

the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act. The powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department shall, for purposes of this Act, be exercised or performed by the Secretary or by such persons as he may designate.

(e) **REGISTRATION.**—(1) Any person who engages to any extent in business as an importer of fish or wildlife must register with the Secretary of the Treasury his name and the address of each place of business at which, and all trade names under which, he conducts such business.

(2) Any person required to register with the Secretary of the Treasury under paragraph (1) of this subsection shall—

(A) keep such records as will fully and correctly disclose each importation or exportation of fish or wildlife except nonendangered and nonthreatened shell fish or fishery products which are imported or exported for human or animal consumption or recreational purposes, made by him and the subsequent disposition made by him with respect to such fish or wildlife; and

(B) at all reasonable times upon notice by a duly authorized representative of the Secretary, afford such representative access to his places of business, an opportunity to examine his inventory of imported fish or wildlife and the records required to be kept under subparagraph (A) of this paragraph and to copy such records.

(3) The Secretary of the Treasury, after consultation with the Secretary, shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this subsection.

(f) **ENFORCEMENT REGULATIONS.**—(1) The Secretary, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating, are authorized to promulgate such regulations as may be appropriate to enforce this Act, and to charge reasonable fees for expenses to the Government connected with permits authorized by this Act, including processing applications and reasonable inspections, and the transfer, board, handling, or storage of fish, wildlife, or plants and evidentiary items seized and forfeited under this Act. All fees collected pursuant to this subsection shall be deposited in the Treasury to the credit of the appropriation which is current and chargeable for the cost of furnishing the services. Appropriated funds may be expended pending reimbursement from parties in interest.

(g) **CITIZEN SUITS.**—(1) Except as provided in paragraph (2) of this subsection, any person may commence a civil suit on his own behalf to enjoin any person, including the United States and any other governmental instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution), who is alleged to be in violation of any provision of this Act or regulation issued under the authority thereof. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce any such provision or regulation, as the case may be.

(2) No action may be commenced—

(A) prior to sixty days after written notice of the violation has been given to the Secretary, and to any alleged violator of any such provision or regulation;

(B) if the Secretary has commenced action to impose a penalty pursuant to subsection (a) of this section; or

(C) if the United States has commenced and is diligently prosecuting a criminal action in a court of the United States or a State to redress a violation of any such provision or regulation.

(3) (A) Any suit under this subsection

may be brought in the judicial district in which the violation occurs.

(B) In any such suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Secretary, may intervene on behalf of the United States as a matter of right.

(4) The court, in issuing any final order in any suit brought pursuant to paragraph (1) of this subsection may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(5) The injunctive relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief (including relief against the Secretary or a State agency).

(h) **COORDINATION.**—The Secretary of Agriculture and the Secretary shall provide for appropriate coordination of the administration of this Act with the administration of the animal quarantine laws (21 U.S.C. 107-105, 111-135b, and 612-614) and section 506 of the Tariff Act of 1930 (19 U.S.C. 1506). Nothing in this Act or any amendment made by this Act, shall be construed as superseding or limiting in any manner the functions of the Secretary of Agriculture under any other law relating to prohibited or restricted importations or possession of animals and other articles. No proceeding or determination under this Act shall preclude any proceeding or be considered determinative of any issue of fact or law in any proceeding under any Act administered by the Secretary of Agriculture. Nothing in this Act shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the Tariff Act of 1930, including, but not limited to, section 527 of such Act (19 U.S.C. 1527), relating to the importation of wildlife taken, killed, possessed, or exported to the United States in violation of the laws or regulations of a foreign country.

ENDANGERED PLANTS

SEC. 13. The Secretary of Agriculture, in conjunction with other affected agencies, is authorized and directed to review species of plants which are endangered or threatened, and methods of providing adequate protection including legislation for such species. He shall report the results of such review to Congress, not later than one year after the date of enactment of this Act. For purposes of this section, there is authorized to be appropriated not to exceed \$250,000.

CONFORMING AMENDMENTS

SEC. 14. (a) Section 4(c) of the Act of October 15, 1966 (80 Stat. 928, 16 U.S.C. 668dd(c)), is further amended by revising the second sentence thereof to read as follows: "With the exception of endangered and threatened species listed by the Secretary pursuant to section 4 of the Endangered Species Act of 1973 in States wherein a cooperative agreement does not exist pursuant to section 6(c) of such Act nothing in this Act shall be construed to authorize the Secretary to control or regulate hunting or fishing of resident fish and wildlife on lands not within the System."

(b) Section 10(a) of the Migratory Bird Conservation Act (45 Stat. 1224, 16 U.S.C. 7151(a)) and section 401(a) of the Act of June 15, 1935 (49 Stat. 383, 16 U.S.C. 715s(a)) are each amended by striking out "threatened with extinction," and inserting in lieu thereof the following: "listed pursuant to section 4 of the Endangered Species Act of 1973 as endangered or threatened species."

(c) Section 6(a)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(a)(1)) is amended by striking out:

"THREATENED SPECIES. — For any national area which may be authorized for the pres-

ervation of species of fish or wildlife that are threatened with extinction," and inserting in lieu thereof the following:

"ENDANGERED AND THREATENED SPECIES.— For lands, waters, or interests therein, the acquisition of which is authorized under section 5 of the Endangered Species Act of 1973, needed for the purpose of conserving, protecting, restoring, or propagating endangered or threatened species of fish, wildlife, or plants."

(d) The first sentence of section 2 of the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 4061-1), is amended to read as follows:

"Sec. 2. The Secretary is authorized to acquire areas of land, or interests therein, which are suitable for—

"(1) incidental fish- and wildlife-oriented recreational development,

"(2) the protection of natural resources,

"(3) the conservation of endangered or threatened species listed by the Secretary pursuant to section 4 of the Endangered Species Act of 1973, or

"(4) carrying out two or more of the purposes set forth in paragraphs (1) through (3) of this section, and are adjacent to, or within, the said conservation areas, except that the acquisition of any land or interest therein pursuant to this section shall be accomplished only with such funds as may be appropriated therefor by the Congress or donated for such purposes, but such property shall not be acquired with funds obtained from the sale of Federal migratory bird hunting stamps."

(e) The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) is amended—

(1) by striking out "Endangered Species Conservation Act of 1969" in section (1) (B) thereof and inserting in lieu thereof the following: "Endangered Species Act of 1973";

(2) by striking out "pursuant to the Endangered Species Conservation Act of 1969" in section 101(a)(3)(B) thereof and inserting in lieu thereof the following: "or threatened species pursuant to the Endangered Species Act of 1973";

(3) by striking out "endangered under the Endangered Species Conservation Act of 1969" in section 102(b)(3) thereof and inserting in lieu thereof the following: "an endangered or a threatened species pursuant to the Endangered Species Act of 1973"; and

(4) by striking out "Endangered Species list, authorized by the Endangered Species Conservation Act of 1969," in section 202(a)(6) thereof and inserting in lieu thereof the following: "endangered species list and threatened species list published pursuant to section 4(c)(1) of the Endangered Species Act of 1973";

(f) Section 2(l) of the Federal Environmental Pesticide Control Act of 1972 (Public Law 92-516) is amended by striking out the words "by the Secretary of the Interior under Public Law 91-135" and inserting in lieu thereof the words "or threatened by the Secretary pursuant to the Endangered Species Act of 1973".

REPEALER

SEC. 15. The Endangered Species Conservation Act of 1969 (sections 1 through 3 of the Act of October 15, 1966, and sections 1 through 6 of the Act of December 5, 1969; 16 U.S.C. 668aa-668cc-6) is repealed.

APPLICABILITY WITHIN STATES

SEC. 16. (a) **STATE PLAN.**—By the end of the first year after the date of enactment of this Act, a State may establish a plan for endangered and threatened species in accordance with this Act. A plan is in accordance with this Act if it meets or exceeds the requirements set forth in section 6(c) of this Act and represents an effective response to the Nation's need to conserve, protect, restore, and propagate endangered and threatened species of fish or wildlife. Upon the establishment of such a plan, the Governor

or the head of the State agency shall promptly transmit a certified copy to the Secretary.

(b) DETERMINATION BY SECRETARY.—Within ninety days after the Secretary receives a certified copy of a State plan established under subsection (a) or subsection (d) of this section, the Secretary shall make a determination whether such State has established a plan for endangered and threatened species in accordance with this Act. Unless the Secretary determines, pursuant to this section, that a State plan is not in accordance with this Act, the plan shall go into effect in such State on the date designated in the plan. In no event shall such State plan go into effect less than three months or more than nine months after the date of its establishment.

(c) PERIODIC REVIEW.—The Secretary shall periodically, but not less than once every three years, review each State plan for endangered and threatened species which has been approved under subsection (b) of this section and for which there is experience, to determine whether such plan is still in accordance with this Act and to evaluate the success of such plan in terms of the policy of this Act. To facilitate such review, the Governor or the head of the State agency in each such State shall submit to the Secretary periodically all information relevant and requested by the Secretary. The Secretary shall report to the President and Congress simultaneously each year on the results of such reviews, including any recommendations for legislation.

(d) NO STATE PLAN.—Except as to species listed in Appendix I of the Convention, the provisions of this Act regarding the management and taking of any State's resident species shall become applicable in their entirety within a State fifteen months after the date of enactment of this Act unless, prior to such date, the Secretary has made a determination under subsection (b) of this section that such State has established a plan for endangered and threatened species in accordance with this Act: *Provided*, That if, within fifteen months of the date of enactment of this Act, the Secretary finds that a State which does not prevent the taking of a species listed by him as endangered does not provide adequate protection for that species, he may by regulation implement the provisions of subsection 10(a) of this Act with respect to that species in that State. If, at any time thereafter, the Secretary upon petition makes a determination, pursuant to subsection (b) of this section, that a State has established a plan for endangered and threatened species in accordance with this Act, such plan shall go into effect and the provisions of this Act regarding the conservation and management of any species shall cease to be applicable or in effect within such State on a date to be designated by the Secretary. If, after a State plan in accordance with this Act is in effect within a State, the Secretary makes a determination, pursuant to subsection (c) of this section, that such plan is no longer in accordance with this Act, the provisions of this Act regarding the management and taking of any species shall go into effect within such State and such plan shall cease to be in effect on a date to be designated by the Secretary.

(e) PROCEDURE.—(1) Before making any determination under this section, the Secretary shall publish a notice in the Federal Register and afford the State and all interested parties a reasonable opportunity to present their views by oral and written submission.

(2) The Secretary shall notify in writing the Governor of the affected State of any determinations made under this section and shall publish these determinations with reasons therefor in the Federal Register.

(3) Any determinations made by the Secretary under this section shall be subject

to judicial review in accordance with chapter V of title 5, United States Code, in the United States court of appeals for the circuit in which is located the State whose plan is the subject of such determination or in the United States Court of Appeals for the District of Columbia Circuit. Any such review shall be instituted within sixty days from the date on which the determination made by the Secretary is published in the Federal Register.

(f) EFFECTIVE DATE.—Except as otherwise provided in this section, the provisions of this Act shall become effective in their entirety upon the date of enactment of this Act.

MARINE MAMMALS ACT

SEC. 17. CONFLICTS.—Except as otherwise provided in this Act, no provision of this Act shall take precedence over any more restrictive conflicting provision of the Marine Mammal Protection Act of 1972.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 18. For purposes of this Act, other than section 6 and section 13 of this Act, there are authorized to be appropriated such sums as are necessary, not to exceed \$3,960,000 for the fiscal year ending June 30, 1974; not to exceed \$6,660,000 for the fiscal year ending June 30, 1975; and not to exceed \$8,870,000 for the fiscal year ending June 30, 1976.

SEC. 19. (a) That, in accordance with section 3(b) of the Wilderness Act (78 Stat. 892; 16 U.S.C. 1132(b)), those lands in the Daniel Boone National Forest, Kentucky, comprising the Pioneer Weapons Hunting Area and consisting of approximately seven thousand three hundred acres, are hereby designated as wilderness.

(b) As soon as practicable after this Act takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Interior and Insular Affairs Committee of the United States Senate and House of Representatives and such map and 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. A copy of such map and description shall be on file and available for public inspection in the offices of the Chief, Forest Service, United States Department of Agriculture.

(c) The wilderness area designated by this Act shall be known as the Cave Run Wilderness and shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(d) Nothing in this Act or the Wilderness Act shall be construed as precluding the construction of a Zilpo recreation site access road generally on a route extending northward from Forest Development Road Numbered 129 generally skirting the eastern boundary of the Pioneer Weapons Hunting Area, or as affecting or modifying in any manner the 1962 Cooperative Management Plan between the Department of Fish and Wildlife Resources of the State of Kentucky and the Department of Agriculture involving the designation of the Pioneer Weapons Hunting Area within the Daniel Boone National Forest.

The title was amended, so as to read: "A bill to provide for the conservation, protection, restoration, and propagation of threatened and endangered species of fish, wildlife, and plants, and for other purposes."

Mr. TUNNEY. Mr. President, I move that the Senate 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. TUNNEY. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the bill, S. 1983, which was just passed.

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

AMENDMENT OF COMMUNICATIONS ACT OF 1934

Mr. PASTORE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1090.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1090) to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes which was to strike out all after the enacting clause, and insert:

That (a) section 396(k)(1) of the Communications Act of 1934 is amended to read as follows:

"(k)(1) There is authorized to be appropriated for expenses of the Corporation \$50,000,000 for the fiscal year ending June 30, 1974, and \$60,000,000 for the fiscal year ending June 30, 1975."

(b) Section 396(k)(2) of such Act is amended by striking out "1973" and inserting in lieu thereof "1975".

(c) Section 391 of such Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 391. There are authorized to be appropriated for the fiscal year ending June 30, 1974, and for the succeeding fiscal year such sums not to exceed \$25,000,000 for the fiscal year ending June 30, 1974, and \$30,000,000 for the succeeding fiscal year, as may be necessary to carry out the purposes of section 390. Sums appropriated under this section for any fiscal year shall remain available for payment of grants for projects for which applications approved under section 392, have been submitted under such section prior to the end of the succeeding fiscal year."

SEC. 2. (a) Section 399 of the Communications Act of 1934 is amended by inserting "(a)" after "Sec. 399." and by inserting at the end thereof the following new subsection:

"(b)(1) Except as provided in paragraph (2), each licensee which receives assistance under this part after the date of the enactment of this subsection shall retain an audio recording of each of its broadcasts of any program in which any issue of public importance is discussed. Each such recording shall be retained for the sixty-day period beginning on the date on which the licensee broadcasts such program.

"(2) The requirements of paragraph (1) shall not apply with respect to a licensee's broadcast of a program if an entity designated by the licensee retains an audio recording of each of the licensee's broadcasts of such a program for the period prescribed by paragraph (1).

"(3) Each licensee and entity designated by a licensee under paragraph (2) which retains a recording under paragraph (1) or (2) shall, in the period during which such recording is required under such paragraph to

be retained, make a copy of such recording available—

"(A) to the Commission upon its request, and

"(B) to any other person upon payment to the licensee or designated entity (as the case may be) of its reasonable cost of making such copy.

"(4) The Commission shall by rule prescribe—

"(A) the manner in which recordings required by this subsection shall be kept, and

"(B) the conditions under which they shall be available to persons other than the Commission,

giving due regard to the goals of eliminating unnecessary expense and effort and minimizing administrative burdens."

(b) The section heading for such section 399 is amended by inserting at the end "RECORDINGS OF CERTAIN PROGRAMS".

Mr. PASTORE. Mr. President, S. 1090 would require all noncommercial radio and television stations receiving Federal assistance to keep audio recordings of each broadcast of a program in which issues of public importance are discussed.

Mr. President, this legislation passed the Senate on May 7, 1973, and subsequently passed the House on Friday, July 20.

As passed by the House, it differs from the bill passed by the Senate. Specifically, it authorizes appropriations of \$5 million less for the Corporation for each of the fiscal years 1974 and 1975.

It also shortens the authorization period for appropriations for the public broadcasting facilities construction program from 4 years to 2 years, that is, fiscal years 1974 and 1975 instead of fiscal years 1974, 1975, 1976, and 1977. In the process, however, it increases the authorization for fiscal year 1975 from \$25 million to \$30 million.

In my judgment, under the circumstances, the differences between the House and Senate versions of S. 1090 are not substantial enough to warrant a conference.

The House bill is fully in accord with the intent of the bill as the Senate passed it. It will enable the Corporation and the facilities program to continue and modestly grow.

I cannot let this opportunity pass, however, without once again emphasizing the need for a permanent financing plan for the Corporation. I hope that the administration will soon submit such a program.

I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. PASTORE. Mr. President, this action has been cleared with the other side. I have talked with the minority leader and also with the Senator from Tennessee (Mr. BAKER), who is the minority member of our subcommittee. What I am doing is satisfactory to them. They have no objection.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House insisted upon its amendment to the bill

(S. 1888) to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. FOLEY, Mr. SISK, Mr. RARICK, Mr. JONES of Tennessee, Mr. TEAGUE of California, Mr. WAMPLER, Mr. GOODLING, and Mr. MAYNE were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8070) to authorize grants for vocational rehabilitation services, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mr. BRADEMAS, Mrs. MINK, Mr. QUIE, and Mr. ESHLEMAN were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BOLAND, Mr. EVINS of Tennessee, Mr. SHIPLEY, Mr. ROUSH, Mr. TIERNAN, Mr. CHAPPELL, Mr. CHAIMO, Mr. MAHON, Mr. TALCOTT, Mr. MCDADE, Mr. SCHERLE, Mr. RUTH, and Mr. CEDERBERG were appointed managers on the part of the House at the conference.

JOB TRAINING AND COMMUNITY SERVICES ACT OF 1973

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 1559, which will be stated.

The assistant legislative clerk read as follows:

A bill (S. 1559) to provide financial assistance to enable State and local governments to assume responsibilities for job training and community services, and for other purposes, which had been reported from the Committee on Labor and Public Welfare with an amendment in the nature of a substitute.

The PRESIDING OFFICER. Debate on S. 1559 is limited to 1 hour, to be equally divided and controlled by the Senator from Wisconsin (Mr. NELSON) and the Senator from New York (Mr. JAVITS), with 30 minutes on any amendment, debatable motion, or appeal.

Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time for the quorum call not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. 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. NELSON. Mr. President, the legislation before the Senate today represents the culmination of 4 years of effort to decentralize responsibility for manpower programs in order to enable States and localities to assume primary responsibility for carrying out training and employment programs in accordance with locally determined needs.

In the Job Training and Community Services Act of 1973 the Labor and Public Welfare Committee has reported a bill which provides the legislative basis for special revenue sharing for manpower programs.

At the outset, let me point out that the funding recommended by the committee for this legislation—despite increases in the cost of programs—is exactly the same as Congress appropriated for the same programs in 1973—\$1.88 billion. Therefore, no part of the President's overall budget increase of \$19 billion between 1973 and 1974 can be attributed to this legislation. If all legislation held the line on spending at last year's level—as the committee recommends for this bill—then the budget would in fact be balanced.

In his budget message in January of this year, the President proposed a program of manpower revenue sharing. The President said:

The 1974 program is based upon a reevaluation of the Federal government's role in these areas. The primary responsibility for most of these activities, other than those for veterans, rests with State and local governments. The proper Federal role is primarily that of helping State and local governments finance their own activities while conducting directly those few programs that can be done efficiently and effectively only by the Federal government.

I have long held the view that Federal programs can best be administered at the State and local level. The pending bill embodies the manpower revenue sharing approach endorsed by the President. The bill, in all significant respects, is consistent with the administration's plans.

The administration's budget in January proposed to undertake administrative changes designed to move in the direction of manpower revenue sharing during fiscal year 1974—the current year.

We are hopeful that this bipartisan legislation we have worked out can be enacted into law promptly in order that the Labor Department can begin to implement the manpower revenue sharing program and have the new system fully in place by July 1, 1974.

The bill we are presenting to the Senate would replace the Manpower Development and Training Act of 1962 and title I of the Economic Opportunity Act of 1964 as the basic legislative authorities for Federal manpower programs.

This year the Subcommittee on Employment, Poverty, and Migratory Labor held 20 days of hearings on manpower legislation and related issues, beginning in February and ending in May. The subcommittee held 15 hearings around the

Nation—in Wisconsin, Ohio, Iowa, New York, and California. Five days of hearings were held in Washington, specifically on manpower legislation.

On April 12, Senator JAVITS and I introduced S. 1559, the Job Training and Community Services Act of 1973. The bill was marked up in subcommittee on May 15 and by the full Labor and Public Welfare Committee on June 14.

The bill reported by the Labor and Public Welfare Committee provides for turning over to State and local elected officials the major responsibility for job training programs as well as local initiative community action activities.

In order to carry out the legislation, the bill authorizes the appropriation of such sums as may be necessary. The Manpower Development and Training Act, which the pending legislation replaces, currently authorizes such sums as may be necessary and the administration has requested an extension of that authorization. The committee report sets forth the estimate of costs based on a continuation of the fiscal year 1973 levels (S. Rept. 93-304, page 23).

Last year, the total authorization for manpower training was \$1.55 billion and funds for community action were \$329 million—for a total of \$1.88 billion. The committee believes that Governors, mayors, and county officials can adequately carry out their new responsibilities for manpower programs and community services under this legislation if we provide an amount equal to funds appropriated for the same activities during fiscal year 1973, a total of \$1.88 billion.

If the sum of \$1.88 billion were appropriated, under the bill's provisions \$1.55 billion would be used for job training and \$329 million for local community services activities.

Eligible prime sponsors for carrying out job training and community services programs would be States, cities of 100,000 population, and counties of 150,000 population. In special circumstances, the Secretary of Labor could recognize a qualified city or county below those population limits. City and county prime sponsors would plan and administer programs within their areas and the State would be the prime sponsor responsible for the balance of State areas outside local prime sponsorship areas.

Of the funds available under the bill for job training, 75 percent would be allocated to State and local governments designated as prime sponsors under the legislation. The remaining 25 percent would be available to the Secretary to carry out special responsibilities, including the Job Corps, programs for Indians and migrants, technical assistance, and research and development activities.

The chief elected officials—Governors, mayors, and county officials—would have the final authority with respect to the programs for which they are responsible as prime sponsors. They would be assisted in planning and evaluation by broadly based employment and training councils would consist of community action agencies, other community-based organizations, vocational education and employment service agencies, other organizations with expertise in the field of

training, and business and labor. One-third of the council's membership must be representative of population groups in the community to be served.

In order to receive funds, each prime sponsor would prepare its own program statement specifying programs and projects for which it intends to use the funds and establishing goals for those programs. The employment and training council would make recommendations to the prime sponsor concerning the program statement. If the program statement meets the provisions of the law, the Secretary must provide the financial assistance to which the prime sponsor is entitled. Under this legislation, Federal officials will no longer approve or disapprove individual projects. The purpose of the legislation is to assure that prime sponsors will be entitled to use their allocations for meeting locally determined manpower needs in their own discretion. The bill provides that the program statement must be made public and the opportunity for comment must be afforded to the Governor, area planning council, appropriate State and local agencies and officials, and community action agencies, and other community-based organizations.

State and local prime sponsors are not required to maintain any particular categorical programs. Eligible activities describing recognized programs are simply listed as examples of activities prime sponsors may fund, but other job training activities are eligible as well.

Eligible activities under the legislation include the full array of manpower training programs now being carried out. However, local and State prime sponsors would not be limited to these activities. They would be free to meet the needs of their particular localities in whatever way appears wisest to local authorities. Eligible activities are detailed in section 201(b) (1) through (15) on pages 50 to 56 of the bill.

The eligible activities in the bill include:

Mainstream programs, to provide work on conservation, recreation, beautification, and other projects for older workers and others with little chance of finding regular employment.

New careers programs, to provide training and jobs with upward mobility for the poor and unemployed in such areas as health, education and child care.

Neighborhood Youth Corps programs, to provide part-time employment to youngsters to help them stay in school, jobs, and training for those over 16 who have left school, and summer employment for poor young people.

Opportunities industrialization centers—OIC—and jobs for progress—Operation SER—programs, both of which provide comprehensive services to prepare and place people in jobs through community-based training programs.

Job opportunities in the business sector—JOBS—programs to provide financial incentives to businesses to train and employ the disadvantaged.

Skill centers, programs now run under the MDTA—to provide institutional training programs for the poor.

Job development programs, including employment centers and mobile units accessible to urban and rural poverty areas.

Special programs for offenders, to help them with training and securing employment.

Programs to meet the needs of Indians. Programs for migrant and seasonal farmworkers.

Special programs for persons with limited English-speaking ability.

Programs for middle-aged and older workers.

Programs for unemployed and underemployed engineers, scientists, and technicians.

Public service employment programs, providing transitional jobs for the unemployed, including related training.

In order to encourage areawide planning the bill contains authority for the Governor of each State to provide for multicounty planning areas. Each area would have a planning council made up of representatives of local communities. Outside of areas served by city or county prime sponsors, the Governor would have final authority to approve programs. However, the area planning councils would prepare program statements and have the right to comment upon any changes the Governor made. City and county prime sponsors, while independent, would be included in planning areas and area planning councils would review their program statements and be able to give advice.

Within the State prime sponsorship area, cities and counties with at least 75,000 population would be program agents. They would have specific dollar allocations and could operate the manpower programs. However, planning for their programs would be carried out by the multicounty area planning councils and be included in the State plan submitted by the Governor.

The apportionment of funds among State and local prime sponsors and program agents is based upon two factors—unemployment and the adult population below the lower living standard budget of the Bureau of Labor Statistics. However, during fiscal years 1974 through 1977 each State and local area would be held harmless at the same proportionate share of manpower funding received during fiscal year 1972. In fiscal year 1977, the hold harmless provision would no longer apply and the formula specified in the bill would be applicable.

NEED FOR MANPOWER REFORM

This year, as in the past, witness after witness testified at great length on the difficulties of attempting to plan sensible programs and operate them in an orderly manner when the difficulties of dealing through the Federal bureaucracies are so overwhelming.

Manpower programs are now administered directly from Washington through the 10 regional offices of the Department of Labor.

The legislation proposes to reduce the number of contractors to a total of 378 prime sponsors—State, city, and county—in contrast to the 10,000 or more separate entities that now contract di-