conveyance shall not be made without a survey: *Provided,* That the prospective recipient may donate money or services to the Secretary for the surveying necessary prior to conveyance if the Secretary accepts such money or services, such services are conducted pursuant to criteria established by the Director of the Bureau of Land Management, and such survey is approved by the Secretary prior to the conveyance.

(2) The Secretary is authorized to convey to the occupant of any omitted lands which, after survey, are found to have been occupied and developed for a five-year period prior to January 1, 1975, if the Secretary determines that such conveyance is in the public interest and will serve objectives which outweigh all public objectives and values which would be served by retaining such lands in Federal ownership. Conveyance under this subparagraph shall be made at not less than the fair market value of the land, as determined by the Secretary, and upon payment in addition of administrative costs, including the cost of making the survey, the cost of appraisal, and the cost of making the conveyance.

(c)(1) No conveyance shall be made pursuant to this section until the relevant State government, local government, and areawide planning agency designated pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255, 1262) and/or title IV of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098, 1103–4) have notified the Secretary as to the consistency of such conveyance with applicable State and local government land use plans and programs.

(2) The provisions of section 210 of this Act shall be applicable to all conveyances under this section.

(d) The final sentence of section 1(c) of the Recreation and Public Purposes Act shall not be applicable to conveyances under this section.

(e) No conveyance pursuant to this section shall be used as the basis for determining the baseline between Federal and State ownership, the boundary of any State for purposes of determining the extent of a State's submerged lands or the line of demarcation of Federal jurisdiction, or any similar or related purpose.

(f) The provisions of this section shall not apply to any lands within the National Forest System, as defined in the Act of August 17, 1974 (88 Stat. 480), the National Park System, the National Wildlife Refuge System, and the National Wild and Scenic Rivers System.

(g) Nothing in this section shall supersede the provisions of the Act of December 22, 1928 (45 Stat. 1069), as amended, and the Act of May 31, 1962 (76 Stat. 89), or any other Act authorizing the sale of specific omitted lands.

TITLE III—MANAGEMENT IMPLEMENTING AUTHORITY

SEC. 301. STUDIES, COOPERATIVE AGREEMENTS, AND CONTRIBUTIONS.—(a) The Secretary may conduct investigations, studies, and experiments, on his own initiative or in cooperation with others, involving the management, protection, development, acquisition, and conveying of the national resource lands.

(b) The Secretary may enter into contracts or cooperative agreements involving the management, protection, development, acquisition, and conveying of the national resource lands.

(c) The Secretary may accept contributions or donations of money, services, and property, real, personal, or mixed, for the management, protection, development, acquisition, and conveying of the national resource lands, including the acquisition of rights-of-way for such purposes. The Secretary may accept contributions for cadastral surveying performed on federally controlled or intermingled lands. Moneys received hereunder shall be credited to a separate account in the Treasury and are hereby appropriated and made available until expended, as the Secretary may direct, for payment of expenses incident to the function toward the administration of which the

contributions were made and for refunds to depositors of amounts contributed by them in specific instances where contributions are in excess of their share of the cost.

SEC. 302. SERVICE CHARGES, REIMBURSEMENT PAYMENTS, AND EXCESS PAYMENTS.—(a) Notwithstanding any other provision of law, the Secretary may establish filing fees, service fees and charges, and commissions with respect to applications and other documents relating to national resource lands and may change and abolish such fees, charges, and commissions.

(b) The Secretary is authorized to require a deposit of any payments intended to reimburse the United States for extraordinary costs with respect to applications and other documents relating to national resource lands. The moneys received for extraordinary costs under this subsection shall be deposited with the Treasury in a special account and are hereby appropriated and made available until expended. As used in this subsection, "extraordinary costs" include but are not limited to the costs of special studies; environmental impact statements; monitoring construction, operation, maintenance, and termination of any authorized facility; or other special activities.

(c) In any case where it shall appear to the satisfaction of the Secretary that any person has made a payment under any statute relating to the sale, lease, use, or other disposition of the national resource lands which is not required or is in excess of the amount required by applicable law and the regulations issued by the Secretary, the Secretary, upon application or otherwise, may cause a refund to be made from applicable funds.

SEC. 303. WORKING CAPITAL FUND.—(a) There is hereby established a working capital fund for the management of national resource lands. This fund shall be available without fiscal year limitation for expenses necessary for furnishing, in accordance with the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and regulations promulgated thereunder, supplies and equipment services in support of Bureau of Land Management programs, including but not limited to, the purchase or construction of storage facilities, equipment yards, and related improvements and the purchase, lease, or rent of motor vehicles, aircraft, heavy equipment, and fire control and other resource management equipment within the limitations set forth in appropriations made to the Bureau of Land Management.

(b) The initial capital of the fund shall consist of appropriations made for that purpose together with the fair and reasonable value at the fund's inception of the inventories, equipment, receivables, and other assets, less the liabilities, transferred to the fund. The Secretary is authorized to make such subsequent transfers to the fund as he deems appropriate in connection with the functions to be carried on through the fund.

(c) The fund shall be credited with payments from appropriations and funds of the Bureau of Land Management, other agencies of the Department of the Interior, other Federal agencies, and other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities, supplies, equipment, and services (including depreciation and accrued annual leave). Such payments may be made in advance in connection with firm orders, or by way of reimbursement.

(d) There is hereby authorized to be appropriated not to exceed $3,000,000 as initial capital of the fund.

SEC. 304. DEPOSITS AND FORFEITURES.—(a) Any moneys received by the United States as a result of the forfeiture of a bond or other security by a resource developer or purchaser or permittee who does not fulfill the requirements of his contract or permit or does not comply with the regulations of the Secretary, or as a result of a compromise or settlement of any claim whether sounding in tort or in contract involving present or potential damage to national resource lands, shall be credited to a separate account in the Treasury and are hereby appropriated and made available, until expended as the Secretary may direct, to cover the cost to the United States of any improvement, protection, or rehabilitation work on the national resource lands which has been rendered necessary by the action which has led to the forfeiture, compromise, or settlement.

(b) The Secretary may require a user or users of roads, trails, lands, or facilities under the jurisdiction of the Bureau of Land Management to maintain such roads, trails, lands, or facilities in a satisfactory condition commensurate with the particular use requirements and the use made by each user, the extent of such maintenance to be shared by the users in proportion to such use or, if such maintenance cannot be so provided, to deposit sufficient money to enable the Secretary to provide such maintenance. Such deposits shall be credited to a separate account in the Treasury and are hereby appropriated and made available until expended, as the Secretary may direct, to cover the cost to the United States of the maintenance of any roads, trails, lands, or facilities under the jurisdiction of the Bureau of Land Management: *Provided*, That nothing in this subsection shall be construed to require a user to provide maintenance or deposits to repair any damages attributable to general public use rather than the specific use of such user.

(c) Any moneys collected under this Act in connection with lands administered under the Act of August 28, 1937 (50 Stat. 874), as amended, shall be expanded for the benefit of such lands only.

(d) If any portion of a deposit or amount forfeited under this section is found by the Secretary to be in excess of the cost of doing the work authorized under this Act, the amount in excess shall be transferred to miscellaneous receipts.

SEC. 305. CONTRACTS FOR CADASTRAL SURVEY OPERATIONS AND RESOURCE PROTECTION.—(a) The Secretary is authorized to enter into contracts for the use of aircraft, and for supplies and services, prior to the passage of an appropriation therefor, for airborne cadastral survey and resource protection operations of the Bureau of Land Management. He may renew such contracts annually, not more than twice, without additional competition. Such contracts shall obligate funds for the fiscal years in which the costs are incurred.

(b) Each such contract shall provide that the obligation of the United States for the ensuing fiscal years is contingent upon the passage of an applicable appropriation, and that no payment shall be made under the contract for the ensuing fiscal years until such appropriation becomes available for expenditure.

SEC. 306. UNAUTHORIZED USE.—The use, occupancy, or development of any portion of the national resource lands contrary to any regulation of the Secretary or other responsible authority, or contrary to any order issued pursuant to any such regulation, is unlawful and prohibited.

SEC. 307. ENFORCEMENT AUTHORITY.—(a) Any violation of regulations which the Secretary issues with respect to the management, protection, development, acquisition, and conveying of the national resource lands and property located thereon and which the Secretary identifies as being subject to this section shall be punishable by a fine of not more than $1,000 or imprisonment of not more than twelve months, or both. Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18 of the United States Code.

(b) At the request of the Secretary, the Attorney General may institute a civil action in any United States district court for an injunction or other appropriate order to prevent any person from using, occupying, or developing the national resource lands in violation of laws or regulations relating to lands or resources managed by the Secretary.

(c) For the specific purpose of enforcing any Federal law or regulation relating to lands or resources managed by the Secretary, the Secretary may designate any employee to (1) carry firearms; (2) execute and serve any warrant or other process issued by a court or office of competent jurisdiction; and (3) make arrests without warrant or process for a misdemeanor the employee has reasonable grounds to believe is being committed in his presence or view, or for a felony if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

SEC. 308. COOPERATION WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES.—In the administration and regulation of the use, occupancy, and development of the national resource lands, the Secretary is authorized to cooperate with the regulatory and law enforcement officials of any State or political subdivision thereof. Such cooperation may include reimbursement to a State or its subdivision for expenditures incurred by it in connection with activities which assist in the administration and regulation of the use, occupancy, and development of national resource lands.

SEC. 309. CALIFORNIA DESERT AREA.—(a) The Congress finds that—

(1) the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, and educational resources which are unique and irreplaceable;

(2) the desert environment is a total ecosystem that is extremely fragile, easily scarred, and slowly healed;

(3) the desert environment and its resources, including certain rare and endangered species of wildlife, plants, and fishes, and numerous archeological and historic sites, are seriously threatened by air pollution, inadequate Federal management authority, and pressures of increased use, particularly recreational use;

(4) because of the proximity of the California desert to the rapidly growing population centers of southern California, these threats are certain to intensify;

(5) the Secretary has initiated a comprehensive planning process and established an interim management program for the California desert; and

(6) to insure further study of the relationship of man and the desert environment and preserve the unique and irreplaceable resources of the California desert, the public must be provided more opportunity to participate in such planning and management, and additional authority must be provided to the Secretary to enable effective implementation of such planning and management.

(b) It is the purpose of this section to provide for the immediate and future protection, development, and management of the California desert within the framework of a balanced program of multiple use, sustained yield and maintenance of environmental quality as provided in this Act.

(c) (1) For the purpose of this section, the "California desert area" is the area generally depicted on a map entitled "California Desert Area—Proposed", dated April 1974, and on file in the Office of the Director of the Bureau of Land Management.

(2) As soon as practicable after this Act takes effect, the Secretary shall file a map and a legal description of the California desert area with the Committees on Interior and Insular Affairs of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made by the Secretary. To the extent practicable, the Secretary shall make such legal description and map available to the public promptly upon request.

(d) The Secretary, in accordance with section 103, shall prepare and implement a comprehensive, long-range plan for the management, use, and protection of the national resource lands within the California desert area. Such plan shall be completed and implementation thereof initiated on or before June 30, 1980.

(e) During the period beginning on the date of enactment of this Act and ending on the effective date of implementation of the comprehensive, long-range plan, the Secretary shall execute an interim program to manage and protect the national resource lands, and their resources now in danger of destruction, in the California desert area, provide for the public use of such lands in an orderly and reasonable manner, and establish a uniform desert ranger force.

(f) The Secretary, within sixty days of enactment of this Act, shall establish a California Desert Area Advisory Committee in accordance with the provisions of section 6. The committee shall advise the Secretary concerning the preparation and implementation of the comprehensive, long-range plan required under subsection (d) of this section.

(g) The Secretary shall administer the national resource lands in the California desert area in accordance with the provisions of this Act and such other Acts as may be applicable. The Secretaries of Agriculture and Defense shall manage lands within their respective jurisdictions located in or adjacent to the California desert area, in accordance with the laws relating to such lands and, wherever practicable, in a manner consonant with the purpose of this section. The Secretaries of the Interior, Agriculture, and Defense are authorized and encouraged to consult among themselves and take cooperative actions to implement this subsection.

(h) The Secretary shall report to the Congress no later than two years after the enactment of this Act, and annually thereafter in the report required in section 7 of this Act, on the progress in, and any problems concerning, the implementation of this section, together with any recommendations, which he may deem necessary, to remedy such problems.

(i) There is authorized to be appropriated for fiscal years 1977 through 1981 not to exceed $40,000,000 to effect the purpose of this section, such amount to remain available until expended.

SEC. 310. MINERAL REVENUES.—(a) Section 35 of the Act of February 25, 1920 (41 Stat. 437, 450), as amended, is further amended by—

(1) striking "52½ per centum" in both places and inserting in lieu thereof "30 per centum";

(2) striking "37½ per centum" and inserting in lieu thereof "60 per centum";

(3) striking "December 31 and June 30" and inserting in lieu thereof "March 31 and September 30"; and

(4) striking "or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct;" and inserting in lieu thereof "and its subdivisions, as the legislature of the State may direct giving priority to those subdivisions of the State socially or economically impacted by development of minerals leased under this Act, for (1) planning, (2) construction and maintenance of public facilities, and (3) provision of public services;".

(b) (1) The Secretary is authorized to make loans to States and their political subdivisions in order to relieve social or economic impacts occasioned by the development of minerals leased in such States pursuant to the Act of February 25, 1920, as amended. Such loans shall be confined to the uses specified for the 60 per centum of mineral revenues to be received by such States and subdivisions pursuant to section 35 of such Act. All loans shall bear interest at a rate not to exceed 3 per centum and shall be for such amounts and durations as the Secretary shall determine. The Secretary shall limit the amounts of such loans to the portion of the 60 per centum of anticipated mineral revenues to be received by the recipients of said loans pursuant to said section 35 for any prospective 10-year period. Such loans shall be repaid by the loan recipients from that portion of the 60 per centum of mineral revenues to be derived from said section 35 by such recipients, as the Secretary determines.

(2) The Secretary, after consultation with Governors of the affected States, shall allocate such loans among the States and their subdivisions in a fair and equitable manner, giving priority to those States and subdivisions suffering the most severe impacts.

(3) Loans under this subsection shall be subject to such terms and conditions as the Secretary determines necessary to assure that the purpose of this subsection will be achieved. The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this subsection.

SEC. 311. RECORDATION OF MINING CLAIMS.—(a) Each mining claim under the Mining Law of 1872, as amended (Revised Statutes 2318–2352; 30 U.S.C. 22), shall be recorded by the claimant with the Secretary within two years after the date of enactment of this Act or within thirty days of location of the claim, whichever is later. Any claim not so recorded shall be conclusively presumed to be abandoned and shall be void.

(b) Any claim recorded pursuant to subsection (a) for which the claimant has not made application for patent within ten years after the date of recordation of the claim shall be conclusively presumed to be abandoned and shall be void: *Provided, however,* That, upon a showing that a mineral survey cannot be completed within said ten-year period, the filing of an application for a mineral survey which states on its face that it was filed for the purpose of proceeding to patent shall be acceptable for the patent application purpose of this subsection if all other applicable requirements under the general mining laws have been met and if the applicant subsequently prosecutes diligently his application for patent to completion.

(c) Such recordation or application shall not render valid any claim which was not valid on the date of enactment of this Act, or which becomes invalid thereafter.

TITLE IV—AUTHORITY TO GRANT RIGHTS-OF-WAY

SEC. 401. AUTHORIZATION TO GRANT RIGHTS-OF-WAY.—(a) The Secretary is authorized to grant, issue, or renew rights-of-way over, upon, or through the national resource lands for—

(1) reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other facilities and systems for the impoundment, storage, transportation, or distribution of water;

(2) pipelines and other systems for the transportation or distribution of liquids and gases, other than oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom, or water, and for storage and terminal facilities in connection therewith;

(3) pipelines, slurry and emulsion systems, and conveyor belts for transportation and distribution of solid materials, and facilities for the storage of such materials in connection therewith;

(4) systems for generation, transmission, and distribution of electric energy, except that the applicant shall also comply with all applicable requirements of the Federal Power Commission under the Act of June 10, 1920 (41 Stat. 1063), as amended;

(5) systems for transmission or reception of radio, television, telegraph, and other electronic signals, and other means of communication;

(6) roads, trails, highways, railroads, canals, tramways, airways, livestock driveways, or other means of transportation; and

(7) such other necessary transportation or other systems or facilities which are in the public interest and which require rights-of-way over, upon, or through the national resource lands.

(b) (1) The Secretary is authorized to provide for the acquisition, construction, and maintenance of roads within and near the national resource lands in locations and according to specifications which will permit maximum economy in harvesting timber from such lands tributary to such roads and at the same time meet the requirements for protection, development, and management of such lands and the other resources thereof. Financing of such roads may be accomplished (A) by the Secretary using appropriated funds, (B) by requirements on purchasers of timber and other products from the national resource lands, including provisions for amortization of road costs in contracts, (C) by cooperative financing with other public agencies and with private agencies or persons, or (D) by a combination of these methods: *Provided,* That, except when the provisions of the second proviso of this subsection apply, where roads of a higher standard than those needed in the harvesting and removal of the timber and other products covered by the particular sale are to be constructed, the purchaser of timber and other products from the national resource lands shall not be required to bear that part of the costs necessary to meet such higher standard, and the Secretary is authorized to make such arrangements to this end as may be appropriate: *Provided further,* That it is understood that when timber is offered with the condition that the purchaser thereof will build roads in accordance with standards specified in the offer, the purchaser of the timber will be responsible for paying the full costs of construction of such roads.

(2) Copies of all instruments affecting per-

manent interests in land executed pursuant to this subsection shall be recorded in each county where the lands are located.

(3) Whenever the agreement under which the United States has obtained for the use of, or in connection with, the national resource lands a right-of-way or easement for a road or an existing road or the right to use an existing road provides for delayed payments to the Government's grantor, any fees or other collections received by the Secretary for the use of the road may be placed in a fund to be available for making payments to the grantor.

(c)(1) The Secretary shall require, prior to granting, issuing, or renewing a right-of-way pursuant to this title that the applicant submit and disclose any or all plans, contracts, agreements, or other information or material reasonably related to the use, or intended use, of the right-of-way which the Secretary deems necessary to a determination, in accordance with the provisions of this title, as to whether a right-of-way shall be granted, issued, or renewed and the terms and conditions which shall be included in such right-of-way.

(2) If the applicant is a partnership, corporation, association, or other business entity, the Secretary, prior to granting, issuing, or renewing a right-of-way pursuant to this title, shall require the applicant to disclose the identity of the participants in the entity. Such disclosure shall include, where applicable: (A) the name and address of each partner in the entity; (B) the name and address of each shareholder owning 3 per centum or more of the shares of such entity, together with the number and percentage of any class of voting shares which such shareholder is authorized to vote; and (C) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and, in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

SEC. 402. RIGHTS-OF-WAY CORRIDORS.—(a) In accordance with section 28(s) of the Mineral Leasing Act of 1920 (41 Stat. 437, 449), as amended by the Act of November 16, 1973 (87 Stat. 576, 582), and the report submitted by the Secretary pursuant thereto, the Secretary shall, consistent with applicable land use plans, designate transportation and utility corridors on national resource lands and, to the extent practical and appropriate, require that rights-of-way be confined to them. In designating such corridors and in determining whether to require that rights-of-way be confined to them, the Secretary shall take into consideration National and State land use policies, environmental quality, economic efficiency, national security, safety, and good engineering and technological practices. The Secretary shall issue regulations containing the criteria and procedures he will use in designating such corridors. Any existing transporation and utility corridors may be designated as transportation and utility corridors pursuant to this subsection without further review.

(b) In order to minimize adverse environmental impacts and the proliferation of separate rights-of-way across national resource lands, the use of rights-of-way in common shall be required to the extent practical, and each right-of-way granted, issued, or renewed pursuant to this title shall reserve to the Secretary the right to grant additional rights-of-way for compatible uses on or adjacent to such right-of-way.

SEC. 403. GENERAL PROVISIONS.—(a) The Secretary shall specify the boundaries of each right-of-way granted, issued, or renewed pursuant to this title as precisely as is practicable. Each right-of-way shall be limited to the ground which the Secretary determines: (1) will be occupied by facilities which constitute the project for which the right-of-way is granted, issued, or renewed, (2) to be required for the operation or maintenance of the project, and (3) to be necessary to protect the environment or public safety. The Secretary may authorize the temporary use of such additional lands as he determines to be reasonably necessary for the construction, operation, maintenance, or termination of the project or a portion thereof, or for access thereto.

(b) The Secretary shall determine the duration of each right-of-way or other authorization to be granted, issued, or renewed pursuant to this title. In determining the duration the Secretary shall take into consideration, among other things, the cost of any facility placed on the right-of-way and its useful life.

(c) Rights-of-way shall be granted, issued, or renewed pursuant to this title under such regulations or stipulations, in accordance with the provisions of this title or any other law, and subject to such terms and conditions as the Secretary may prescribe regarding extent, duration, survey, location, construction, maintenance, and termination.

(d) The Secretary, prior to granting or issuing a right-of-way pursuant to this title for a new project which may have a significant impact on the environment, shall require the applicant to submit a plan of construction, operation, and rehabilitation for such right-of-way which shall comply with stipulations imposed or with regulations issued by the Secretary. The Secretary shall issue regulations or impose stipulations which shall include, but shall not be limited to: (1) requirements to insure that activities on the right-of-way will not violate applicable air and water quality standards or applicable transmission, powerplant, and related facility siting standards established by or pursuant to law; (2) requirements designed to control or prevent (A) damage to the environment (including damage to fish and wildlife habitat), (B) damage to public or private property, and (C) hazards to public health and safety; and (3) requirements to protect the interests of individuals living in the general area traversed by the right-of-way who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes. Such regulations shall be regularly revised. Such regulations shall be applicable to every right-of-way granted or issued pursuant to this title and to any subsequent renewal thereof, and may be applicable to rights-of-way not granted or issued, but renewed pursuant to this title.

(e) Mineral and vegetative materials, including timber, within or without a right-of-way granted, issued, or renewed pursuant to this title may be used or disposed of in connection with construction or other purposes only if authorization to remove or use such materials has been obtained pursuant to applicable laws.

(f) No right-of-way shall be granted, issued, or renewed pursuant to this title for less than the fair market value thereof as determined by the Secretary. The Secretary may, by regulation or, prior to promulgation of such regulations, as a condition of a right-of-way, require an applicant for or holder of a right-of-way to reimburse the United States for all reasonable administrative and other costs incurred in processing an application for such right-of-way and in inspection and monitoring of construction, operation, and termination of the facility pursuant to such right-of-way: *Provided, however,* That such costs need not be reimbursed in any cooperative cost share right-of-way program between the United States and the holder of the right-of-way: *Provided futher,* That rights-of-way may be granted, issued, or renewed to State or local governments or agencies or instrumentalities thereof, or to nonprofit associations or nonprofit corporations which are not themselves controlled or owned by profitmaking corporations or business enterprises, for such lesser charge as the Secretary finds equitable and in the public interest.

(g)(1) The Secretary shall promulgate regulations specifying the extent to which holders of rights-of-way granted, issued, or renewed pursuant to this title shall be liable to the United States for damage or injury incurred by the United States in connection with the rights-of-way. The regulations shall also specify the extent to which such holders shall indemnify or hold harmless the United States for liabilities, damages, or claims arising in connection with the rights-of-way.

(2) Any regulation or stipulation imposing liability without fault shall include a maximum limitation on damages commensurate with the foreseeable risks or hazards presented. Any liability for damage or injury in excess of this amount shall be determined by ordinary rules of negligence.

(h) Where he deems it appropriate, the Secretary may require a holder of a right-of-way granted, issued, or renewed pursuant to this title to furnish a bond, or other security, satisfactory to the Secretary to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or by any rule or regulation of the Secretary.

(i) The Secretary shall grant, issue, or renew a right-of-way pursuant to this title only when he is satisfied that the applicant has the technical and financial capability to construct the project for which the right-of-way is requested, and in accord with the requirements of this title.

SEC. 404. TERMS AND CONDITIONS.—Each right-of-way granted, issued ,or renewed pursuant to this title shall contain such terms and conditions as the Secretary deems necessary to: (1) carry out the purposes of this Act and rules and regulations hereunder; (2) protect the environment; (3) protect Federal property and monetary interests; (4) manage efficiently national resource lands which are subject to the right-of-way or adjacent thereto and protect the other lawful users of the national resource lands adjacent to or traversed by said right-of-way; (5) protect lives and property; (6) protect the interests of individuals living in the general area traversed by the right-of-way who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes; and (7) protect the public interest in the national resource lands.

SEC. 405. SUSPENSION OR TERMINATION OF RIGHTS-OF-WAY.—Abandonment of a right-of-way granted, issued, or renewed pursuant to this title or noncompliance with any provision of this title, condition of the right-of-way, or applicable rule or regulation of the Secretary may be grounds for suspension or termination of the right-of-way if, after due notice to the holder of the right-of-way and an appropriate administrative proceeding pursuant to section 554 of title 5, United States Code, the Secretary determines that any such ground exists and that suspension or termination is justified. No administrative proceeding shall be required where the right-of-way by its terms provides that it terminates on the occurrence of a fixed or agreed-upon condition, event, or time. If the Secretary determines that an immediate temporary suspension of activities within a

right-of-way for violation of its terms and conditions is necessary to protect public health or safety or the environment, he may abate such activities prior to an administrative proceeding. Prior to commencing any proceeding to suspend or terminate a right-of-way the Secretary shall give written notice to the holder of the ground or grounds for such action and shall give the holder a reasonable time to resume use of the right-of-way or to comply with this title, condition, rule, or regulation as the case may be. Failure of the holder of the right-of-way to use the right-of-way for the purpose for which it was granted, issued, or renewed for any continuous five-year period shall constitute a rebuttable presumption of abandonment of the right-of-way: *Provided, however,* That where the failure of the holder to use the right-of-way for the purpose for which it was granted, issued, or renewed for any continuous five-year period is due to circumstances not within the holder's control the Secretary is not required to commence proceedings to suspend or terminate the right-of-way.

SEC. 406. RIGHTS-OF-WAY FOR FEDERAL AGENCIES.—(a) The Secretary may reserve for the use of any department of agency of the United States a right-of-way over, upon, or through national resource lands, subject to such terms and conditions as he may impose.

(a) Where a right-of-way has been reserved for the use of any department or agency of the United States, the Secretary shall take no action to terminate, or otherwise limit, that use without the consent of the head of such department or agency.

SEC. 407. CONVEYANCE OF LANDS.—If, under applicable law, the Secretary decides to transfer out of Federal ownership, by patent, deed, or otherwise, any national resource lands covered in whole or in part by a right-of-way, including a right-of-way granted under the Act of November 16, 1973 (87 Stat. 576), the lands may be conveyed subject to the right-of-way. If, however, the Secretary determines that retention of Federal control over the right-of-way is necessary to assure that the purposes of this title will be implemented, the terms and conditions of the right-of-way complied with, or the national lands protected, he shall (1) reserve to the United States that portion of the lands which lies within the boundaries of the right-of-way, or (2) convey the lands, including that portion within the boundaries of the right-of-way, subject to the right-of-way and reserving to the United States the right to enforce all or any of the terms and conditions of the right-of-way, including the right to renew it or extend it upon its termination and to collect rents.

SEC. 408. EXISTING RIGHTS-OF-WAY.—Nothing in this title shall have the effect of terminating any right-of-way or rights-of-use heretofore issued, granted, or permitted by the Secretary. However, the Secretary may terminating any rights-of-way or rights-of-with the consent of the holder thereof and in its stead issue a right-of-way pursuant to the provisions of this title.

SEC. 409. STATE STANDARDS.—The Secretary shall take into consideration and, to the extent practicable, comply with State standards for rights-of-way construction, operation, and maintenance if those standards are for similar purposes as, and more stringent than, applicable Federal standards and if the national resource lands are adjacent to lands to which such State standards apply.

SEC. 410. EFFECT ON OTHER LAWS.—(a) After the date of enactment of this Act, no right-of-way for the purposes listed in this title shall be granted, issued, or renewed over, upon, or through national resource lands except under and subject to the provisions, limitations, and conditions of this title: *Provided,* That any application for a right-of-way filed under any other law prior to the date of enactment of this Act may, at the applicant's option, be considered as an application under this title or the Act under which the application was filed. The Secretary may require the applicant to submit any additional information he deems necessary to comply with the requirements of this title.

(b) Nothing in this title shall be construed to preclude the use of national resource lands for highway purposes pursuant to sections 107 and 317 of title 23, United States Code.

SEC. 411. INTERAGENCY COORDINATION.—Applicants before any Federal agency other than the Department of the Interior seeking a license, certificate, or other authority for a project which will involve national resource lands shall simultaneously apply to the Secretary for the appropriate authority to use national resource lands and submit to the Secretary all information furnished to such other Federal agency.

TITLE V—CONSTRUCTION OF LAW, PRESERVATION OF VALID EXISTING RIGHTS, AND REPEAL OF LAWS

SEC. 501. CONSTRUCTION OF LAW.—(a) Except as provided in section 410, the authority conferred upon the Secretary by this Act is in addition to all other authority vested in him by law, and nothing in this Act shall be deemed to repeal any such other authority by implication.

(b) Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States, or—

(1) as affecting in any way any law governing appropriation or use of, or Federal right to, water on national resource lands;

(2) as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in water resources development or control;

(3) as displacing, superseding, limiting, or modifying any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States or of two or more States and the Federal Government;

(4) as superseding, modifying, or repealing, except as specifically set forth in this Act, existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of water resources or to exercise licensing or regulatory functions in relation thereo;

(5) as modifying the terms of any interstate compact;

(6) as a limitation upon any State criminal statute or upon the police power of the respective States, or as derogating the authority of a local police officer in the performance of his duties, or as depriving any State or political subdivision thereof of any right it may have to exercise civil and criminal jurisdiction on the national resource lands;

(7) as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national resource lands; or

(8) as amending, limiting, or infringing the existing laws providing grants of lands to the States.

SEC. 502. VALID EXISTING RIGHTS.—All actions by the Secretary under this Act shall be subject to valid existing rights.

SEC. 503. REPEAL OF LAWS RELATING TO DISPOSAL OF NATIONAL RESOURCE LANDS.—(a) The following statutes or parts of statutes are repealed:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
1. Homesteads:				
Revised Statute 2289				161, 171.
Mar. 3, 1891	561	5	26: 1097	161, 162.
Revised Statute 2290				162.
Revised Statute 2295				163.
Revised Statute 2291				164.
June 6, 1912	153		37: 123	164, 169, 218.
May 14, 1880	89		21: 141	166, 185, 202, 223.
June 6, 1900	821		31: 683	166, 223.
Aug. 9, 1912	280		37: 267	
Apr. 6, 1914	51		38: 312	167.
Mar. 1, 1921	90		41: 1193	
Oct. 17, 1914	325		38: 740	168.
Revised Statute 2297				169.
Mar. 3, 1881	153		21: 511	
Oct. 22, 1914	335		38: 766	170.
Revised Statute 2292				171.
June 8, 1880	136		21: 166	172.
Revised Statute 2301				173.
Mar. 3, 1891	561	6	26: 1098	
June 3, 1896	312	2	29: 197	
Revised Statute 2288				174.
Mar. 3, 1891	561	3	26: 1097	
Mar. 3, 1905	1424		33: 991	
Revised Statute 2296				175.
Apr. 28, 1922	155		42: 502	
May 17, 1900	479	1	31: 179	179.
Jan. 26, 1901	180		31: 740	180.
Sept. 5, 1914	294		38: 712	182.
Revised Statute 2300				183.
Aug. 31, 1918	166	8	40: 957	
Sept. 13, 1918	173		40: 960	
Revised Statute 2302				184, 201.
July 26, 1892	251		27: 270	185.
Feb. 14, 1920	76		41: 434	186.
Jan. 21, 1922	32		42: 358	
Dec. 28, 1922	19		42: 1067	
June 12, 1930	471		46: 580	
Feb. 25, 1925	326		43: 981	187.
June 21, 1934	690		48: 1185	187a.
May 22, 1902	821	2	32: 203	187b.
June 5, 1900	716		31: 270	188, 217.
Mar. 3, 1875	131	15	18: 420	189.
July 4, 1884	180	Only last paragraph of sec. 1.	23: 96	190.
Mar. 1, 1933	160	1	47: 1418	190a.

The following words only: "Provided, That no further allotments of lands to Indians on the public domain shall be made in San Juan County, Utah, nor shall further Indian homesteads be made in said county under the Act of July 4, 1884 (23 Stat. 96: U.S.C. title 43, sec. 190.)"

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Revised Statutes 2310, 2311				191.
June 13, 1902	1080		32: 384	203.
Mar. 3, 1879	191		20: 472	204.
July 1, 1879	60		21: 46	205.

Act of	Chapter	Section	Statute at Large	43 U.S. Code
May 6, 1886	88		24: 22	206.
Aug. 21, 1916	361		39: 518	207.
June 3, 1924	240		43: 357	208.
Revised Statute 2298				211.
Aug. 30, 1890	837		26: 391	212.
The following words only: "No person who shall after the passage of this act, enter upon any of the public lands with a view to occupation, entry or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate, under all of said laws, but this limitation shall not operate to curtail the right of any person who has heretofore made entry or settlement on the public lands, or whose occupation, entry or settlement, is validated by this act."				
Mar. 3, 1891	561	17	26: 1101	
The following words only: "and that the provision of 'An Act making appropriations for sundry civil expense of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes,' which reads as follows, viz: 'No person who shall after the passage of this act enter upon any of the public lands with a view to occupation, entry or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all said laws,' shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands and not to include lands entered or sought to be entered under mineral land laws."				
Apr. 28, 1904	1776		33: 527	213.
Aug. 3, 1950	521		64: 398	
Mar. 2, 1889	381	6	25: 854	214.
Feb. 20, 1917	98		39: 925	215.
Mar. 4, 1921	162	1	41: 1433	216.
Feb. 19, 1909	160		35: 639	218.
June 13, 1912	166		37: 132	
Mar. 3, 1915	84		38: 953	
Mar. 3, 1915	91		38: 957	
Mar. 4, 1915	150	2	38: 1163	
July 3, 1916	220		39: 344	
Feb. 11, 1913	39		37: 666	218, 219.
June 17, 1910	298		36: 531	219.
Mar. 3, 1915	91		38: 957	
Sept. 5, 1916	440		39: 724	
Aug. 10, 1917	52	10	40: 275	
Mar. 4, 1915	150	1	38: 1162	220.
Mar. 4, 1923	245	1	42: 1445	222.
Apr. 28, 1904	1801		33: 547	224.
Mar. 2, 1907	2527		34: 1224	
May 29, 1908	220	7	35: 466	
Aug. 24, 1912	371		37: 499	
Aug. 22, 1914	270		38: 704	231.
Feb. 25, 1919	21		40: 1153	
July 3, 1916	214		39: 341	232.
Sept. 29, 1919	64		41: 288	233.
Apr. 6, 1922	122		42: 491	223, 272, 273.
Mar. 2, 1889	381	3	25: 854	234.
Dec. 29, 1894	14		28: 599	
July 1, 1879	63	1	21: 48	235.
Dec. 20, 1917	6		40: 430	236.
July 24, 1919	26	Next to last paragraph only.	41: 271	237.
Mar. 2, 1932	69		47: 59	237a.
May 21, 1934	320		48: 787	237b.
May 22, 1935	135		49: 286	237c.
Aug. 19, 1935	560		49: 659	237d.
Mar. 31, 1938	57		52: 149	
Apr. 20, 1936	239		49: 1235	237e.
July 30, 1956	778	1, 2, 4	70: 715	237 f,g,h.
Mar. 1, 1921	102		41: 1202	238.
Apr. 7, 1922	125		42: 492	
Revised Statute 2308				239.
June 16, 1898	458		30: 473	240.
Aug. 29, 1916	420		39: 671	
Apr. 7, 1930	108		46: 144	243.
Mar. 3, 1933	198		47: 1424	243a.
Mar. 3, 1879	192		20: 472	251.
Mar. 2, 1889	381	7	25: 855	252.
June 3, 1878	152		20: 91	253.
Revised Statute 2294				254.
May 26, 1890	355		26: 121	
Mar. 11, 1902	182		32: 63	
Mar. 4, 1904	394		33: 59	
Feb. 23, 1923	105		42: 1281	
Revised Statute 2293				255.
Oct. 6, 1917	86		40: 391	
Mar. 4, 1913	149	Only last paragraph of section headed "Public Land Service."	37: 925	256.
May 13, 1932	178		47: 153	256a.
June 16, 1933	99		48: 274	
July 26, 1935	419		49: 504	
June 16, 1937	361		50: 303	
Aug. 27, 1935	770		49: 909	256b.
Sept. 30, 1890	J. Res. 59		26: 684	261.
June 16, 1880	244		21: 287	263.
Apr. 18, 1904	25		33: 589	
Revised Statute 2304				271.
Mar. 1, 1901	674		31: 847	271, 272.
Revised Statute 2305				272.
Feb. 25, 1919	37		40: 1161	272a.
Dec. 28, 1922	19		42: 1067	
Revised Statute 2306				274.
Mar. 3, 1893	208		27: 593	275.
The following words only: "And provided further, That where soldier's additional homestead entries have been made or initiated upon certificate of the Commissioner of the General Land Office of the right to make such entry, and there is no adverse claimant, and such certificate is found erroneous or invalid for any cause, the purchaser thereunder, on making proof of such purchase, may perfect his title by payment of the Government price for the land; but no person shall be permitted to acquire more than one hundred and sixty acres of public land through the location of any such certificate."				
Aug. 18, 1894	301	Only last paragraph of Section headed "Surveying the Public Lands."	28: 397	276.
Revised Statute 2309				277.
Revised Statute 2307				278.
Sept. 21, 1922	357		42: 990	
Sept. 27, 1944	421		58: 747	279–283.
June 25, 1946	474		60: 308	279.
May 31, 1947	88		61: 123	279, 280, 282.
June 18, 1954	306		68: 253	279, 282.
June 3, 1948	399		62: 305	283, 284.
Dec. 29, 1916	9	1–8	39: 862	291–298.
Feb. 28, 1931	328		46: 1454	291.
June 9, 1933	53		48: 119	291.
June 6, 1924	274		46: 469	292.
Oct. 25, 1918	195		40: 1016	293.
Sept. 29, 1919	63		41: 287	294, 295.
Mar. 4, 1923	245	2	42: 1445	302.
Aug. 21, 1916	361		39: 518	1075.
Aug. 28, 1937	876	3	50: 875	1181c.
2. Sale and Disposal Laws:				
Mar. 3, 1891	561	9	26: 1099	671.
Revised Statute 2354				673.
Revised Statute 2355				674.
May 18, 1898	344	2	30: 418	675.
Revised Statute 2365				676.
Revised Statute 2357				678.
June 15, 1880	227	3, 4	21: 238	679, 680.
Mar. 2, 1889	381	4	25: 854	681.
Mar. 1, 1907	2286		34: 1052	682.
June 1, 1938	317		52: 609	628a–e.
July 14, 1945	298		59: 467	
June 8, 1954	270		68: 239	
Revised Statute 2361				688.
Revised Statute 2362				689.
Revised Statute 2363				690.
Revised Statute 2368				691.
Revised Statute 2366				692.
Revised Statute 2369				693.
Revised Statute 2370				694.
Revised Statute 2371				695.
Revised Statute 2374				696.
Revised Statute 2372				697.
Feb. 24, 1909	181		35: 645	
May 21, 1926	353	The two provisos only.	44: 591	
Revised Statute 2375				698.
Revised Statute 2376				699.
Mar. 2, 1889	381	1	25: 854	700.
3. Townsite Reservation and Sale:				
Revised Statute 2380				711.
Revised Statute 2381				712.
Revised Statute 2382				713.
Aug. 24, 1954	904		68: 792	
Revised Statute 2383				714.
Revised Statute 2384				715.
Revised Statute 2386				717.
Revised Statute 2387				718.
Revised Statute 2388				719.
Revised Statute 2389				720.
Revised Statute 2391				721.
Revised Statute 2392				722.
Revised Statute 2393				723.
Revised Statute 2394				724.
Mar. 3, 1877	113	1, 3, 4	19: 392	725–727.
Mar. 3, 1891	561	16	26: 1101	728.
July 9, 1914	138		38: 454	730.
Feb. 9, 1903	531		32: 820	731.
4. Drainage Under State Laws:				
May 20, 1908	181	1–7	35: 171	1021–1027.
Mar. 3, 1919	113		40: 1321	1028.
May 1, 1958	P.L. 85-387		72: 99	1029–1034.
Jan. 17, 1920	47		41: 392	1041–1048.
5. Abandoned Military Reservation:				
July 5, 1884	214	5	23: 104	1074.
Aug. 21, 1916	361		39: 518	1075.
Mar. 3, 1893	208		27: 593	1076.
The following words only: "Provided, That the President is hereby authorized by proclamation to withhold from sale and grant for public use to the municipal corporation in which the same is situated all or any portion of any abandoned military reservation not exceeding twenty acres in one place."				
Aug. 23, 1894	314		28: 491	1077, 1078.
Feb. 11, 1903	543		32: 822	1079.
Feb. 15, 1895	92		28: 664	1080, 1077.
Apr. 23, 1904	1496		33: 306	1081.
6. Public Lands; Oklahoma:				
May 2, 1890	182	Last paragraph of sec. 18 and secs. 20, 21, 22, 24, 27.	26: 90	1091–1094, 1096, 1097.
Mar. 3, 1891	543	16	26: 1026	1098.

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Aug. 7, 1946	772	1, 2	60: 872	1100–1101.
Aug. 3, 1955	498	1–8	69: 445	1102–1102g.
May 14, 1890	207		26: 109	1111–1117.
Sept. 1, 1893	J. Res. 4		28: 11	1118.
May 11, 1896	168	1, 2	29: 116	1119.
Jan. 18, 1897	62	1–3, 5, 7	29: 490	1131–1134.
June 23, 1897	8		30: 105	
Mar. 1, 1899	328		30: 966	
7. Sales of Isolated Tracts:				
Revised Statute 2455				1171.
Feb. 26, 1895	133		28: 687	
June 27, 1906	3554		34: 517	
Mar. 28, 1912	67		37: 77	
Mar. 9, 1928	164		45: 253	
June 28, 1934	865	14	48: 1274	
July 30, 1947	383		61: 630	
Apr. 24, 1928	428		45: 457	1171a.
May 23, 1930	313		46: 377	1171b.
Feb. 4, 1919	13		40: 1055	1172.
May 10, 1920	178		41: 595	1173.
Aug. 11, 1921	62		42: 159	1175.
May 19, 1926	337		44: 566	1176.
Feb. 14, 1931	170		46: 1105	1177.
8. Alaska Special Laws:				
Mar. 3, 1891	561	11	26: 1099	732.
May 25, 1926	379		44: 629	733–736.
May 29, 1963	P.L. 88–34		77: 52	
July 24, 1947	305		61: 414	738.
May 14, 1898	299	1	30: 409	270.
Mar. 3, 1903	1002		32: 1028	
Apr. 29, 1950	137	1	64: 94	
Aug. 3, 1955	496		69: 444	270, 687a–2.
Apr. 29, 1950	137	2–5	64: 95	270–5, 270–6, 270–7, 687a–1.
July 11, 1956	571	2	70: 59	270–7.
July 8, 1916	228		39: 252	270–8, 270–9.
June 28, 1918	110		40: 632	270–10, 270–14
July 11, 1956	571	1	70: 528	
Mar. 8, 1922	96	1	42: 415	270–11.
Aug. 23, 1958	P.L. 85–725	1, 4	72: 730	
Aug. 17, 1961	P.L. 87–147		75: 384	270–13.
Oct. 3, 1962	P.L. 87–742		76: 740	
Apr. 13, 1926	121		44: 243	270–15.
Apr. 29, 1950	134	3	64: 93	270–16, 270–17.
May 14, 1898	299	10	30: 413	270–4, 687a to 687a–5.
Mar. 3, 1927	323		44: 1364	
May 26, 1934	357		48: 809	
Aug. 23, 1958	P.L. 85–725	3	72: 730	
Mar. 3, 1891	561	13	26: 1100	687a–6.
Aug. 30, 1949	521		63: 679	687b to 687b–4.
July 19, 1963	P.L. 88–66		77: 80	687b–5.
9. Pittman Underground Water Act:				
Sept. 22, 1922	400		42: 1012	356.

(b) Section 7 of the Taylor Grazing Act (48 Stat. 1269, 1272), as amended by section 2 of the Act of June 26, 1936 (49 Stat. 1976), is further amended to read as follows:

"The Secretary of the Interior is authorized, in his discretion to examine and classify any lands withdrawn or reserved by Executive order of November 26, 1934 (numbered 6910), and amendments thereto, and Executive order of February 5, 1935 (numbered 6964), or within a grazing district, which are more valuable or suitable for any other use than for the use provided for under this Act, or proper for acquisition in satisfaction of any outstanding lieu, exchange or land grant, and to open such lands to disposal in accordance with such classification under applicable public land laws. Such lands shall not be subject to disposition until after the same have been classified and opened to disposal.".

(c) Section 2 of the Act of March 8, 1922 (42 Stat. 415, 416), as amended by section 2 of the Act of August 23, 1958 (72 Stat. 730), is further amended to read:

"The coal, oil, or gas deposits reserved to the United States in accordance with the Act of March 8, 1922 (42 Stat. 415), as added to by the Act of August 17, 1961 (75 Stat. 384), and amended by the Act of October 3, 1962 (76 Stat. 740), shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits or coal, oil, or gas lands in Alaska in force at the time of such disposal. Any person qualified to acquire coal, oil, or gas deposits, or the right to mine or remove the coal or to drill for and remove the oil or gas under the laws of the United States shall have the right at all times to enter upon the lands patented under the Act of March 8, 1922, as amended, and in accordance with the provisions hereof, for the purpose of prospecting for coal, oil, or gas therein, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal, oil, or gas deposits in any such land, or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove oil and gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That the owner under such limited patent shall have the right to mine the coal for use on the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: *Provided further*, That nothing in this Act shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase.".

(e) Section 3 of the Act of August 30, 1949 (63 Stat. 679), is amended to read:

"Notwithstanding the provisions of any Act of Congress to the contrary, any person who prospects for, mines, or removes any minerals from any land disposed of under the Act of August 30, 1949 (63 Stat. 679), shall be liable for any damage that may be caused to the value of the land and tangible improvements thereon by such prospecting for, mining, or removal of minerals. Nothing in this section shall be construed to impair any vested right in existence on August 30, 1949.".

SEC. 504. REPEAL OF LAWS RELATING TO ADMINISTRATION OF NATIONAL RESOURCE LANDS.—The following statutes or parts of statutes are repealed:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Mar. 2, 1895	174		28: 744	176.
June 28, 1934	865	8	48: 1272	315g.
June 26, 1936	842	3	49: 1976, title I.	
June 19, 1948	548	1	62: 533	
July 9, 1962	P.L. 87–524		76: 140	315g-1.
Aug. 24, 1937	744		50: 748	315p.
Mar. 3, 1909	271	2d proviso only.	35: 845	772.
June 25, 1910	J. Res. 40		36: 884	
June 21, 1934	689		48: 1185	871a.
Revised Statute 2447				1151.
Revised Statute 2448				1152.
June 6, 1874	223		18: 62	1153, 1154.
Jan. 28, 1879	30		20: 274	1155.
May 30, 1894	87		28: 84	1156.
Revised Statute 2450				1161.
Feb. 27, 1877	69	1	19:244	
The following words only: "Section twenty-four hundred and fifty is amended by striking out in the fourth line the words 'Secretary of the Treasury' and inserting the words 'Secretary of the Interior' ".				
Feb. 27, 1877	69	1	19: 244	
Revised Statute 2451				1162.
The following words only: "Section twenty-four hundred and fifty-one is amended by striking out, in the first and second lines, the words 'Secretary of the Treasury' and inserting the words 'Secretary of the Interior' ".				
Revised Statute 2456				1163.
Sept. 20, 1922	350		42: 857	
The words ". . . and sections 2450, 2451, and 2456 be amended to read as follows:" and all words following in the Act.				
Revised Statute 2457				1164.
Mar. 3, 1891	561	7	26: 1098	1165.
Revised Statute 2471				1191.
Revised Statute 2472				1192.
Revised Statute 2473				1193.
July 14, 1960	P.L. 86–649	101–202(a), 203–204(a), 301–303.	74: 506	1361, 1362, 1363–1383.
Sept. 26, 1970	P.L. 91–429		84: 885	1362a.
July 31, 1939	401	1, 2	53: 1144	

SEC. 505. REPEAL OF LAWS RELATING TO RIGHTS-OF-WAY.—(a) The following statutes or parts of statutes are repealed insofar as they apply to national resource lands:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Revised Statutes 2339				661.
The following words only: "and the right-of-way for the construction of ditches and canals for the purpose herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage."				
Revised Statutes 2340				661.
The following words only: ", or rights to ditches and reservoirs used in connection with such water rights,".				
Feb. 26, 1897	335		29: 599	664.
Mar. 3, 1899	427	1	30: 1233	665, 958 (16 U.S.C. 525).
The following words only: "that in the form provided by existing law the Secretary of the Interior may file and approve surveys and plats of any right-of-way for a wagon road, railroad, or other highway over and across any forest reservation or reservoir site when in his judgment the public interests will not be injuriously affected thereby."				
Mar. 3, 1875	152		18: 482	934-939.
May 14, 1898	299	2-9	30: 409	942-1 to 942-9.
Feb. 27, 1901	614		31: 815	943.
June 26, 1906	3548		34: 481	944.
Mar. 3, 1891	561	18-21	26: 1101	946-949.
Mar. 4, 1917	184	1	39: 1197	
May 28, 1926	409		44: 668	
Mar. 1, 1921	93		41: 1194	950.
Jan. 13, 1897	11		29: 484	952-955.
Mar. 3, 1923	219		42: 1437	
Jan. 21, 1895	37		28: 635	951, 956, 957.
May 14, 1896	179		29: 120	
May 11, 1898	292		30: 404	
Mar. 4, 1917	184	2	39: 1197	
Feb. 15, 1901	372		31: 790	959 (16 U.S.C. 79, 522).
Mar. 4, 1911	238		36: 1253	961 (16 U.S.C. 5, 420, 523).
Only the last two paragraphs under the subheading "Improvement of the National Forests" under the heading "Forest Service."				
May 27, 1952	338		66: 95	
May 21, 1896	212		29: 127	962-965.
Apr. 12, 1910	155		36: 296	966-970.

(b) Notwithstanding the provisions of subsection (a) of this section, the following statute is repealed in its entirety, subject to valid existing rights.

Act of	Chapter	Section	Statute at Large	U.S. Code
Revised Statute 2477				43 U.S.C. 932

Mr. HASKELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HASKELL. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 507.

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

WORLD HABITAT DAY

Mr. SPARKMAN. Mr. President, I am introducing a resolution which would express the sense of the Senate that the President of the United States should issue a proclamation designating February 29, 1976, as "World Habitat Day." Because of time considerations—February 29 is this coming Sunday—I ask unanimous consent that the resolution be given immediate consideration.

I have cleared this with both sides of the aisle.

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

Mr. SPARKMAN. Mr. President, I send that resolution to the desk.

The PRESIDING OFFICER. May we have order? I cannot hear the Senator from Alabama. May we have order?

Mr. SPARKMAN. I send the resolution to the desk and ask that it be stated.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 398) expressing the sense of the Senate that the President should issue a proclamation designating February 29, 1976, as "World Habitat Day."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SPARKMAN. Mr. President, this is a simple resolution. Its purpose is to have February 29 named by the President as "World Habitat Day" and thus bring attention to the concerted effort of the nations of the world to help resolve human settlement problems. A similar proclamation is being made by nations all over the world who have joined together under United Nations auspices to convene a Habitat Conference on Human Settlements in Vancouver, Canada, from May 30 to June 11, 1976. Some 140 nations will meet to exchange solutions of human settlement problems and to help develop plans of action to solve these problems. Proclaiming a World Habitat Day is to bring attention to the forthcoming meeting and to raise world consciousness to the serious human settlement issues facing the nations of the world, including our own Nation.

Mr. President, one of the great benefits of this Conference is the format which requires each nation to review its own housing and urban problems and the policies of its government to help resolve these problems. Each nation is being requested to submit a report to the Conference on its policies and programs with respect to these issues. If nothing else is accomplished by the Conference, this alone can make a tremendous contribution toward improving the quality of life throughout the world. Before problems can be solved, they must first be studied and attention brought to them for the leadership of the Nation to see and understand.

I believe this feature of the Conference is particularly beneficial to our United States. Like other nations, we, too, are being forced to look at our problems and to submit a report on what is being done about them. Already, in preparation of the U.S. report, hundreds of meetings have been held throughout our land, the net result of which can be extremely helpful with respect to understanding better our own needs and examining the policies of our Government with respect to the solution of those needs. One of the most beneficial byproducts of the requirement for a U.S. report is the intention of our Government to include the 1976 Report on National Growth and Development. This is the biennial report to the Congress submitted pursuant to title VII of the Housing and Urban Development Act of 1970. The first two reports to Congress have been most disappointing in carrying out the intent of the law that such a report help provide guidance on our Nation's future growth and development.

However, because of the attention that Habitat has placed on this report, the administration has taken great pains to prepare a document that truly reflects the original intent of Congress that a well conceived and productive report be prepared which can form the basis for the development of governmental policy for the future growth of our Nation. The report is due by the end of this month, and we are looking forward to receiving it.

Mr. President, I have prepared a set of questions and answers on Habitat. I ask unanimous consent that they be printed in the RECORD.

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

QUESTIONS AND ANSWERS ON "HABITAT"

What is Habitat?

Habitat is the United Nations Conference on Human Settlements. It will take place in Vancouver, Canada, May 31 through June 11, 1976.

What is a human settlement?

A human settlement is any place humans work, live and play. The term refers to all the physical facilities and service institutions required by humans—whether they live in great cities, towns or villages. Included are housing, energy supply, work, transport, communications, water sanitation, education, health, protection, government, law, economic management, and facilities for leisure, recreation and the arts.

How did the Habitat Conference come about?

At the 1972 Stockholm Conference on the Human Environment one of the main agenda items was human settlements. It was felt that more time should be devoted to it at some later date. Subsequently, Canada proposed to host a conference on human settlements and the offer was accepted by the United Nations.

What is the purpose of Habitat?

The purpose of Habitat is to draw international attention to the challenges and opportunities of a rapidly urbanizing world. Habitat will focus on solutions to problems of human settlements. Its purpose will be to provide nations with the opportunity to exchange knowledge and experience which has been effective in improving the quality of life in human settlements.

What will Habitat achieve?

Habitat will seek to promote greater awareness of settlement problems, issues and solu-

tions among the 140 member countries of the United Nations. It will encourage governments at all levels to view settlements issues comprehensively and to make the improvement of human settlements a priority concern.

What good is a lot of talk?

How else can the world's settlement problems be tackled? They are too great for any person to tackle single handed, so experts and governments have to talk with each other. Understanding other people's problems helps in the understanding of one's own problems. Exchanging experience on different solutions is fruitful talk. Before the Stockholm Conference, few governments gave priority to the natural environment; now virtually all do. Human settlements need the same attention.

Can anyone go to Habitat?

Basically, it's a conference of governments from around the world and participants are nominated as members of national delegations. Concurrently, also in Vancouver, a parallel conference—"Habitat Forum"— will provide a meeting place for non-governmental organizations and individuals at Jericho Beach-Park. This will draw representatives from national and international non-governmental organizations. Habitat Forum will run from May 27 to June 11. It starts before the governmental conference in order to have time to prepare recommendations for the official delegates participating at the Habitat Conference.

What is the U.S. preparation for Habitat?

The Department of State is coordinating the U.S. Government effort at the conference with assistance from several other Federal agencies and an advisory committee of non-governmental organizations.

The Habitat National Center has been established by the Department of Housing and Urban Development with the cooperation of several Federal agencies to provide information on Habitat and Habitat Forum and to stimulate public awareness and discussion of human settlements in the United States. The Center is located at 1111 Eighteenth Street NW., Washington, D.C. 20036. Phone (202) 254-7515.

The U.S. will submit four films to the Conference on the following topics: urban and environmental management technology; citizen involvement in public decision making; energy and resource conservation in human settlements; and U.S. international programs in the field of human settlements.

Each nation participating in Habitat has selected examples of solutions to human settlement problems. The official U.S. demonstration program to Habitat is Horizons on Display, which features two hundred projects across the United States. Visitor services will be available at each of these projects so that our citizens and foreign visitors can see these solutions at work.

Developed and developing countries are experiencing problems of rural-urban migration, environmental pollution, inadequate housing, ill-health, unemployment, and population overcrowding. Over half of all people on earth today, are ill-fed, ill-clothed and ill-housed. If present trends continue, within the next 25-30 years, our world population will double. To keep pace with this explosion, ten times more major cities will be created than in all of history. By the year 2000 we must build the equivalent of 300 cities of over 1 million population.

Are we to be inundated by these problems? Not if Governments act now to find solutions and establish practices for implementing them.

Habitat has three basic messages: First, that the time has come for the nations of the world to give priority to the question of how and where people live whether it's in cities, rural villages, or squatter settlements. Second, that human settlement issues—such as shelter, population, environment, energy, land use, social services and citizen participation in decision-making—are interrelated and this needs to be reflected in public policies. Third, that human settlement problems can be solved with existing technology and resources if we have the social and political commitment to do so.

Habitat: The United Nations Conference on Human Settlements will be held in Vancouver, Canada from May 31–June 11, 1976. It will be the first world conference to focus specifically on improving the quality of life in a rapidly urbanizing world.

Habitat will employ a wholistic approach, addressing the interface between the natural, built, social, economic and political environments in urban and rural settlements. It will be a global exchange of ideas, techniques and systems for solving human settlement problems, which may be replicated throughout the world. Each country will contribute film presentations, a national report, and an in situ demonstration program to this exchange of knowledge and experience.

In preparation for the conference, nations around the world will be observing Habitat Day on February 29. The resolution I am introducing today proposes that February 29 be designated as World Habitat Day in the United States.

Habitat is not just another international conference. It is an opportunity to raise national awareness of human settlements issues among the public and at all levels of government.

The designation of World Habitat Day will contribute to the urban consciousness-raising process which we must now begin in earnest.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 398) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 398

Whereas Habitat, the United Nations Conference on Human Settlement, will take place from May 31 to June 11, 1976, in Vancouver, British Columbia, Canada;

Whereas the Conference will draw together some 140 of the member countries of the United Nations to exchange solutions to settlement problems;

Whereas Habitat is the capstone in a series of United Nations conferences dealing with problems of the environment, population, food, and the status of women;

Whereas the central concern and focus of Habitat is the improvement of the quality of life in human settlements including interrelated subjects such as national growth policy, settlement planning, shelter, transportation, energy, land use, the environment, and citizen involvement;

Whereas the Habitat Conference presents an opportunity for our Nation to examine its housing and human settlement needs and to stimulate the development of plans to achieve the national housing goal of a decent home and a suitable living environment for every American family; and

Whereas many nations have already designated February 29 as "World Habitat Day": Now, therefore, be it

Resolved, That in order to give appropriate recognition to the importance of the quality of life in human settlements and the beneficial contributions that the Habitat Conference will make toward improving the quality of life in our Nation and the World, it is the sense of the Senate that the President should issue a proclamation designating February 29, 1976, as "World Habitat Day", and calling upon the people of the United States and interested groups and organizations to observe that day with appropriate ceremonies and activities.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

FEDERAL EMPLOYEES' POLITICAL ACTIVITIES ACT OF 1975

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 8617, which the clerk shall state.

The legislative clerk read as follows:

A bill (H.R. 8617) to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with amendments, as follows:

On page 5, beginning with line 8, insert the following:

"(b) Nothing in this section authorizes the use by any employee of any information coming to him in the course of his employment or official duties for any purpose where otherwise prohibited by law.

On page 5, at the beginning of line 13, strike "(b)" and insert "(c)";

On page 6, in line 22, strike "duty, etc.;" and insert "duty;";

On page 8, beginning in line 17, strike out: "occurs. The preceding sentence shall not apply to the extent an employee is otherwise on leave."

And insert in lieu thereof: "occurs, unless the employee is otherwise on leave."

On page 9, in line 9, strike "foregoing";

On page 10, in line 11, strike "year," " and insert "year.";

On page 13, beginning in line 8, strike "a notice by certified mail, return receipt requested" and insert "a written notice by certified mail";

On page 14, in line 17, strike "duly";

On page 14, in line 20, strike "duly filed," and insert "filed within the time allowed,";

On page 18, in line 11, strike "Board. Thereupon the Board shall certify", and insert "Board which shall then certify";

On page 25, under "Subchapter III—Political Activities, Sec. 7325.", strike "duty, etc.;" and insert "duty;".

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR SENATE RESOLUTION 333 TO BE PLACED UNDER "SUBJECTS ON THE TABLE"

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar No. 552, Senate Resolution 333, be placed on the calendar under "Subjects on the Table."

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CULVER). Without objection, it is so ordered.

SUPPLEMENTAL RAILROAD APPROPRIATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed now, without any action thereon today, to the consideration of Calendar No. 608, House Joint Resolution 801.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 801) making supplemental railroad appropriations for the fiscal year ending June 30, 1976, the period ending September 30, 1976, the fiscal year ending September 30, 1978, and the fiscal year ending September 30, 1979, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Appropriations.

TIME LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time agreement on House Joint Resolution 801, with the understanding that the time not begin running today, of 1 hour on the resolution, to be equally divided between Mr. PASTORE and Mr. CASE, that there be a time limitation on any amendment of one-half hour; a time limitation on any debatable motion or appeal of 20 minutes; a time limitation on any point of order, if such is submitted to the Senate for discussion, of 30 minutes; and that the agreement be in the usual form, with the exception of an amendment to be offered by Mr. HUGH SCOTT of Pennsylvania.

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

The text of the unanimous-consent agreement is as follows:

Ordered, That during the consideration of H.J. Res. 801 (Order No. 608), a joint resolution making supplemental railroad appropriations for the fiscal year ending June 30, 1976, the period ending Sept. 30, 1976, the fiscal year ending Sept. 30, 1978, and the fiscal year ending Sept. 30, 1979, and for other purposes, debate on any amendment or any point of order which is submitted or on which the Chair entertains debate shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the resolution, and that debate on any debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the resolution: *Provided*, That in the event the manager of the resolution is in favor of any such amendment, debatable motion, appeal, or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee: *Provided further*, That no amendment that is not germane (except an amendment to be offered by the Senator from Pennsylvania (Mr. SCOTT)) to the provisions of the said resolution shall be received.

Ordered further, That on the question of agreeing to the said resolution, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Rhode Island (Mr. PASTORE) and the Senator from New Jersey (Mr. CASE): *Provided*, That the said Senators, or either of them, may, from the time under their control on agreeing to the said resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order. (Feb. 25, 1976)

ORDER FOR S. 2493 TO BE INDEFINITELY POSTPONED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar No. 611, S. 2493, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Pollock-Herreid unit, South Dakota pumping division, Pick-Sloan Missouri Basin program, South Dakota, and for other purposes, be indefinitely postponed.

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

ORDER FOR ADJOURNMENT UNTIL 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 o'clock tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATORS 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 on tomorrow, the following Senators be recognized each for not to exceed 15 minutes, and in the order stated: Mr. BUCKLEY and Mr. GOLDWATER.

I ask unanimous consent then that following those Senators I have 10 minutes following Mr. GOLDWATER.

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

Mr. ROBERT C. BYRD. Or in the alternative that Mr. GRIFFIN have the 10 minutes if I do not use them.

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

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for the recognition of Senators on tomorrow there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 5 minutes each.

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

ORDER TO PROCEED TO THE CONSIDERATION OF SENATE RESOLUTION 392

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business tomorrow the Senate proceed to the consideration of Calendar order No. 621, Senate Resolution 392, waiving section 303(a) of the Congressional Budget Act of 1974 with respect to the consideration of House Joint Resolution 801.

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

ORDER TO RESUME CONSIDERATION OF HOUSE JOINT RESOLUTION 801

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of Senate Resolution 392 tomorrow the Senate resume consideration of House Joint Resolution 801, Calendar order No. 608.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at the hour of 10 o'clock tomorrow morning. After the two leaders or their designees have been recognized under the standing order Mr. BUCKLEY and Mr. GOLDWATER will be recognized, each for not to exceed 15 minutes; following which, I will be recognized for not to exceed 10 minutes or in the alternative Mr. GRIFFIN will be recognized for not to exceed 10 minutes.

A period for the transaction of routine morning business will then ensue, the period not to exceed beyond 15 minutes, with statements limited therein to 5 minutes, at the conclusion of which period the Senate will proceed to the consideration of Calendar order No. 621, Senate Resolution 392.

I would anticipate the possibility of rollcall votes on the passage of that resolution.

Upon the disposition of that resolution, the Senate will take up House Joint Resolution 801, a joint resolution making supplemental railroad appropriations for the fiscal year ending June 30, 1976, under a time agreement. Rollcall votes can be anticipated on that measure and on amendments or motions in relation to the same.

Upon the disposition of that measure, it is possible that the Senate will be taking up S. 953, a bill to amend the Export Administration Act of 1969 to clarify and strengthen the authority of the Secretary of Commerce to take action in the case of restrictive trade practices or boycotts.

It is possible that the Senate might take up H.R. 8650, an act to assist low-income persons in insulating their homes; and there may be other measures that have been cleared for action on tomorrow which would necessitate rollcall votes.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 10 o'clock tomorrow morning.

The motion was agreed to; and at 5:16 p.m., the Senate adjourned until tomorrow, Thursday, February 26, 1976, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 25, 1976:

UNITED NATIONS

William W. Scranton, of Pennsylvania, to be the Representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

IN THE AIR FORCE

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapter 837, title 10, United States Code:

To be major general

Brig. Gen. Michael Collins, [redacted] FV, Air Force Reserve.

Brig. Gen. George M. Douglas, [redacted] FV, Air Force Reserve.

Brig. Gen. Irving B. Holley, Jr., [redacted] FV, Air Force Reserve.

Brig. Gen. John W. Huston, [redacted] FV, Air Force Reserve.

Brig. Gen. Orrin W. Matthews, [redacted] FV, Air Force Reserve.

Brig. Gen. Joseph M. F. Ryan, Jr., [redacted] FV, Air Force Reserve

To be brigadier general

Col. Stuart P. French, [redacted] FV, Air Force Reserve.

Col. George W. Frimpter, [redacted] FV, Air Force Reserve.

Col. Rex A. Hadley, [redacted] FV, Air Force Reserve.

Col. Gilbert S. Harper, Jr., [redacted] FV, Air Force Reserve.

Col. Donald E. Haugen, [redacted] FV, Air Force Reserve.

Col. Billy M. Knowles, [redacted] FV, Air Force Reserve.

Col. James E. McAdoo, [redacted] FV, Air Force Reserve.

Col. George W. Miller III, [redacted] FV, Air Force Reserve.

Col. David L. Stanford, [redacted] FV, Air Force Reserve.

Col. Thoralf T. Thielen, [redacted] FV, Air Force Reserve.

Col. Joseph A. Thomas, [redacted] FV, Air Force Reserve.

Col. Victor H. Thompson, Jr., [redacted] FV, Air Force Reserve.

IN THE NAVY

The following named captains of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated subject to qualification therefor as provided by law:

MEDICAL CORPS

Almon C. Wilson John W. Cox

SUPPLY CORPS

Paul L. Foster Charles W. Rixey
Harold C. Donley, Jr. Van T. Edsall

CIVIL ENGINEER CORPS

Neal W. Clements

DENTAL CORPS

Paul E. Farrell

CONFIRMATIONS

Executive nominations confirmed by the Senate February 25, 1976:

IN THE NAVY

The following-named officers of the Naval Reserve for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

LINE

Horton Smith Thomas A. Kamm
William J. Gilmore

MEDICAL CORPS

Harold M. Voth Dean B. Seiler

CIVIL ENGINEER CORPS

James E. Mantel

JUDGE ADVOCATE GENERAL'S CORPS

Penrose L. Albright

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major general:

Edward A. Wilcox George W. Smith
William J. White John H. Miller
Noah C. New Harold A. Hatch
Philip D. Shutler Edward J. Bronars
Richard E. Carey Paul X. Kelley

The following-named officers of the Marine Corps for temporary appointment to the grade of brigadier general:

David M. Twomey Robert E. Haebel
Kenneth L. Robinson, Jr. Lawrence F. Sullivan
Francis X. Quinn
Joseph V. McLernan William E. H. Fitch III
Hal W. Vincent Alfred M. Gray, Jr.
Robert J. Chadwick Leo J. LeBlanc, Jr.
Stephen G. Olmstead James L. Day
Bernard E. Trainor
Marc A. Moore

The following-named officer of the Marine Corps Reserve for temporary appointment to the grade of brigadier general:

Keith A. Smith

IN THE AIR FORCE

Air Force nominations beginning John R. Adama, to be first lieutenant, and ending Max L. Fisher, to be colonel, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 1976.

IN THE ARMY

Army nominations beginning Eugene G. Archer, to be colonel, and ending Jeffrey T. Tucker, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on January 29, 1976.

IN THE MARINE CORPS

The nomination of Capt. William D. Rusinak, U.S. Marine Corps, for appointment to the grade of major, which nomination was received by the Senate on January 29, 1976.

EXTENSIONS OF REMARKS

BOY SCOUTS OF AMERICA

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1976

Mr. MURTHA. Mr. Speaker, I had the pleasure this morning of acting as one of the hosts for the Boy Scouts of America Bicentennial breakfast, where we listened to a report which indicated the continued viability of scouting in this great country.

I have personally been involved in scouting for 20 years and I have long been an admirer of the volunteers who are the backbone of this organization which has done so much good to train potential future leaders.

The poet, Virgil, said 2,000 years ago, "be favorable to bold beginnings," and the Boy Scout organization has long been instrumental in giving young men an opportunity for a bold beginning.

My compliments to the Boy Scouts of America for their substantial contribution to America. I submit their 1975 report for the Record:

REPORT BOY SCOUTS OF AMERICA—1975

In its 66 years of service to the country, the Boy Scouts of America has had a profound influence directly on the lives of more than 60 million boys and young adults. Indirectly, the movement has reached nearly every American through its impact on society from Scouting's moral code, its emphasis on patriotism, and through the leadership training it has provided the youth of our nation.

As a volunteer movement, Scouting is rich in human resources. Last year 1.4 million men and women gave more than 218 million man-hours to advance Scouting's cause. If these inspired efforts had been rewarded with no more than the current minimum wage, the payroll for this dedicated manpower would have cost $502,320,000—well over a half-billion dollars. Of course, the true value of this precious gift of time and talent is priceless.

The Boy Scouts of America is built on teamwork with community organizations. Scouting's success depends on the cooperation of many people working in partnership. Scouting, in turn, develops community and national leaders who understand the importance of involvement.

Those who have benefited directly from their Scouting experiences can be found at the crest of all of our national organizations, institutions, and worthy enterprises. They are predominant in the executive branch of our Government and, indeed, nearly two-thirds of the members of Congress have been active in Scouting. You can find former Scouts among our top military leaders, in our various religious and educational institutions, and in all of the professions.

Scouting is sometimes challenged by the question: "Is your program relevant?" The response must also be a question, "Is character development relevant as the nation emerges from the shadow of Watergate? Is citizenship training that emphasizes the responsibilities as well as the rights of individuals relevant? Are physical, mental, and moral fitness for America's youth relevant?"

Actually, Scouting is unique and is one of America's foremost educational institutions. Boys and young adults learn by doing and gain competence through practice. Last Oc-