SENATE—*Wednesday, December 9, 1970*

The Senate met at 10 a.m., and was called to order by the Vice President.

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

O Thou mighty God, we thank Thee for the tidings of great joy and the hope which broke upon man's life when the nightly sky heralded the advent of a redeemer who would set the people free and bring in the kingdom of love and justice for all. While we work and while we pray here, make our hearts ready to receive Him afresh, to comprehend Him more clearly and to follow Him steadfastly in private life and public service. As we catch a new vision of His star may all people, east and west, north and south, be guided to His manger of universal hope and salvation. May the promise of a new birth and a new man be fulfilled in our day and the peoples of every race and nation be brought under the domination of His great love in Thy kingdom that is without end.

We pray in His name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, December 8, 1970, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, after disposition of the Journal, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 15 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

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

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

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

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

The VICE PRESIDENT. The nominations on the Executive Calendar will be stated.

DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk proceeded to read sundry nominations of Ambassadors.

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

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

U.S. ARMY

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

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

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

U.S. MARINE CORPS

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE ARMY

The assistant legislative clerk proceeded to read sundry nominations in the Army which had been placed on the Secretary's desk.

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

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

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the previous order, the Chair now recognizes the distinguished Senator from Minnesota (Mr. MONDALE) for 1 hour.

JUSTICE FOR CHILDREN

I. WHITE HOUSE CONFERENCE ON CHILDREN

Mr. MONDALE. Mr. President, next week a few thousand Americans, some famous, some just interested citizens—but all sharing a deep concern for their subject—will meet in Washington for the 1970 White House Conference on Children. Many of us are wondering just how helpful this conference is going to be.

Yesterday, the administrators of the Conference released a series of preliminary forum reports which contain a number of constructive recommendations, as well as a trenchant, critical analysis of present programs and institutions affecting children.

Mr. RIBICOFF. Mr. President, will the distinguished Senator from Minnesota yield to me at that point?

Mr. MONDALE. I am very happy to yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I would be more than pleased to stay here and listen to the Senator's entire speech but we are in the final phases of marking up the social security bill and the Finance Committee is now meeting.

Mr. MONDALE. I understand.

Mr. RIBICOFF. However, I have had the opportunity, through the courtesy of the Senator from Minnesota, to read an advance copy of his speech.

I want to commend him for his forthright and honest appraisal of the plight of children in America today.

What the Senator has said here this morning should be listened to and read by every American concerned with the future of our Nation.

For our children, indeed, are our future and we must not fail them.

The Senator has correctly identified many of the problems which we face, and he is supported by the findings and recommendations of the recent report of the Joint Commission on the Mental Health of Children. This report particularly emphasizes a major problem which the Senator from Minnesota has pointed out in his speech: The unresponsiveness of our society's institutions to the needs of children.

The Commission has recommended that a program of child advocacy be established. I have endorsed this recommendation and am presently drafting legislation to authorize a series of pilot programs in a number of communities throughout the country. Advocacy can be a means of putting the proper emphasis on the priorities we must give to children and their families. I share fully the view of the Senator from Minnesota (Mr. MONDALE) that we must act quickly to instill some understanding and sensitivity into the institutions which serve children.

Mr. President, I would also commend for reading by every delegate to the present White House Conference the speech and the practical advice the Senator from Minnesota gives the delegates. As he says, our shelves are full of reports of White House conferences and commission after commission. I become very skeptical over the years as to whether these White House conferences and these commissions serve any useful purpose, or are merely used as a means to sweep under the rug by a great deal of publicity many of the problems we face; because, if we study the White House conferences that have been held to study

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all the social fields over the past 30 to 40 years, we will find recommended, as a result of the conferences held 25, 30, or 40 years ago, many proposals which are relevant today and which Presidents and Congresses have failed to do anything with, and where the problems still exist in our society.

Therefore, the recommendation that this delegation at the White House conference not leave Washington until it gets a commitment from the administration is sound and practical advice, because many of these problems are long past due. They have been discussed in public forums for decades.

Let me take this opportunity this morning to commend once more the Senator from Minnesota for bringing together in his speech the problems which face our children today.

We brag in this country that we are concerned with our children. We are, really, not.

Again, there is a lot of rhetoric without any followthrough. Throughout this Nation, there are millions of children who are sick, hungry, uneducated, and who need all kinds of medical care, including care for mental illness; yet, we neglect them.

As the Senator from Minnesota knows, when we neglect a child, once that child gets to be 3, 4, or 5 years of age, it becomes almost impossible to correct any defects which we could have corrected had we addressed ourselves to the problems earlier in that child's existence.

We in this country must realize that the future of our Nation depends upon our children. If we love our children and love our country, we must go beyond speeches and push forward with action programs where we address ourselves to the problems that plague America and its children today.

May I say to the Senator from Minnesota that he has my complete support and admiration for what he has done. I shall be more than pleased to cooperate with him during the next session of Congress on any legislation that he may propose, or a course of action to be followed, to correct the problems facing the children of America.

Mr. MONDALE. Mr. President, let me thank the distinguished Senator from Connecticut and express my deep appreciation. No person in the Senate has had a longer career seeking to serve these objectives than he, having served as Governor of Connecticut, and then Secretary of the Department of Health, Education, and Welfare, and then as Governor for many years. In the Senate he has been one of the leaders in the field, introducing, among other progressive proposals, the legislation that created the Joint Commission on the Mental Health of Children. I think his words carry special importance.

The 1970 White House Conference on Children will be the seventh such conference. It is interesting to note that in 1930 they held what was probably one of the better conferences. When one reviews the recommendations made by this conference held 40 years ago, he is, first of all, struck by how excellent the recommendations are and, secondly, by how few of them have been adopted. Most of them remain untouched.

I would hope that this year's conference would spend time on the implementation of the resolutions.

I think the report of the Joint Commission on the Mental Health of Children underscores the fact referred to, that although we like to think of ourselves as a child-oriented society, I do not believe that there are many industrial nations which permit as many of our children to be mangled and destroyed by hunger and neglect and poor housing and poor education as we in the United States do.

Mr. RIBICOFF. Mr. President, if we take into account the various affluent nations, the record of the United States is certainly one of the worst in the entire world.

I think we are fortunate in having Dr. Zigler in charge of these functions. I know Dr. Zigler. He was a professor at Yale University. I believe that he is dedicated to the same objectives as the Senator from Minnesota and I.

One of the problems, of course, that he is going to have, as in every other program, is where he will get the money considering the budget restrictions and restraints.

I have more and more in recent years felt that one of the best things the President and Congress could do would be to have a very thorough going review of the programs. There are many programs on the books now which are funded and for which we appropriate money which are not as effective as some other programs, but which could be much more meaningful and helpful in our Nation.

If we have limited funds, it would be much better to scrap ongoing programs which produce little benefit and substitute for them programs which would mean so much for the future of our society.

I again commend the Senator from Minnesota for his leadership in this field.

Mr. MONDALE. Mr. President, I thank the Senator from Connecticut.

Mr. President, I should like to make one final comment with reference to children's advocacy centers, on which subject the Senator from Connecticut is preparing legislation. I think that is the sort of approach we ought to try. It would be unique in this field. It has been recommended but remains essentially untried. I think, with the proper essential involvement of parents and children counselors in these centers, they can help make some of these rigid, paternalistic programs more responsive to the needs of the family, the children, and the family unit.

The Senator from Connecticut has had a great deal of experience with this matter. He knows that they are Washington centered and bureaucrat oriented and often do not have the sensitivity required and do not respond to the real needs of a family or children.

Mr. RIBICOFF. From my experience in government and as a former Secretary of the Department of Health, Education, and Welfare, there are millions of children who are falling through the cracks of bureaucracy. Many programs can be very helpful. However, when we get through shunting a child and his mother from one program to another with the forms and redtape incident thereto, we find that it is very discouraging.

We have many programs that are underutilized and could be better utilized.

The concept of a program is to have someone in the neighborhood to look after the problems of children, not to act as an agency, but to be there to make sure that if a child needs help because of physical, mental, educational, or emotional causes, that someone will be there to make sure that the child gets that care and does not wander around in the wilderness.

I believe this is especially true today when we consider the number of children who come under the influence of drugs and narcotics. It becomes even more important to help with the problems of these children as early as possible and move to correct them. With the passage of a little time, it is too late to salvage a child for himself and for the future of our society.

Mr. MONDALE. Mr. President, I could not agree with the Senator more. We had witnesses before the Equal Education Subcommittee who were representative of the Puerto Rican community. There are roughly 250,000 Puerto Rican children in the New York school system.

Last year they were able to identify only about 300 who had gone to college and received academic degrees.

We had as a witness one of the four Puerto Rican principals. We asked him how he was able to finally break through the system and become a principal. He said:

> It was very difficult. But I want you to know that I am one of the few that made it.

I imagine that that man was in his early thirties. He said:

> I cannot tell you how many of my peers failed to make it and now many are now dead from drug abuse.

When we hear that from a young American who resides in one of our major cities, it underscores beyond any doubt the way in which we are failing our people.

I thank the Senator from Connecticut for his useful contributions. I join with him as well in expressing my admiration for Dr. Zigler, who is one of the finest men in this field today.

Mr. President, I hope the delegates will also consider some of the issues overlooked by these reports, and above all, focus on the question of how to insure that immediate implementation of the Conference's recommendations will follow. Certainly the past history of White House Conferences and President's Commissions is that they make strong, sweeping, perceptive reports which ultimately do nothing but gather dust. President Hoover's President's Conference 40 years ago produced a children's charter comprehensive enough and still unfulfilled enough to be a fine agenda for action today. Since I believe that charter would be of interest to the Senate, I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONDALE. Mr. President, there is recent experience, too. A reading of the Panel reports which preceded last year's White House Conference on Nutrition reveals a clear and forceful agenda for action, including hundreds of constructive recommendations. That agenda was followed by promises of action. A year later these promises remain unfulfilled. The followup to that Conference has been dismally weak.

So as the delegates prepare to come to Washington, I think it would be appropriate to convey some suggestions to them about what they might try to accomplish. I say to the delegates: Bear in mind the shelves of reports which already exist. Bear in mind what has happened in the past. Specifically, insist that a representative group from the Conference be formed to call on the President personally while the Conference is still in session and seek his public support for implementation. Abjure abstract discussion of new programs, new offices, new commissions, new agencies, new councils. Get an agreement from this administration, now, for immediate funding of an action committee, with an office here in Washington and staff picked by this Conference, to speak up for implementation of its findings; get a Children's Advocacy Center created now, with money, before you leave town; let this be the first White House Conference ever to focus on creating a legistive strategy for implementing its findings.

This will do more to make the recommendations of this Conference come to life than any other step. Take it from one who is personally and painfully familiar with what happened after last year's White House Conference on Hunger. Do not leave town without establishing a concrete action mechanism.

I make a commitment to the delegates as well. Regardless of what the administration does—although I would prefer to work in cooperation with it—I will join with other Senators to introduce the constructive proposals of the Conference in legislative form. And I will work to organize a bipartisan group of Members of the Congress to work on behalf of the children of America. If we can have Members of Congress for world peace through law, as we should and do, we can have Members of Congress for justice to children.

My advice to the delegates is not confined to the question of followup.

A study of the forum reports, as constructive as they are, reveals a certain lack of immediacy.

Nowhere in the reports do I find any real discussion of school desegregation. Yet this is an issue which has the gravest implications for the life chances of millions of American children—an issue where the direction of national policy is in heated debate every day, an issue where there is urgent need for public attention and response to the mounting evidence that the problems only begin for the black child when he is placed in a theoretically desegregated school. I find no mention of this in the forum reports. I hope the delegates will see that it is discussed.

And if there is little reference to school desegregation generally, there is no hint that this administration is at this moment spending millions of Federal dollars to support continued racist practices in schools in the name of aiding desegregation.

Reference to continued Federal inaction to solve the simplest and most inexcusable American problem—hunger—is confined to two paragraphs in one of the reports on health. I hope the delegates will raise that issue to a greater level of priority.

There are other omissions.

The forum reports are permeated with expressions of the need to protect children. But there is no attention to the fact that the President's Family Assistance Plan, pending in Congress right now, would force mothers of school age children to work even during hours when the children are not in school—a development which could hurt children further just as the Conference seeks new ways to protect them.

The forum reports repeatedly stress the need for more child advocacy, but there is no mention that this administration has been moving in the other direction. The Community Action program, which created some local advocacy for children, is currently being emasculated and dismantled. The neighborhood Legal Services program, which created another effective means of advocacy for children, is in political difficulty within the administration. And there are elements in the administration who would curtail the activities of public interest law firms, still another source of effective advocacy for children.

The forum reports stress the need for expanded child welfare and child development programs, and do not mention that this is the first administration which sought a ceiling on funds for social services including day care. It is also the administration which opposed the expansion of Headstart, after its grand promises about the first 5 years of life.

So I urge the delegates to bring some immediacy to the deliberations of the Conference.

There is one further gaping omission in the forum reports—any consideration of basic power relationships in America. The reports rightly criticize the lack of accountability and the bureaucratic empire building in many programs for children. But their major recommendation to deal with these failures is advocacy, rather than greater participation in governance.

Advocacy is good, and the system of child advocacy proposed in the reports is both interesting and promising. But the fundamental question is power and powerlessness. The basic underlying reason, more important than any other, why millions of American children are victimized, is powerlessness—the lack of power which their parents and they have to affect the Government, the programs and the institutions which are supposed to serve them. Advocacy on behalf of the child to sue the system and otherwise demand that it operate properly will help. But what will help more is if parents and children—families—can participate in the decisions before they are made. What will help more is if the power is shared—if the composition and geographic reach of school boards are changed to be more reflective of the community; if the administration of welfare policy is changed so that recipients have a formal voice in making it; if the control of health policy decisions is changed so that the lay community has a direct voice in it.

Indeed, because the talk is more, far more, about what we are going to do better for and to children, than about increasing the share of power which they and their parents have, the net effect of the forum reports has a faint ring of the brave new world where the State knows what is best for everyone.

The suggestions in the reports, taken one by one, each have their merits. But taken with the realization that there is no extensive consideration of powerlessness and how to alleviate it, the total impression created by the reports is more than slightly paternalistic.

Of course the Conference has not yet convened. My purpose is to urge the delegates to make this 1970 Conference what many past conferences have not been—a continuing lever for real, fundamental social change in America in the immediate future.

For we are failing our children. Erik Erikson has said:

> The most deadly of all possible sins is the mutilation of a child's spirit.

This sin is being committed every day, all over America. Our national myth is that we love children. Yet, we are starving thousands. Other thousands die because decent medical care is unavailable to them. The lives of still other thousands are stifled by poor schools and some never have the chance to go to school at all. Millions live in substandard and unfit housing in neighborhoods which mangle the human spirit. Many suffer all of these mutilations simultaneously.

In every society some people are consigned to the scrap heap—the irretrievably handicapped, the incurably ill, the incorrigibly criminal, the hopelessly uneducable.

But, in America we have needlessly allowed the scrap heap to pile up and up.

The most obvious victims of course are the 10 million children living in poverty and the untold millions maimed by racism.

But the scrap heap is not outsized merely because of poverty and racism.

Have we reduced the victims of physical handicaps to the irreducible minimum? Not when 45 percent of the children born in U.S. hospitals do not receive the prenatal care which could prevent some of the handicaps in the first place. Not when there are 3.7 million handicapped children who are not receiving the special educational services they require.

Have we reduced the victims of mental illness to the irreducible minimum? Not when there are 1.3 million children who need mental health services but are not getting them.

Have we reduced the victims of mental retardation to the irreducible minimum?

Not when there are 1 million educable mentally retarded children who will never get the help they need to reach their full potential.

The victims are most emphatically not just the poor and the minorities.

Consider the victims of bad health care. It is not surprising, perhaps that the infant mortality rate in Coahoma County, Miss., which is nearly two-thirds poor, is over twice the national average. But it may give pause to realize that the infant mortality rate in Westchester County, N.Y.—one of the wealthiest counties in America—is just about equal to the national average, a national average which is higher than at least a dozen other countries. No, the victims of bad health care are not just the poor.

Consider the victims of the tremendous shortage of preschool child development programs. Research shows that approximately 50 percent of a person's intellectual development takes place before he is 5 years old. Headstart and day care reach only one child in 10 among the poor, and the figures for children in other income groups are not much different. It is not just the poor who are missing out on crucial stimulation during the preschool years.

Consider the victims of our schools. The child of the ghetto may attend a school without textbooks, where the teacher thinks he is incapable of learning, where the paint peels and the plaster cracks, but the child of the suburbs finds less and less to engage him in school as well. Of 17 million school age children identified as "educationally deprived" by HEW, less than a third come from poverty families. "You have to have grown up in Scarsdale to know how bad things really are," one observer says. It is not just the poor who are the victims of our school systems.

Consider the victims of drug abuse. Millions of children—not just the poor—are having their lives twisted by the pandemic spread of drug abuse. Recent studies in suburban schools reveal that up to 75 percent of high school students have experimented with marihuana. Last year in Fairfax County, Va., there were more heroin cases discovered among young people than in the previous 5 years combined. The users come from among the highest income families in the county, including the sons and daughters of doctors and colonels. It is not just the poor who are the victims of drug abuse.

The children whom we are daily consigning to the scrap heap come from every income group, every racial group, every geographical area in our Nation. And every child consigned to the scrap heap is a useful life lost to the country, and indeed a lifetime of costs to the taxpayers in welfare, prison, or other expense.

The fact is that this is a problem in which the "real majority" has a deep and vital stake. It has become fashionable to suggest that the "real majority" somehow has concerns and views which are different from the poor. I disagree.

Fifty-five percent of Americans live in families with incomes of less than $10,000 a year. Whether the problem is schools or health care or preschool programs of what happens when a child is physically handicapped or mentally disturbed, all Americans share the same problems. And the sooner we can come to the shared realization that this is in fact the case, the sooner we shall create in America the atmosphere which our children need and deserve in which to grow up.

There is no one who perceives the gap between the need for change and the lack of will to act better than our children. Perhaps it is partly because they suffer its consequences most acutely, whether in the physical consequences of hunger and poor medical care, the psychic and intellectual consequences of bad schools, or the total consequences of being the drafted foot soldiers in a war they do not support.

We need no social scientists, no child psychologists or experts in human development, to tell us that a growing boy or girl, whatever his or her background, takes notice of the world, comes to see the way things work. Our American children, all of them, are every single day learning things about this Government and what it does or does not do. They are learning, wherever they live and whatever schools they attend, that the world's richest and strongest nation seems powerless when it comes to cleaning up its air and its water; seems willing to let its countryside become cluttered and ravaged; seems compliant before the selfish demands of billboard advertisers who would assault our eyes; seems attuned to the ideas of airplane enthusiasts who do not care what all of our ears have to suffer, so long as a relative handful of people can go faster and faster in planes that require longer and longer runways, which take up more and more of our wealth, while all the time we must hear that there is a limit to what can be made available to medical scientists working on diseases like leukemia, diseases that strike at and kill thousands of children every year.

I know that talking of priorities goes on and on all over the country. But for all the talk, what chance is there that the year 1970, with its White House Conference on Children, will see any change in those priorities? Again, our children will be watching and taking note. They will see whether in the next months and years they can swim here or play there. They will see whether the schools they go to are half-way decent or not. They will, if taken ill, learn what kind of help they get, if any, from what kind of medical institutions. They will observe the way our land is preserved, or greedily and wantonly ruined. They will take note of the kind of fare they are offered on television programs. Their minds are no less capable than a grown-up's of coming to the appropriate conclusions—of deciding whether or not this Nation is concerned with its future as well as its present, its long-term growth as well as its immediate appetites.

It is easy for us to deny children such vision and social intelligence; that way, we are let off the hook—and free to go about our business, paying lipservice to various humanitarian causes, while all the while ignoring the very real legislative and institutional backing those causes require. But the fact is, our children know what is going on. They have our number.

VICTIMS

Who are the victims of our neglect?

First. The migrant child. Nearly a million are children who live in families which subsist primarily by doing migrant or seasonal farmwork. There is no child in America more powerless to change his future, more powerless to escape the cycle of poverty into which he has been born.

In addition to the problems which confront every poor child, the migrant child suffers the consequence of constant rootlessness. The image of traveling together as a family is perhaps one of the most cherished of the American culture. But for the migrant child, travel only means a new shack, a new field to work in, and a new school, if any. Travel only increases the pace with which his life is destroyed. The very rootlessness of his life is a monstrous curse.

Born into extreme poverty—the average earnings of each farmworker from farm labor are less than $1,000 a year—the child not only is physically unable to attend school regularly, but he begins working at a very early age to supplement meager family earnings. He not only suffiers from malnutrition, but his learning perspective is geared to a never-ending cycle of backbreaking work—bending, lifting, and carrying. By the time he is 10 or 11 he has stopped going to school and is beginning to have to cope with life as an adult.

By the time he is 14 or 15 he is often married. Soon his health deteriorates—his teeth and skin begin to rot and his back shows the damaging effects of stoop labor. His ability to earn is permanently impaired. He is in constant debt, getting in deeper and deeper as life goes on. The grower and the crew leader advance him groceries and other necessities against his wages, and he never comes out ahead. He is powerless—both politically and economically—to affect his situation. The cycle is well on its way again.

Migrants are the poorest paid, the most underfed, the least healthy, the worst housed, the most undereducated, and perhaps the most abused human beings in our society today. What goes on from generation to generation is the awful wholesale destruction, physically and psychologically, of hundreds of thousands of American children—migrant children.

What is especially discouraging is that these remarks of mine are obviously not the first time, or the hundredth or the thousandth, that this tragedy has been brought to public attention. A half century of rhetoric—of books, poetry, song, presidential reports, congressional hearings, and television documentaries—has documented this modern day slave system again and again.

To say that nothing has been done to help the migrant child would be unfair. A Migrant Health Act was passed about 10 years ago, which now provides a very limited $36 a year for the health of each migrant child, as opposed to the $96 which the average middle income family spends annually on each of its children's health. The poverty program, the Elementary and Secondary Education Act

of 1965 and other Federal programs have titles or special provisions providing funds for migrant children, but these funds are very meager.

The most important hope for the migrant child of the future has been the rising of a great movement among the farmworkers—the movement to organize for the improvement of wages and working conditions through collective bargaining. After a half century of broken strikes and failed efforts, Cesar Chavez has molded a union which is surviving. But if Chavez has succeeded to some extent in California, there are still thousands of migrant children in Texas and Florida, and, indeed, New York and New Jersey and Michigan, for that matter, whose life is essentially unchanged. There are still horrendous gaps in coverage by Federal labor law and social programs, including—of special significance to the migrant child—child labor laws.

The generational trap of poverty, the slave labor, the premature deterioration of health, the inevitable destruction of life—all these things remain essentially as they have perennially been for nearly a million migrant children in America.

"The Grapes of Wrath" was written almost 40 years ago, and John Steinbeck is dead, but the conditions continue.

If we are going to have White House Conferences on Children, let us put as much passion into the implementation as we do into the parlor discussion. Otherwise, 10 more years will pass. A few million more migrant children will go down the drain. And another conference will surely convene to talk about new directions for the future.

The black child in the rural South. Here we are on more familiar ground for the Nation. This child has been the subject of court suits, street demonstrations, and congressional debate which have commanded national attention.

For those of us so disposed, we might congratulate ourselves just a bit. The black child in the rural South is not everywhere so trapped as he was a generation ago. Desegregation has produced broadened horizons for some, and more insistent demands for change from the current generation of young blacks in the South.

The Voting Rights Act has helped create an image of political possibility, resulting as it has in the election of 665 black officials in the Southern States and in the forced moderation of scores of white officials. Federal food programs reach some additional thousands of black children throughout the South, assuring that at least some children will not be irretrievably brain damaged in their infancy, and that others will be able to stay awake in school in order to learn. Headstart has helped open new worlds to thousands of children, and given their parents a stake in the improvement of the educational process.

But again, there is little reason for satisfaction, and even less for complacency. Regardless of what Mr. Moynihan and others say, the problems remain—educationally, politically, or economically.

Let the complacent one visit the black communities of Bolivar County, Miss.; Lowndes County, Ala.; Dorchester County, S.C.; or Terrell County, Ga. Or let him, for that matter, visit the Harlems and the Houghs, the Anacostias and the Roxburys, where thousands of blacks thought they would find the promised land after fleeing the depredations of plantation life.

It was Michael Harrington who told us 10 years ago, in revealing "The Other America" to his fellow citizens, that while we had a poverty problem in this country, it did not exist on a scale or in an intensity comparable to other nations. We learned during the 1960's that he was wrong. We found that there were families in Mississippi and elsewhere who literally had no cash income. We saw, because a few Senators and some media people cared, that there are children in America who have bloated bellies and running sores that will not heal.

There still are. It is not so fashionable in 1970 to talk about them. Hunger, it seems, was last year's issue. The other day someone remembered that President Nixon promised a free school lunch for every poor child by this Thanksgiving. It has not happened. Urgently needed reforms in the food stamp program have been in controversy for more than three and a half years and have still not been enacted. And all the while, there are still bloated bellies in Mississippi. I know it is hard to remember that every day. It is an uncomfortable thought, but in these days of our senses being assaulted with so many outrages, we have acquired an incapacity for further shock. That is too bad. Andrew Jackson's children in Winstonville, Miss., do not find it so easy to forget.

Nor are the problems of the black child growing up in the South just the same old ones—hunger, bad housing, no medical care, substandard jobs or no jobs at all, although these problems are all still with us.

Our achievements have produced new problems. Segregated classrooms are replacing segregated schools. Many black school principals are now in white schools in demoted positions. Thousands of black teachers have lost their jobs. The black child has been brought across town to the white school, but his athletic trophies have been left behind, and often he or she cannot play in the band or be a cheerleader or run for homecoming queen. Violence and intimidation are still problems—Lamar, S.C., was nationally publicized, but fear still stalks the dark back roads of hundreds of communities.

These things have not happened everywhere, of course. But they have happened in a shocking number of places. And the present administration has not only shut its eyes to these events but has even rewarded hundreds of offending school districts throughout the South. The $75 million appropriated under the emergency school assistance program has cheerfully and unashamedly been distributed to districts which are in clear violation of Federal civil rights laws, and for such racist purposes as improving the hygiene of black children so they do not contaminate the white children whom they may now chance to encounter in the hall between classes.

We have begun to tear down the outward manifestations of legal segregation. But we have not achieved real desegregation or quality education on the basis of a relationship of equality and respect. That is the challenge of the seventies. It has taken us 16 years to dismantle rural southern dual school systems. I am not sure we have 16 years to build a new structure. Black children are not nearly so patient as they once were.

In all of this, fortunately, there is some hope for further change, even accelerated change. This hope comes not from any new outpouring of conscience or commitment in white America, but from the very fact that the black community itself in the South, as well as elsewhere in the Nation, has achieved a new level of awareness and organization. Beginning with the civil rights movement, and undoubtedly assisted by Federal legislation, a new generation of black leadership has arisen which, like Cesar Chavez among the migrants, will insist on change. This is the best hope we have for the future.

If the White House Conference on Children were more possessed of a sense of urgency, it would have a forum taking a very hard and tough look at the results of school desegregation and where we go now, and another examining the continued ravages of hunger and malnutrition. Thousands of black children have undoubtedly escaped from the trap in recent years, but make no mistake about it—there are millions of more black children in the South who, as things are now, will find it impossible to get out of the complex trap of powerlessness and poverty and racism.

The Indian child. Perhaps the greatest poverty in America exists among American Indians. Add to this the welfare dependency and hopelessness which generations of paternalistic Federal trusteeship have brought, and the trap which confronts the Indian child is at least as dangerous and powerful as that which ensnares the migrant child.

We have heard it before, but we forget that annual Indian per capita income is only $1,500, less than half of the national average, that infant mortality is almost twice the national average, that 90 percent of Indian housing is substandard, and that suicide rates on the typical Indian reservation are more than double the national average.

As in other areas, the situation is not quite as bad as it was 10 years ago. The major reason is a rising generation of Indian young people of greater awareness and competency, who are not only committed to improving life in their communities, but are acquiring some of the skill and political sophistication that is necessary to bring change.

But the American Indian is still governed by a Congress which too often is more interested in protecting the land and water interests of the white man than in making a better life for the Indian. And power relationships at the local level are still not significantly different.

Three out of five Indian children attend local public schools—schools which are funded by Federal funds under the Johnson-O'Malley Act and the impacted school areas legislation. But this money is often spent for purposes which **do not** benefit Indian children, and the **Indian**

child is more often than not assumed by the school system to be slow, lazy or dumb. Indian students on the Muckleshoot Reservation in Washington are automatically retained an extra year in the first grade of their public schools, and the Nook-Sack Indians of western Washington are automatically placed in a class of slow learners without achievement testing. No wonder massive early dropouts from school occur, and high rates of suicide and alcoholism ensue.

A third of the Indian children are in schools run by the Federal Bureau of Indian Affairs. Some of these are in boarding schools, including some 7,000 Navajo children under the age of 9, some of whom have frozen to death trying to escape and get home during the winter. About 1,200 Alaskan natives presently go to Federal boarding schools in Oregon and Oklahoma, thousands of miles from home. Two-thirds of the Indian children entering BIA schools have little or no skill in English, but less than 5 percent of the teachers in BIA schools are native to the culture and the language of the children they teach. Only 773 Indian children in the entire country were reached by the Federal bilingual education program in a recent year.

It has been our national assumption that Indians do not know how to do anything for themselves. Reservations are in general managed by white employees of the BIA, and Indian young people everywhere are indoctrinated with the idea of their incompetency.

The Indian child is also victimized by one of America's most dangerous and mean assumptions—that there is only one language in America, and that others are not worthwhile and will not be countenanced. Courses on Indian heritage and culture are nonexistent in both Federal and local public schools, and children are in every way made to feel that their own heritage and culture is inferior and worthless.

The rising young Indian leadership now beginning to develop gives some hope for change. But here, as with black children and others who are different, the Nation needs to learn a simple but profound lesson: If this country is to become what we have long claimed it to be, every citizen needs a full and free set of options for his life. It should be possible for the American Indian to live a life of fulfillment within his traditional family and tribal structure on the reservation, if he chooses to, but it should also be possible for the Indian child to go to the city and join the mainstream of American life if that is his wish. The assumption was made less than a generation ago that all Indians would be better off if forced away from the reservation. We have at least learned that that was wrong. Now we must make the choice of life-styles more than a choice between two lives of enforced deprivation—not paternalistically, not because we are generous, but out of a realization that there should be in America the capacity to celebrate diversity and to find new strength for our country in that fact.

I come back again, as I think about the White House Conference, to the matter of urgency. The forum reports make the salutary suggestion that control of Johnson-O'Malley and impacted area funds be turned over to local Indian communities. But I do not see enough of the sense that every day of delay in reforming the educational process for the Indian child is a day in which more suicides will occur and more alcoholics will be created.

The Chicano child and the Puerto Rican child. The list of victims proliferates. There are nearly 10 million Americans whose first language is Spanish, and whose heritage is a Spanish language culture. There are many who have Portuguese, Chinese, French, Japanese, and other culture and language heritages. Like the Indian child, the Chicano or Puerto Rican child or other linguistically and culturally different child is daily penalized by the forced application of homogeneity, the assumption that diversity is intolerable.

Until recent years the Chicano—or Mexican American, as the Anglo culture dominated him—was a forgotten minority of huge proportions. Politicians sought his vote, but after the election things went back to business as usual. Nationally, he was eclipsed by the greater numbers and earlier political awareness of the black community. He was thought to be submissive and unquestioning of authority. His child was among the more invisible of our victims.

Now we know a little more about how things are. We have had some national attention to the Chicano as a farmworker, through the organizing efforts of Cesar Chavez with the help of the media. The growing Puerto Rican minority in New York City and elsewhere has begun to surface. The barrio of East Los Angeles has erupted in violence. A network television documentary has shown a newly born Chicano child dying of prenatal starvation within a stone's throw of the multimillion-dollar Hemis-Fair entertainment complex in San Antonio.

The Nation has begun to hear some tales from the victims who survived. We now know that 50 to 90 percent of Chicano and Puerto Rican children, depending on the area, come to school speaking only Spanish. Many of them, we find, are put in classes for the mentally retarded simply because they cannot cope with standardized English language intelligence tests.

The Senate Select Committee on Equal Educational Opportunity which I chair has heard some extraordinary personal testimony: A near Ph. D. Puerto Rican in educational administration at Harvard who was classified as retarded in elementary school; a Chicano Ph. D. in clinical psychology who spent several years in mentally retarded classes as a child; and a Puerto Rican woman lawyer who was told she has an IQ of 20 in elementary school. These are among the handful of victims who survived.

Others are not so fortunate. As many as one out of five Chicano children never go to school. Of those who do, one out of four drop out by the eighth grade. Less than half graduate from high school. In one school district in California 99 percent of the children in kindergarten are Chicano but only 30 percent of the graduating seniors are Chicano. Of 7,000 school-age Puerto Rican children in Boston, seven graduated from high school this past June.

Why? Not only are intelligent children treated as uneducable, but Spanish-speaking children are often forbidden to speak their native language in school and in many cases are even punished for doing so. In a South Texas school, children are forced to kneel on the playground and beg forgiveness if they are caught talking to each other in Spanish. In an Arizona elementary school, children who answer a question in Spanish are required to come up to the teacher's desk and drop pennies in a bowl—one penny for each Spanish word spoken. "It works," the teacher boasts. "They come from poor families, you know."

Of course, the ways in which the Chicano and Puerto Rican children are victimized go on and on—the poor health care, the poor housing, the lack of job opportunities, and there is again the all-pervasive powerlessness. When Cesar Chavez began to organize, he found the law enforcement officials of the communities in California where he was working squarely on the side of the growers. When Chicano high school students in a small town in Texas demonstrated against school conditions, some were beaten by Texas Rangers, and those who were old enough were reclassified 1–A by the local selective service board. The sense of hopelessness, of inability to change conditions, is a major barrier to change. But again, if there is any basis for hope, it comes not alone from any increased commitment among Anglo politicians, but also from a rising generation of dedicated and able Chicano and Puerto Rican leaders. In Texas the Mexican-American Youth Organization, denounced as "militant" a year ago, helped form a new political party and elected a member to the school board in Crystal City. In New York, Herman Badillo has been elected to Congress. All over the country Chicano and Puerto Rican young people are on the move, sometimes with tactics which cooler heads deem unacceptable or unwise, but always with a commitment and perseverance which are profoundly admirable.

As with Indian children, if the White House Conference were to be fully relevant, one would have expected to find more extended and specific reference to the daily damage we are doing to the children of Spanish-speaking Americans.

The poor white child. Two-thirds of the poor children in America are white. This is a fact which should have great political implications, but it is too often ignored or forgotten.

The greatest concentration of white poverty is, of course, in Appalachia. Things have not changed very much since the days when John Kennedy campaigned in West Virginia and was so deeply moved by what he saw there. In Appalachia today more than three-quarters of a million young people sit in the hollows and hills facing lifelong unemployment if they remain at home, and

lacking the skills to do much of consequence they leave. Over 900,000 children under 6—nearly half of the preschool children in the region—are poor. Less than one of 20 of Appalachia's poor children is in Headstart. Only 6 percent of Appalachia's children receive welfare assistance.

The way things work is quite simple, though perhaps the truth is a bit hard to face. The outside economic interests which control the region no longer have any need for the labor of the men who live there. Coal mining is gone or largely automated. Children are neglected because social services are not thought to be important for people of no economic value. There are no jobs for the fathers, either privately or governmentally created. There is no welfare if the man is living at home with his family. And the schools for the children are badly underfunded. Local authorities remain unwilling or unable to tax the outside large corporations. So the school construction needs of the 13 Appalachian States represented 42 percent of the total school construction needs in the entire country in a recent year.

The power structure would just as soon that the former coal miners and former dirt farmers leave the region.

This approach ignores two problems: First, some people who live in a place call it home. They want to live there. They do not accept the idea that someone wants to force them to move elsewhere. Second, it is hard to go elsewhere when one lacks the skills to do much once one is there.

Thus, again, the trap. And as surely as the black child is still oppressed by the white power structure in the South, the white child of Appalachia is also oppressed by the white power structure. Racism in America is not all racial.

If the White House Conference had a deeper sense of immediacy, the children of Appalachia and the economic interests which oppress them would be the subject for a forum in themselves.

THE URBAN-SLUM CHILD

Some of the victims whom I have mentioned live in cities. But any child who lives in one of the large central cities of America is a victim in ways which transcend his race and even his economic status.

The air he breathes—polluted by automobiles, powerplants, industrial plants, and home heating—makes him far more subject to disease than his suburban or rural counterpart.

The congestion in which he lives has clinically observable effects on his mental state. It is not surprising, for example, that studies find an astonishing incidence of mental illness in New York City, where the population density is almost 1,000 times that of the country generally, and an even greater incidence in central Harlem, where density is near 10,000 times the national average.

But that is only the beginning. In most instances, the urban child must face and deal with the worst aspects of America's institutions. The child attending school in one of the 20 largest school systems in the country is almost a year behind the national norm for the rest of the country. The health problems faced by the urban child are equally as horrifying.

Venereal disease has gone beyond the epidemic stage. Infant mortality in the ghettos and barrios is often four times the national average. And drug addiction is now rampant in all parts of every major city. For a child of the city, his powerlessness and isolation from the mainstream of America are more obvious at an early age; his disconnection from society's major institutions, schools, police, religious institutions, business and industry is more blatant. Lack of space, poor housing, density, and inadequate opportunities strain family relationships even further.

Every institution which confronts the urban child is the biggest, most unresponsive form of that institution our country has to offer.

The schools are dropout factories. In the ghetto schools, children as they get older fall further and further behind national norms in every skill.

The city hospital is totally dehumanizing. The patient waits 2 to 4 hours in a clinic to see a doctor he has never seen before and is likely never to see again.

The welfare is at its most bureaucratic and degrading. The landlord is an absentee or a public housing authority as bureaucratic as the slumlord is neglectful. The credit merchant overreaches, and repossesses the moment payments fall behind.

We are coming to the point in America where the sheer fact of urban life, and particularly ghetto life, is a process of victimization in itself. People laughed nervously a couple of years ago when Jules Feiffer wrote a play called "Little Murders" in which urban life disintegrated into a sniper war. The play is no longer funny. It is coming true.

Our response so far is repression. Arresting the perpetrators of violence is right, as far as it goes. But if that is all we do, if we do not seek the causes and try to eliminate them, we are asking for a generation of urban guerrilla warfare.

The danger is not that there will be a successful revolution. We have in this technological society all the forces and power and weapons necessary for effective repression. The only catch is that we will have a different sort of country when we are through. A better course would be to stop now, reexamine national priorities, and commit the resources necessary to bring about the climate of justice and equality of opportunity within which guerrilla warfare will not arise and flourish. I do not see that question on the agenda of the White House Conference.

The handicapped child. There are more than 7 million handicapped children in America—emotionally disturbed, mentally retarded, physically handicapped in one of the variety of ways, or suffering from special learning difficulties. Nearly 5 million of these children are receiving no special educational services or other help.

Some are poor, but most are not. Most are children whose problem is not irremediable enough to cause them to be discarded into a public residential institution, but for whom the public schools have no appropriate programs and private services are either unavailable or too expensive.

We have, plainly and simply, failed these children. They are the victims of our neglect.

Consider the child who is in a residential institution either for the mentally retarded or the mentally ill. Typically, it is old, crowded, understaffed, filthy, sterile, strewn with feces, devoid of hope, filled with blank faces. There are retarded children there who are educable if the special education services are available. There are disturbed children who are curable if the psychiatric services were available. There are neglected and abandoned children who are there simply because there is no other place to put them, and who will remain there until they are 16 and then be dumped on the street, propelled to the scrap heap by a society which did not care enough to make life possible for them.

Here again, our treatment is both inhumane, and senseless. It would save money to save lives. The annual cost of foster care is about one-eighth the cost of institutionalization. The lifetime cost of educating an educable handicapped or retarded child is about $20,000. Institutionalizing him will cost well over $200,000. And the Nation's handicapped children have potential earning power of $15 billion if they receive the special education and services necessary for them to realize their personal and economic potential.

We are not going in that direction. In a recent year the Federal Government appropriated over $1 billion for cotton price support and one-twentieth that amount for child mental health services conceived in the broadest possible terms.

The 1930 White House Conference said:

> The emotionally disturbed child has a right to grow up in a world which does not set him apart, which looks at him not with scorn or piety or ridicule—but which welcomes him exactly as it welcomes every child, which offers him identical privileges and identical responsibilities.

Where are we now?

The child and the law. The child's life—rich or poor—can become entwined with the State in a variety of ways. He may be a neglected or abandoned child. He may be born out of wedlock or be the victim of a divorce where his future is determined without any legal protection for him. He may be deemed incorrigible by his parents or his teacher, or alleged to be a law violator of some kind.

The paradox of our national behavior is that we do both too much and too little. Too many children are swept off the streets for one reason or another. In various States, a child can end up in court and then in reform school or training school for such dangerous behavior as violating a curfew, hanging around a poolroom, wandering around a railroad track, swearing in public, sleeping in an alley, drinking, or smoking in public. He can be taken away from his parents, with or without their consent.

Once in the hands of the State, he is not all certain of being any better off. Milton Luger, a nationally known expert on juvenile delinquency, has made the following extraordinary statement:

> It would be better for all concerned if young delinquents were not detected, apprehended, or institutionalized. Too many of them get worse in our care.

First, the child gets a juvenile or family court hearing which is likely to be as short as 10 or 15 minutes in length. Before that hearing ever occurs he may be kept in a juvenile detention facility, perhaps in solitary confinement, for weeks on end or, even worse, his "pretrial" detention may have been in a county jail where he is mixed with adult prisoners, subject to homosexual abuse and the influence of hardened criminals. Adults are constitutionally entitled to bail under these circumstances. Children are not.

His court hearing may well be conducted without any legal representation, despite the Supreme Court's 1967 Gault decision requiring otherwise.

Having engaged in behavior which would not be a crime if he were an adult, he may nonetheless be adjudged a delinquent and sent away. Worse still, a judge not wanting to stigmatize him as a delinquent may send him away, noting on his record that he awaits "further orders of the court." This may be enough to keep him locked up a year or two, or even more.

The institution to which he is sent is seldom more than a crime factory. Educational programs are weak, psychological counseling infrequent or nonexistent, guards are frequently brutal, conditions are overcrowded, and stimulating activities scarce. Children with widely divergent problems are mixed together. Some are retarded. Some are disturbed. Too often, no sorting process exists.

As Howard James says in the subtitle of his shocking recent book, "Children in Trouble," the situation is a national scandal.

Less than a year ago, the New York Times reported the death of a 12-year-old heroin addict in Harlem—Walter Vandermeer. Charlayne Hunter and Joseph Lelyveld of the Times reconstructed his life. Public school gave up on him in the third grade, without trying to get him any psychological counseling from the school system's bureau of child guidance. Instead, it referred his case to the Society for the Prevention of Cruelty to Children which brought him to family court on a neglect petition. He was put in a children's shelter run by the society, and shortly moved to another public children's shelter. Shortly thereafter, the court released him, but he was back within 6 months, and was assigned first to a halfway house in Harlem and then to the Wiltwyck School in upstate New York—the fifth institutional setting in which he had been locked in 15 months. Wiltwyck gave up on him in 6 months and sent him back to family court, which let him back on the street again. The court, though finding him too disturbed for Wiltwyck, found, for reasons known only to itself, that he was not disturbed enough to be sent to a State training school. A year later he was dead. Most appalling, one school official told reporters that Walter's case was mishandled so badly, not because of incompetency, but because of overwhelming numbers. As he put it, "There are thousands of Walter Vandermeers out there."

Walter Vandermeer was a spectacular kind of victim. But the fact is there are 100,000 children in America in correctional-type institutions on any given day; the courts handle a million nontraffic juvenile cases a year—the children who drift in and out of the world of courts, social agencies, and special schools; and there are still thousands more out on the street where Walter Vandermeer eventually died, who have no hope at all of getting any help. The paradox is that no matter what happens as things are, no matter whether the neglected or disturbed or difficult child gets involved with the State or stays on the street—either way, he is a victim.

Institutions. I have listed a number of kinds of victims. Some are poor and some are racial minorities. Some are children with special problems. But they are not alone.

The fact is, all of our children are victims. The neglect, the mutilation affect the vast majority of our children—in certain respects all of them. Middle-class as well as poor children watch television commercials that are vulgar, insulting, misleading and frivolous, and television programs saturated with mindless violence, historical distortions, or rudely condescending remarks—programs which in sum treat American citizens as if they are infinitely exploitable. All children live and play and grow up in a world whose air is thick with smoke and dust and dirt, thick with obnoxious, foul-smelling, irritating substances whose potential hurtfulness we are only beginning to look at and study and estimate. Any child, rich or poor, can fall sick and find out that, yes, progress is being made on this or that disease—but only some progress, because we have set limits on how many doctors we turn out, and the money we need for various kinds of medical research is building huge, outmoded technological equipment.

What the list of victims does not adequately underscore is that the institutions and programs and structures which were created when things were simpler are simply not working now.

Education. Some of the questions about our schools are monetary; and I mean not only our ghetto schools or the schools on our Indian reservations or up our Appalachian hollows, but the schools most American children attend, the schools in Sacramento, Calif., and Boston, Mass., and in the cities and towns of the Midwest and the Prairie States, as well as the South. Do those schools have the books and other materials they need, the equipment they need? Are those schools new enough and pleasant to be in and well heated and airy and spacious and provided with good lighting? Do those schools have the services of school nurses and school doctors? Do they have adequate cafeterias and adequate playgrounds and adequate laboratories? Are the buses that bring those children to school safe? For that matter, are the school buildings themselves safe—and as well, not overcrowded, not understaffed, not old and dingy and depressing, a constant sign to children of what their Nation is and is not willing to do for its children?

Have we taken pains to document how many American workingmen have children at school in buildings labeled even by school authorities "inadequate" or "temporary structure"? Have we tried to find out what kind of educational services children get—not on paper, but in fact—if they are retarded or handicapped or plagued by one or another psychological problem that affects their ability to concentrate and learn? Have we gathered information, city by city, State by State, region by region, as to what deaf children, blind children, brain injured children, children with speech learning difficulties, gifted children, get in the way of the special teaching they need? Have we studied our schools of education, which supply us with teachers—obtained from them a comprehensive estimate, national in its scope, of their needs? How many men and women who already are teachers become understandably tired and weary and frustrated and bitter—as they are asked to do their work under discouraging—if not impossible—circumstances and for wages that are an insult to them as citizens of this nation? And finally, what does it all mean to our children—that teachers are treated as they are, that so many school buildings and classrooms are left as they are rather than torn down and replaced by what is minimally acceptable, let alone optimally desirable?

But money is far from the only problem. The more basic question is what goes on in the schools, how the money they do get is spent. Listen to the remarks of a student evaluator of the very affluent Montgomery County school system in suburban Maryland just outside of Washington:

> From what we know to be true, as fulltime students and researchers of the County School System (as well as from every attempt we know of to survey student attitudes in the County), it is quite safe to say that the public schools have critically negative and absolutely destructive effects on human beings and their curiosity, natural desire to learn, confidence as individuals, creative freedom of thought and self respect.

Listen to the words of another Montgomery County student:

> Fear—the school system is based upon fear. Students are taught from the outset that they should be afraid of having certain things happen to them: bad grades, punishment from authorities, humiliation, ostracism, "failure," antagonizing teachers and administrators—are all things that terrify students as they enter first grade. These fears, which school officials use as a lever from elementary school through high school to establish and maintain order and obedience, have horribly destructive effects: they may be reflected in extreme nervousness, terror, paranoia, resentment, withdrawal, alienation; they may be visible, they may be submerged, but in either case these effects should be of utmost concern to those who value the human mind and spirit.

Montgomery County is one of the most respected, most affluent school systems in America. It stands to reason that these observations are not unique. Student dis-

satisfaction is widespread throughout the country. Eighty-five percent of the schools responding to a Syracuse University questionnaire this year said they had had some type of disruption within the last 3 years. Fifty-nine percent of the high schools and 56 percent of the junior high schools studied by the National Association of Secondary School Principals in 1969 experienced some form of protest.

Obviously there is a mixture of failures. There is a failure to impart basic skills—one out of four students in the public schools of New York State cannot pass even minimal tests of competency in reading and mathematics.

But the failure goes far deeper. What the students in Montgomery County are talking about, and what many protesters in other affluent systems throughout the country are rebelling against, is an attitude which places conformity above individuality, discipline above creativity, which above all conducts education as though the concept of an education person were a constant, the same in 1970 as, say, in 1950. Young people mature earlier than they have at any time in our history, or at any time in recent history—since young people assumed adult responsibilities in pioneer days far earlier than they do now. They have serious questions about the way our Government and our society operate. These questions are not answered by courses which teach that America has never been the aggressor or never lost a war.

Partly the attitude is the attitude of the parents and the adult generation generally. Two-thirds of a group of high school parents surveyed in 1969 said that they believe "maintaining discipline is more important than student self-inquiry." To be young is to be by definition untrustworthy. In one New York suburb a new middle school has been badly needed for years. The school board repeatedly refused to approve its construction until recently when the superintendent explained publicly that the new school was essential in order to remove the 10- to 13-year-olds from the bad influence of the high school kids with their drugs, their "experimentation," and their "radical politics." It is no wonder that recent years have seen books with titles like "Death at an Early Age," "Our Children Are Dying," and "Crisis in the Classroom."

There is no doubt of it—our schools are failing millions of our children.

Corporations. The question of the social responsibility of the corporation is, of course, far broader than its responsibility to the child, but a few examples will illustrate how the child is particularly victimized by corporate irresponsibility or plain failure to take the child's interests into account.

A committee of the American Academy of Pediatrics recently concluded that air pollution is more dangerous to children in some respects than it is to adults, in terms of greater susceptibility to respiratory infections, which can lead in turn to permanent lung damage. What corporate consideration is given to children when it is decided that an industrial plant will use one type of fuel rather than another, or one grade of oil rather than another, thereby polluting the air more rather than less? What type of consideration is given to children when the automobile industry mindlessly pours more exhaust-spewing cars onto urban roads sending air pollution counters off their dials? What kind of consideration are children given when a large public utility decides to build another fossil fuel power generating plant in the middle of a large city, thereby polluting the air further? Perhaps if children were kept explicitly in mind when these decisions are being made, urban life generally would be less oppressive and less dangerous.

The food industry is another example. Here the responsibility is more direct.

What kind of food do we think we are buying for our children, and what do we actually get? How are we to make sense of some of the things we read on packages of food destined to be put before our children?

Every mother who has warmed a jar of baby food has tested the temperature with her finger—which she usually licks. Baby food companies know that and they flavor and salt the baby food to suit the mother's tastes. Lost in this consideration is the fact that babies need less salt than mothers and children who are taught to crave salt risk hypertension in old age.

There are other problems. The family accustomed to eating large quantities of rice was better nourished before the advent of polished rice. The mother who buys concentrated fruit juice to give her family vitamins and citric acid really gives her family flavored water if the concentrate was sold in a cardboard container. Cardboard, unlike the old tin cans, is porous and air produces a chemical reaction which can weaken or eliminate the vitamin content of the drink.

During World War II we had State laws requiring that commercial bread be made with fortified flour but they have been allowed to fall into disuse. Commercial bread—despite sweeping advances in food fortification—no longer contains fully fortified flour. Consider how much bread our children eat.

Anemia is a public health problem. It is widespread. It is particularly common in teenage girls, pregnant women, and young children. It has, depending upon the severity, a variety of debilitating effects. It could easily be eliminated. Iron fortification is a relatively simple process which is known not to affect food composition and consistency in most cases, and could be introduced with sufficient control to virtually wipe out anemia. That alone would eliminate nutritional anemia in pregnancy and improve the chances for normalcy for many of our children.

What people need, rich and poor, is nutritious food. If teenagers want to eat french fries and hamburgers, then we should use enriched flour in the hamburger bun and enrich the soft drinks that go with it. If a family wants to eat pasta, then we should make available the nutritious, enriched macaronis already developed.

Then there is the responsibility of television as a corporate entity. Study after study has shown the deleterious effects of violence on television, but it still saturates the airwaves. "Sesame Street" is widely heralded, but it, or anything like it, is seldom seen on commercial television. And television is still saturated as well with commercials which calculatingly and often misleadingly play on the emotions and desires of children. Saturday morning children's television has 50 percent more commercial messages than adult television. If a child watches children's television half the time it is on, and pays attention to only a half again of the blandishments of Tony the Tiger, Cap'n Crunch, and Fred Flintstone for various edibles, he gets twice as many messages from them as from his mother who tells him every day at breakfast to eat nutritious food.

Finally, toy manufacturers have a tremendous responsibility to the health and well-being of American children. When an arm of a toy doll is pulled off leaving a sharp prong uncovered, when the eye on a baby's toy can be detached and swallowed, when an electric toy reaches heat that can burn, when games are covered with glass that shatters on impact, or when sharply pointed, heavily weighted darts are sold—children's lives are threatened.

Toys like these may be profitable, but they injure 700,000 childen a year. Almost one out of five eye injuries to children involves a toy.

The children of America have a right to better protection from both the corporations that manufacture toys and the Government agencies that are responsible for making sure these toys are safe. That right is being ignored. Despite authority to ban new toys found hazardous to children, HEW acted in only three cases, and only after the Secretary was sued by the Consumers Union. And HEW still refuses to ban further sales of a heavily weighted, sharply pointed lawn dart that has already killed two children and wounded 14 others. Every American child and every American parent has a right to expect more.

Health care for children. I have already alluded to the failure of performance in child health care as measured by a classic indication like infant mortality. There are a million children born every year without adequate prenatal care, and 21 million children who see a physician less often than once a year.

Look at it from the doctor's side—there are only 12,000 pediatricians in the United States, about a third of what we need. Or from the money side—only 10 percent of the Federal health research dollar is spent on children.

Look at it from the family's point of view—how hard it is to get a doctor to make a house call, how long the wait is in the doctor's office, let alone the public clinic or emergency room.

And of course there is the financial side of it—only 10 percent of child health care is covered by health insurance.

It is not easy to talk about such matters. It is not easy to remind factory workers and white-collar workers and small businessmen that a sudden medical emergency which afflicts one of their children is an emergency which also can all too quickly be a financial disaster. It is not easy to remind those same working people, hard-working people, that no matter how long and earnestly they work,

at no matter how many jobs, their children might one day suffer because we as a nation haven't supported the medical research we might, haven't trained the doctors we might, have not built the hospitals we might—or equipped them as we might.

Let us try to relate this situation to the typical American workingman—the so-called middle American. Even before his child is born there are risks and dangers that are avoidable, yet permitted by us in America. I refer to the illness pregnant women can get—illnesses that cost money only the rich can put their hands on, illnesses that require medical care and medical equipment simply not available in many cities and towns and whole counties and entire States of these United States. And likewise at birth or after birth, the child as well as his or her mother can require prolonged and delicate attention from skilled physicians and those who work alongside them—all of whom are in short supply in many parts of this country. What is a workingman to do? He cannot rent planes and fly his family half way across the country and check into a hotel and stay there while his wife and child are treated. Nor can he pay the thousands and thousands of dollars that hospitals and doctors and "services" cost. His child may have some bone trouble, a particularly difficult club foot, cerebral palsy, a congenital heart defect or another "problem" that we lump together under categorical, descriptive terms like "congenital disorder" or "mental retardation" or "physically handicapped." He may live in a large- or medium-sized city, let alone in rural areas—and be told there is a waiting list for this, there are no facilities for that, and so it goes and so it has to be. Our Government takes a census every 10 years, and is always coming up with facts or figures about the economy, the war, the state of our defenses.

I wonder why we do not try to find out and report upon how many children are born with or succumb to severe and crippling illnesses, injuries to their bodies and brains, diseases that affect their growth and development—and then go on to get thoroughly inadequate treatment for such afflictions. Perhaps if we knew how many children need pediatricians, need surgeons, need physical therapists, need child psychiatrists, need one or another kind of machine or instrument or mode of therapy—and do not get what they need, then we would be in a position to weigh our priorities, so that when generals and admirals, already in control of enough military hardware to destroy the entire planet, tell us they have needs, they want another kind of plane or ship or gun, we can say to them: Yes, we want to protect this country, and protect it not only from outside enemies but from diseases that every single day unnecessarily kill and maim and stunt and cause pain and suffering to American children.

The whole system is a nonsystem.

The hospital is the costliest way to dispense medical care, and it has become nearly 100 percent more costly in just the last 5 years. Yet, we still continue to put children in hospitals who do not have to be there, who could be taken care of in a doctor's office or a neighborhood clinical setting. Blue Cross and other hospital insurances still require that children be put in hospitals if they are to be reimbursed for procedures which could be performed outside the hospital. The Government reimburses hospitals under medicare and medicaid without asking any greater efficiency in return. In short, no leverage whatsoever is exercised to require the development of a system of neighborhood clinics which could dispense preventive care and keep children out of hospitals instead of forcing them in.

The same situation exists regarding medical manpower. There are dozens of tasks which could be performed by physicians' assistants and other paraprofessional manpower. The doctor is the costliest form of medical manpower. The cost of care and the scarcity of personnel could be greatly alleviated if we were to change the mix of medical manpower. It has not happened.

These faults of organization have caused medical costs to skyrocket. The situation is intolerable. Not only is medical care less available than it should be, but it is too often provided in the least efficient possible way, and it is too often financially out of the reach of the typical family.

As a consequence, millions of our children are victims.

The welfare system. Here we have another nonsystem which has grown up over the years—which destroys children, breaks up families, perpetuates dependency, robs people of dignity, and leaves them in poverty—and infuriates giver and recipient alike.

The visible, highly debated problem is, of course, financial assistance to poor children.

But we do a poor job with other welfare problems as well—notably adoption and foster care. Adoption is limited in many places by outmoded laws restricting racial and religious mixing of children and parents, and by the fact that adoption policies are controlled by traditional private welfare agencies whose good intentions are matched only by their "welfarist" orientation.

Foster care is limited by lack of funds as well as by traditionalist attitudes, like the idea that a single person cannot be an adopting or foster parent. There are perhaps three times as many children in need of foster care as actually get it.

Lost, too, in the debate over the administration's family assistance plan is its unprecedented proposal to limit funds for social services including day care to 110 percent of last year's appropriation—a dangerous precedent indeed in an area where we have at least had the advantage of open-ended appropriation.

And the FAP itself is bad for children. For who is more the victim of the President's "work fare" than the child whose mother is forced to work?

FAP is perplexing to those of us who want to support real welfare reform. In return for a national minimum floor for benefits and for extending aid to the working poor—both highly desirable reforms—we are being asked to accept a new system which will force mothers to work, with consequent risk to their children.

Secretary Richardson's proposals the other day improves the bill somewhat, but it remains to be seen whether the final version of the bill will be an improvement over the present system, bad as that is.

It may be said that the discussion of welfare, unlike the other institutions I have described, relates uniquely to the poor. It does not.

Who pays for welfare? One of the great sources of anger on the part of the industrial worker taking home $58 a week after taxes in New York is that his taxes are helping to give tax-free support of $64 a week to a welfare mother and her three children. True welfare reform—a negative income tax or a justly conceived family income supplement plan—would provide assistance to that angry industrial worker who needs and deserves it just as much, and would ultimately alleviate his sense that his tax dollars are not being spent for broad social purposes.

There are other institutions which fit into the pattern of failure—failure through being oversized, overbureaucratic, overly impersonal, and overly insensitive. There are the courts and residential institutions for children, which I have discussed earlier. There is the role of the university and of the church. There is the pervasive effect of racism, hostility to diversity, and callousness to powerlessness which cuts across the functioning of all of our institutions.

Perhaps above all, the institution which is failing our children is Government. Government is the ultimate source of funds for programs. Government is a major source of regulations to make institutions respond to children's needs. But Government in this country has allowed itself to become enmeshed in one of the greatest situations of distorted priorities in the history of a democratic government.

Government in this country seems incapable of extricating itself from unpopular wars which still cost money and lives. Government seems incapable of stopping the flow of dollars into useless weaponry and high-flying elephants. And all the while children suffer and the institutions which are supposed to serve them are subjected to no searching inquiry, no serious push for reform. Yes, if we are looking at the institutions which have failed our children, let us look first and foremost at ourselves here in the U.S. Senate.

Recommendations. It is neither practicable nor feasible to set forth a total program for reform and change. The length of such a program would be a book or a set of volumes in itself. Its total cost would be staggering. Among other things, those who would criticize this speech for political reasons—and there will be those—would have a field day with the supposed impracticality of it all.

But any program for reform must begin with a cry for recalculation of our national priorities. The refrain is familiar by now. I need not go through it again. But if the White House Conference is to contribute anything, that is where it should begin. For, apart from

the immorality of spending money on unneeded weaponry while children go hungry, the sad fact is that in this great, affluent nation, we will never have enough resources to solve our problems unless we begin to exercise wisdom and good sense in the way in which we spend our national funds.

We need far more resources devoted to the solution of domestic problems. With proper priorities and a healthy, growing economy, I believe we could begin to do what has to be done.

The other day it was decided that it was more important to fully fund a $110 million authorization for a space station than it was to more adequately fund public housing. Every day we reenact another example of our present set of priorities, in which usually the child is the loser. He has lost over and over again during the past decade, and unless we can reorder priorities, he will continue to lose.

Had we the resources, the agenda is not difficult to see: It must include a guaranteed decent job for everyone; income maintenance for all; national health insurance; an adequate program of early childhood development; sufficient funds to extend service to all the handicapped children who need it; and so on down the list.

But what is needed is far more than just money. For, apart from the scarcity of funds, our institutions are simply not working very well.

It is not just that we cannot run a welfare system. We cannot get our hospitals to dispense decent, efficient medical care, either. It is not just that we cannot seem to get enough food to hungry children. Our schools cannot seem to interest or really educate our children either.

The question is not just one of a need for urgent attention to pressing problems. It is also one of philosophy and approach.

I have been for all the old programs. But even where we have spent a lot of money, things are often worse than they were before.

Because we did not listen. We bulldozed whole neighborhoods and called it urban renewal, over the anguished cries of those who told us it was Negro removal. We stacked people together in public housing and wondered what they were trying to tell us when they defaced walls and broke windows.

We built huge universities and wondered what the kids were talking about when they cried out about the impersonality of everything. We spent some Federal money—not nearly what was needed—on the public schools without asking how it was being spent or whether we were getting any results; then we acted surprised when citizen's groups told us that some of the money had been diverted to illegal purposes and was not helping poor children. We poured money into the welfare system without reform, long after recipients and welfare workers alike were telling us of its disastrous effects. The BIA did not listen to the cries of the Indians it was supposed to be helping, and now the first Americans are very nearly the last Americans.

It is time for us, as liberals, to face the fact that our approach has too often been self-satisfied, Washington-centered, insensitive, and conformist. We thought we knew best, and in so thinking, we robbed people of their pride and their sense of involvement in themselves and in their communities. Albeit unwittingly, we have often done as much damage as good.

In some ways the old political machines were more responsive than we are. At least people got some assistance in return for serving up their freedom. Now the bureaucrat whom they have to go to for help does not live in their neighborhood, does not speak their language, has no reason to deliver and often risks his career if he does.

Any nation which discovers in 1967 that it has 15 million hungry citizens in its midst cannot be very confident that it is doing things right. Any nation which discovers in 1970 that it has thousands of teachers in its schools who literally do not speak the same language as their students must doubt whether it is pursuing the right course.

If our national approach has been bulldozer solutions coupled with bureaucracy, this has been just as true of State government and local housing and redevelopment authorities and other agencies. Many have failed in the fundamental task of listening to and showing some understanding of those whom they are supposed to serve.

We need, first, a total reexamination of all of our institutions and programs in this country. What are we getting for our money? What are our children getting for our money? We are creaking along in 1970, trying to run a government and schools and social services through institutions which were created tens of decades and even centuries ago, and in many cases have not been reexamined since.

The changes in size alone are staggering. The United States Steel Corporation which the government broke up under the antitrust laws more than a half a century ago was smaller than the typical medium size corporation today. Before World War I, no university in the Western World had more than 5,000 students. Now 30,000 students is only a moderate-sized student body. Hospitals which had one employee for every three patients a half century ago now have three employees for every one patient. Some foundations have international operations and offices which are larger than most foreign governments.

The impersonality and unresponsiveness which comes along with the size is understandable. I have discussed some of it in these remarks. So the answer to our problems is far more than just money, although we certainly need more money as well.

One key matter to focus on is size. All the evidence suggests that adults and children feel more involved and are served better by small institutions. We can get smaller institutions by breaking up bigger ones and by creating new, smaller ones.

We can emphasize the building of neighborhood health clinics instead of concentrating almost exclusively on hospitals—clinics to serve target populations of 30,000 instead of 300,000. We can make sure that our new college campuses are smaller in size and just build more of them. When we build new correctional facilities, we can insure that they are small enough to allow the kind of group interaction which benefits the children whom we put in them.

And we can decrease the size of existing facilities. We can create colleges within colleges, campuses within campuses, no matter what the institution.

Above all, we can and must do something about the size of government. Many functions which are performed on the citywide level could be handled at the neighborhood level far more responsively and far more effectively. Much of what goes on in the Federal Government could be given over to the local government with strong Federal supervision and strong Federal standards. That is not the old liberal philosophy, but it is one which just might work better.

Attention to the size of institutions—reducing them to the smallest viable size—is one key element in making them work.

Another key element is regulation. Ralph Nader, with all that he has done, has reminded us that the regulatory agencies which we created with such fanfare a generation ago and earlier, have more and more come to be just captives of those whom they are supposed to regulate. Regulation can help with the size of institutions. It is certainly not shocking to begin thinking of breaking up corporate units into smaller entities. That, after all, was done at the turn of the century. And regulation can help with the quality of life. It is not shocking to think that, had we the will, government regulation could result in the cleansing of the air and water. Nor do children's toys have to be dangerous.

So regulation is one key word which has been lost from our vocabulary to the great detriment of our children and all of us.

Another key word, related to regulation, is accountability. As the institutions and programs which I have discussed have grown and proliferated, they have become sovereignties unto themselves, accountable to no one, proceeding along from day to day without supervision or question from the outside. Some of the accountability can be built internally. Agencies can begin to evaluate their own programs and release those evaluations to the public.

Perhaps a more important aspect of accountability is using money as leverage—the demanding by the Federal Government of accountability on the part of those to whom it gives money.

For years the Federal Johnson-O'Malley and impacted areas money has flowed to local public schools for the education of Indian children with no questions asked. We could begin to demand the hiring of Indian teachers, parental and community involvement in schools, the institution of bilingual programs, the institution of Indian history and cultural classes, and above all, a measure of dignity for the Indian child in return for the Federal flow of dollars.

We could begin to ask what local school districts are doing with the money under title I of the Elementary and Secondary Act and to demand results.

The disaster which masquerades for our health care system in this country could be turned around very quickly if the Government were to seriously get about the business of demanding performance for the billions of dollars it pours into the health care field. If the Government began to say that hospitals had to reorganize, that medical schools had to turn out students other than doctors as a condition of receiving Government research and other funds, if all of these things were done, the cost of health care would go down and quality would go up.

Accountability can also be stimulated from the outside, and here we come to another key word—advocacy. The Government never got serious about monitoring where its funds under title I of the Elementary and Secondary Education Act had gone until a group on the outside did its own evaluation, and came up with the conclusion that title I was not really helping poor children. Some would say HEW is not doing much better now, but at least it is aware of the problems. And if you go and talk to the auditors who work at HEW, they are jubilant. The outside advocates have put them on the map. They have more staff than they ever had. They are delighted that outside advocacy has come along and given them a job. They are delighted at the idea that someone wants their help, wants their contribution in keeping the Government honest. So outside advocacy has a great role to play in assuring accountability.

One of the most exciting developments in our society right now is the outside advocacy—both through the legal services program and through public interest law firms, as well as the young professionals in other fields who have taken it upon themselves to try to bring accountability to their professions. It is in this area that there is both great hope for change and great need for vigilance. For when these young professionals are successful, they get into political trouble—witness this week's Finance Committee vote to prohibit legal services lawyers from suing to challenge welfare policies.

A fifth key word—far more fundamental than advocacy, as important as that is—is participation: the sharing of power and the alleviation of powerlessness. One facet of the lack of accountability is that bureaucrats have come to believe that bureaucracy exists for their internal benefit. They forget their mandate, which is to see that services are delivered to the people.

No one really knows more about whether a program is working or not, and whether it is being properly administered than those whom it is supposed to benefit. More important, the only way to eliminate paternalism, laziness and unresponsiveness is to share power. If we do nothing else in the 1970's we must make it our goal to achieve participation programs by those who are supposed to benefit from them and by the community generally. Such participation, such sharing of power, should become a familiar aspect of our national life.

Fortunately, the political and other struggles of the past decade have given us some models for participation.

The Headstart program at its best has shown us what a marvelously rich experience parent involvement can be—both in terms of the parents coming to understand what quality education is and also in terms of the enhanced learning experience of a child. The extension of that kind of parent involvement throughout all preschool education and indeed throughout the elementary and secondary schools as well, would be a great boon in our society.

It is critical that the method of participation that we adopt be one in which real power is shared. There is always the bureaucratic temptation to try to co-opt—to try and create nice-sounding advisory boards which have no power, are convened once or twice a year in a fancy board room or hotel and are then ignored. The struggle to create the proper mix for participation will not be easy. There is an appropriate role for professionals in both administration and policy, and citizen participation must include both those who are served by the program and representatives of the community generally.

Welfare need not be controlled by welfare recipients, but they must be represented in a real way in the making and application of policy. The university need not be turned over to the students and faculty, but they should be represented on the board of trustees. The doctors and the hospital administrators should still have something to say about the way a hospital is run, but the community should be directly represented on the board as well.

There is one aspect of participation which I want to emphasize particularly. That is the idea of having children themselves participate in the process of their institutions. I do not wish to overstate this concept—I am not suggesting that 5-year-olds need to sit on the boards of kindergartens; but high school students can participate very actively in decision-making in their institutions and in teaching younger students, as well.

Ghetto youths in St. Louis have done a fine job of running a rat control program. Youngsters would make the most effective nucleus of a preventive drug education program, because peer group testimony is what would be most influential. Instead of mistrusting one generation of young people to have any constructive influence on those just below them—which is what we seem to do now—I think it is crucially important that we involve young people in working with children.

Another key word is "innovation." We just have to be prepared to try new approaches. Whether schools without walls or magnet schools, or open classrooms or individualized instruction, or new forms of early childhood development, or new approaches to juvenile delinquency, the subject does not matter. The point is that the way we are doing things now is not working. We simply have to have new approaches.

Another important need is to find new ways of getting Federal money out to the communities for the benefit of children. The goal should be to encourage initiative at the local level while requiring adherence to strong national standards and requirements of accountability. Here I part most emphatically from those who would simply use revenue sharing or block grants as a means of handing out money to States and localities without any strings attached. But I also depart from some of my liberal brethren who are still enthralled with the categorical grant-in-aid approach that has a large Federal bureaucracy at the top handing out money to the States, which in turn give it to localities. This has resulted in the worst kind of bureaucratic delay and diffusion of purpose. We simply have to find new ways of getting the money directly to communities and even to neighborhoods for broad social purposes—but without giving up the idea of strong Federal standards.

The concept of national standards is extremely important. We are quite familiar with the patchwork of programs which passes for a welfare system, and the patchwork of local fiefdoms which passes for health care system. It is time we set national standards for performance as a country and stuck to them, through the processes of regulation and accountablity which I have already described.

Another key idea is rights—legal rights. This has two aspects. First, for too long we have regarded various social programs and services as a matter of largess dispensed by the State. It is time we began to think in terms of creating legally enforceable obligations for our children, on which they can sue if the obligation goes unfulfilled either in dollar terms or, for that matter, in quality. If we are ever to have any kind of national standard which really works to deliver service to people, we are going to have to create legally enforceable rights to go with it. This will be a massive job, and will require careful study, but I believe it is a major matter on the agenda.

The second aspect of the idea of legal rights has to do with rights of children vis-a-vis institutions—rights of children in school to engage in free expression and not to be subjected to discipline without due process, rights of children in court not to be subject to being disposed of without adequate counsel or real rules of law. The development of a body of children's law is also an important matter on the agenda.

A final key word is options, protected by national standards. A child and his family should have a full range of options as to where they want to live. The child should have a choice of educational experiences, a full choice of possible lifestyles and professions. We shut off the choices both ways sometimes. We do not integrate the schools and we deny ghetto schools the power and the funds they need to improve. We keep the suburbs lily-white as a practical matter and we keep the ghetto a slum. We make life for the Indian an impossibility both on the reservation and in the city. "Options" is a very important word.

I call now for a national re-examination of all of our institutions by reference to these 10 criteria—size, regulation, accountability, advocacy, participation, innovation, new avenues of money flow,

national standards, legal rights and options.

Let us see how some of these ideas might work in relation to a matter of which I have not discussed in any detail, a timely subject on which public debate is going on—the question of day care, or more properly, early childhood development programs.

For various reasons, it appears that a good deal of new Federal money is about to be poured into the early childhood development field. I favor putting more money into this area. But let us be sure we do not make the same old mistakes all over again.

Some say that the present Federal day care guidelines are too stringent, that, if they are kept as they are, no project will be able to get started. No doubt there are ways in which these guidelines can be improved, but there is in my judgment one nonnegotiable criterion for whether an early childhood development program is an acceptable recipient of Federal money; not whether it enables the mother to work, but whether the program enhances the child's development. There is no point in pouring Federal money into a program that amounts to the warehousing of children, to a federally subsidized baby-sitting service. If we are going to provide money for early childhood development, let us do it correctly.

This means community participation in the planning and administration of the program; it means appropriate professional participation in the teaching or care at the program; and it means health care and nutritional value in the program.

There are those whose express interest in day care is to make it possible for mothers to work. They are applying growing pressure to provide 5-day-a-week, 10-hour-a-day child care for preschool children whose mothers work, or would work if these services were available. In some cases, this would be an improvement. There are thousands of young children—latchkey children—who are left at home to care for themselves, or are looked after by brothers or sisters barely older than they are. Unquestionably, a program with adult supervision and hot meals would be an improvement for them. But the creation of institutions with warm rooms, several adults, and breakfast, lunch, and dinner does not necessarily add up to child development.

I wonder whether many preschoolers—especially the very young—would not be served better by programs lasting several hours, rather than all day, or by programs that send tutors into their homes to work with them and their mothers. I know of one program here in the district that sent tutors to the homes of ghetto youngsters aged 1½ to 3 years, several hours a week, and was extremely successful in preventing IQ declines of 15 to 20 points that other ghetto youngsters were experiencing. That was not a day care program. It did not make it possible for the mothers to work. But it was a tremendously impressive child development. And that is what the criterion should be.

There is also a question about the funding channels for these new programs. I see that some of my colleagues are proposing day care programs which go exclusively through the States. I think it is time we learned that money sent out from the Federal Government by way of the States, through the State bureaucracy, to the localities gets to be pretty thin by the time it reaches the end of the pipeline. It is terribly important that we make money available directly to community groups and directly to local governments. Otherwise, the kind of early childhood development program we want will simply not be forthcoming. It is equally important for us to make sure that any private enterprise involvement in the provision of day care is subject not only to very careful standards, but to full community participation in the planning of the administration of whatever centers a franchise operation or a corporation becomes involved in.

The essential point here is that it will not do, in 1970, to simply write a blank check—pour a whole lot of money into something, anything, called "daycare" and then forget about the matter. We must do more than spend the money. After we authorize and appropriate the money, we must engage in appropriate oversight proceedings to see that the money is properly spent. We have gone on for too long just pouring out what little money we do appropriate without finding out where and how and to what end it is spent.

What I have been saying today comes down to a few simple sentences. We have to place a higher priority on our children and their families than we do on expensive military gadgetry or expensive space extravaganzas. And we desperately need to instill some understanding, humaness and sensitivity into the existing institutions which are supposed to serve our children. We need to instill an attitude of respect for a child's heritage, for his family, for his language, and for his individuality, and his potential. We need to involve children themselves and their parents in a significant decision-making role in these institutions. We need to recognize that we can and must provide far greater life chances for our children than we do now. Our children are our chance for change. They are our bridge to a better world. They are our only hope. Let us begin to act like we understand this.

If that recognition, coupled with a sense of urgency and a concrete implementation mechanism, can emerge from the forthcoming White House conference, I will count the conference a success.

Mr. President (Mr. STEVENSON), over the past nearly 6 years, I have probably served on as many human-problem committees and subcommittees as any of my colleagues. I have been all over this country—its ghettos, its Indian reservations, migrant labor camps, among the Eskimos and the Athabascans, and in the pockets of white poverty—and I am unable to express the profound frustration that I feel at knowing that we are such a powerful and wealthy society and at the same time seem to so tragically fail thousands and millions of our children. It is not only immoral. It is not only unnecessary. I think this failure tampers with the very existence and future of a vital democratic society.

If in our generation we could shift these priorities and make these institutional changes and, above all, commit ourselves to a full and effective reordering of society, so that every child had a chance—a full and a fair chance, which is what I understand to be the promise of America—I think our generation will have done more than any other to strengthen and revitalize our society and to assure a bright and a secure future.

EXHIBIT 1

THE CHILDREN'S CHARTER

President Hoover's White House Conference on Child Health and Protection, recognizing the rights of the child as the first rights of citizenship, pledges itself to these aims for the Children of America.

I. For ever child spiritual and moral training to help him to stand firm under the pressure of life.

II. For every child understanding and the guarding of his personality as his most precious right.

III. For every child a home and that love and security which a home provides; and for the child who must receive foster care, the nearest substitute for his own home.

IV. For every child full preparation for his birth, his mother receiving prenatal, natal, and postnatal care; and the establishment of such protective measures as will make childbearing safer.

V. For every child health protection from birth through adolescence, including: periodical examinations and, where needed, care of specialists and hospital treatment . . . .

VI. For every child from birth through adolescence, promotion of health, including health instruction and a health program, wholesome physical and mental recreation, with teachers and leaders adequately trained.

VII. For every child a dwelling place safe, sanitary, and wholesome, with reasonable provisions for privacy, free from conditions which tend to thwart his development; and a home environment harmonious and enriching.

VIII. For every child a school which is safe from hazards, sanitary, properly equipped, lighted, and ventilated. For younger children nursery schools and kindergartens to supplement home care.

IX. For every child a community which recognizes and plans for his needs, protects him against physical dangers, moral hazards, and disease . . . and makes provision for his cultural and social needs.

X. For every child an education which, through the discovery and development of his individual abilities, prepares him for life; and through training and vocational guidance prepares him for a living which will yield him the maximum of satisfaction.

XI. For every child such teaching and training as will prepare him for successful parenthood, homemaking, and the rights of citizenship; and, for parents, supplementary training to fit them to deal wisely with the problems of parenthood.

XII. For every child education for safety and protection against accidents to which modern conditions subject him . . . .

XIII. For every child who is blind, deaf, crippled, or otherwise physically handicapped, and for the child who is mentally handicapped, such measures as will early discover and diagnose his handicap, provide care and treatment, and so train him that he may become an asset to society rather than a liability . . . .

XIV. For every child who is in conflict with society the right to be dealt with in-

telligently as society's charge, not society's outcast....

XV. For every child the right to grow up in a family with an adequate standard of living and the security of a stable income as the surest safeguard against social handicaps.

XVI. For every child protection against labor that stunts growth, either physical or mental that limits education, that deprives children of the rights of comradeship, of play, and of joy.

XVII. For every rural child as satisfactory schooling and health services as for the city child, and an extension . . . of social, recreational, and cultural facilities.

XVIII. To supplement the home and the school in the training of youth . . . every stimulation and encouragement should be given to the extension and development of the voluntary youth organizations.

XIX. To make everywhere available these minimum protections of the health and welfare of children, there should be a district, county, or community organization for health, education, and welfare . . . .

For every child these rights, regardless of race, or color, or situation, wherever he may live under the protection of the American flag.

The Children's Charter served—and today continues to serve—as an extremely useful guide to the people of the United States concerned with the well-being of children.

OUTCOME OF THE CONFERENCE

Followup programs were organized in many States. Frequently they represented the first statewide attempt to bring together the various professional groups and agencies to review children's needs and improve services.

One of the outstanding results of the Conference was a great advance in the field of pediatrics and pediatric education. Conference findings and recommendations served as a base for the children's measures under the Social Security Act (1935).

The 32 volumes of Conference findings appeared over a period of several years and were representative of an era of detailed factfinding and report making. But to condense or coordinate these findings into a composite whole or to convert them into a program of action for children was almost impossible. Perhaps such a program could not have survived even if it had existed—the Conference was held at the beginning of the depression—a depression that steadily deepened and became more bewildering during the years in the course of which the final volumes of the report appeared.

WHITE HOUSE CONFERENCE ON CHILDREN IN A DEMOCRACY (1940)

The fourth White House Conference on Children was concerned with all children, not merely with those handicapped by circumstance. This was a major development—and a significant one for the future.

The base line for the White House Conference on Children in a Democracy was family and community life. Its specific purpose was to develop a frame of reference for equipping American children "for the successful practice of democracy."

In mid-January 1940, approximately 700 men and women gathered in Washington to examine in detail the state of child life in the United States, the forces that shape it, and the conditions requisite to health and opportunity for all children.

A few scattered young people sat in with the group as observers and commentators. They were the vanguard of the great numbers of youth who were to take their place in the 1950 and 1960 Conferences.

Secretary of Labor Frances Perkins summarized the task which faced the Conference by saying:

"No matter what the storms, no matter what the stresses, no matter what the world problems are, both economic and social problems, it is our intent and purpose to keep our minds firmly fixed upon the welfare of our children and to promote that welfare under all conditions, recognizing that they are the vitality . . . of this great experiment which we are making on this continent.

"One of our problems in this, as well as in every other Nation, is how to make it possible for the children who are the future generation to partake of the best that the Nation is able to give, while they are in the formative stage, while their health is being built up. This Conference has brought in people of many backgrounds, people with many points of view, people with a great variety of expert knowledge. . . ."

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

Mr. MONDALE. I am delighted to yield to the distinguished Senator from Hawaii.

Mr. INOUYE. Mr. President, we have just begun our Christmas season, and our newspapers are filled with tantalizing advertising messages of the joy of Noel. It is a time of hope, of anticipation, and of love; and this is a time when people look forward to glad tidings. I do not suppose that Americans are in a mood to receive a message of misery, a message of bitterness, a message of frustration, but the message which was given this morning by my distinguished colleague had to be given.

I would hope that my colleagues who have avoided listening to this message this morning would take time to read what the Senator from Minnesota has had to say.

This is a horrible indictment of the system, and I think the sooner we realize it, the better we will be. This morning, my colleague spoke of children, and this is the season of children, and we honor the most blessed one on the 25th of December.

If I may, in order to place an emphasis on this indictment, I should like to read a portion of the Senator's speech:

Our national myth is that we love children. Yet, we are starving thousands. Other thousands die because decent medical care is unavailable to them. The lives of still other thousands are stifled by poor schools and some never have the chance to go to school at all. Millions live in substandard and unfit housing in neighborhoods which mangle the human spirit. Many suffer all of these mutilations simultaneously.

In every society some people are consigned to the scrop heap—the irretrievably handicapped, the incurably ill, the incorrigibly criminal, the hopelessly uneducable. But, in America we have needlessly allowed the scrap heap to pile up and up. The most obvious victims, of course, are the 10 million children living in poverty and the untold millions maimed by racism. But the scrap heap is not outsized merely because of poverty and racism. The victims are most emphatically not just the poor and the minorities.

The children whom we are daily consigning to the scrap heap come from every income group, every racial group, every geographical area in our nation. And every child consigned to the scrap heap is a useful life lost to the country, and indeed a lifetime of costs to the taxpayers in welfare, prison, or other expense.

This is a problem in which the "real majority" has a deep and vital stake . . . and the sooner we come to share the realization that this is in fact the case, the sooner we shall create in America the atmosphere our children need and deserve.

I pray that my colleagues will read this Christmas message by Senator MONDALE.

Mr. MONDALE. I thank the Senator from Hawaii for his very kind remarks. I value his friendship greatly, and I particularly appreciate working with him on the Select Committee on Equal Educational Opportunity which is trying to deal with some of the terribly important problems. More than I can express, I appreciate his remarks.

Permit me to make one observation here—although one could make thousands more—which I believe indicates the need for this kind of message as we approach Christmas. While I am sure it is a Christmas of joy for those of us making $42,000 a year, it is not a Christmas of joy for millions of young children, when we recognize that one of the great elements of the American Christmas is not delivered to him. We have had, for example, 2 of the top Spanish-speaking experts in the country testify before us—one a Dr. Palamares, who is a young psychiatrist and educator from California, and the other a young Puerto Rican, who is a candidate for a doctorate degree from Harvard University. Both have pleaded with us to understand how our system is failing Spanish-speaking Americans. Both these brilliant young men spent several years of their early lives in classes for the subnormal because they were not proficient enough for us in English and they were rejected as "dumb, stupid kids." It is a miracle they worked their way out of that. They are two geniuses and are so recognized by the best schools in this country. They happen to have escaped their early beginnings. Most do not. That is going on today.

Mr. BAYH. Mr. President, will the Senator from Minnesota yield?

Mr. MONDALE. I am happy to yield to the Senator from Indiana.

Mr. BAYH. I want to add my words of commendation to my distinguished friend and colleague from Minnesota, having served on a special committee of which he is chairman, and having seen him pursue tenaciously this area which is certainly not without controversy, and having seen the foresight and the courage which he exhibited as well as the hard work he has put into this problem.

I want to go on record publicly as not only congratulating him for the leadership he has provided in this area on the special committee, but also the perceptive remarks he has just made relative to the whole problem of the children of America. There is no one simple solution. The Senator from Minnesota just this moment addressed himself to the bilingual problem and the fact that many normal and bright children who are American citizens may happen to speak Spanish rather than English and are being denied the opportunity to share the American dream.

This is one of the many problems we must deal with if we are going to solve the problems which confront millions of American children.

Later on this week, the Senator from Indiana intends to address himself to one particular problem; namely, that of child care and development services. This is a problem which I have been addressing myself to over the past several months. The Senator from Minnesota has one of the major pieces of legislation already introduced in this field, as he is one of the leading spokesmen for children in the Committee on Labor and Public Welfare. I want to make certain that he has an advance copy of the prepared bill because I would like to have his thoughts and, hopefully, be able to work with him to see that it is enacted into law.

A comprehensive child care and development program is one which we suggest should be made available to all children, not just a few, and is one that should combine not just the theoretical, educational aspects of a traditional, preschool or nursery program, but bring to bear the nutritional and environmental aspects which are too often lacking in some of the custodial and educational, programs now available.

The Senator from Indiana does not intend to introduce the bill during this session but, feeling as the Senator from Minnesota does, that if this White House program is going to be meaningful and have any positive benefits accrue from it, some of us in the legislative branch might make some positive suggestions to let the White House Conference delegates know that we compliment them for their concern, but we want more than window dressing, we want action.

It is with that goal in mind that the Senator from Indiana intends to address himself specifically to a concrete bill in the area of child care, to try to get the opinions of some of the experts. Inasmuch as the Senator from Minnesota is one of the top experts in this field, I hope he will give us the benefit of his thoughts and that we can work together. I am certainly not wedded to the wording of the language of this particular measure.

In fact, one of the reasons we want to throw it out to public consumption and criticism is that the Senator from Minnesota and others can find ways to improve it and move forward to really get something done in this area.

Mr. President, my wife, Marvella is extremely interested in this subject and together we have had a chance to observe various child care programs. Having observed what some other nations have been able to do, the Swedes, the Japanese, the Israelis, and the Russians, I think that we in the United States can and must do more in this area.

I can think of no other area where we can make significant progress in solving a number of sociological problems than to tend to our children better. We do a lot of talking about it. The Senator from Minnesota in his remarks has eloquently stated that the time has come to do something about it. I compliment him again for his very fine speech.

Mr. MONDALE. Mr. President, I thank the Senator from Indiana. I know of his great work and devotion to reform in this field, and I am aware that both he and his wife have shown extraordinary concern and interest in the problems of children, particularly early childhood problems.

Hopefully, Congress can make fundamental changes in the early childhood efforts, because it is clearly one of the most hopeful of all the proposed remedies to deal with these problems. I want to underscore the need to create child development efforts that are sensitive to different cultures and languages, and in which the parents and children being served have an impact when decisions are being made. We need to permit the poor and disadvantaged of our children to play some role, along with their parents, to participate, to advocate, to reform, and to make their own decisions. I think that is the fundamental failure runing through all the programs. Hopefully, through our efforts and the implementation of recommendations from the White House Conference, we can begin to erase this curse and disgrace from our land.

Mr. President, I yield the floor.

Mr. MUSKIE. Mr. President, I commend the Senator from Minnesota (Mr. MONDALE) for his courageous speech this morning. By spelling out in forthright terms our national failure to provide a better quality of life for all our children, Senator MONDALE has exposed a national disgrace. And by offering specific suggestions for action, he has performed a valuable public service. This is what we have come to expect of him.

Mr. President, I share my colleagues' desire that the forthcoming White House Conference on Children will result—not merely in rhetoric and reports—but in concrete actions. The preliminary report by forum 15 on Children and Parents of the Conference contains a number of important recommendations, which I hope can be expanded and implemented. I shall do everything I can to support Senator MONDALE in his efforts to achieve justice for all children in America.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1366) to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corporation.

The message also announced that the House had passed the bill (S. 4536) to amend the Small Business Act, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10634) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, 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. MCFALL, Mr. YATES, Mr. STEED, Mr. MAHON, Mr. CONTE, Mr. MINSHALL, Mr. EDWARDS of Alabama, and Mr. BOW were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the bill (S. 2162) to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill and asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. MOSS, Mr. MURPHY of New York, Mr. KEITH, and Mr. THOMPSON of Georgia were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 8539. An act giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States; and

H.R. 17750. An act to grant the consent of Congress to the city of Boston to construct, maintain, and operate a causeway and fixed-span bridge in Fort Point Channel, Boston, Massachusetts.

HOUSE BILLS REFERRED

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

H.R. 8539. An act giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States; to the Committee on the Judiciary.

H.R. 17750. An act to grant the consent of Congress to the city of Boston to construct, maintain, and operate a causeway and fixed-span bridge in Fort Point Channel, Boston, Mass.; to the Committee on Public Works.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

THAILAND, THE GENERAL ACCOUNTING OFFICE, AND THE TAXPAYER

Mr. SYMINGTON. Mr. President, on June 9, 1970, as chairman of the Subcommittee on U.S. Security Agreements and Commitments Abroad, I requested the General Accounting Office to "make a study of all payments, direct and indirect, to the Thai Government and its officials for their forces sent to Vietnam; and determine the factors relevant to their disposition by U.S. Government officials."

This request was prompted by conflicts between statements in the press attributed to the Prime Minister of Thailand and statements under oath by administration officials to the subcommittee.

The Thai version was that the expenses of the Thai volunteers in Vietnam were paid by Thailand; whereas the administration statements were that U.S. Government funds and materials were given to Thai officials in return for their forces which were sent to Vietnam.

Let us note in passing that this difference in position was quite comparable to an earlier conflict which arose in connection with the subcommittee's hearings on the Philippines concerning the expenses of Filipino troops in Vietnam—a conflict which has not yet been entirely resolved.

Following my request to the General Accounting Office, the Comptroller General wrote to the Secretary of Defense seeking the cooperation of that Department in securing access to the relevant documents. There ensued a rather lengthy, and unfortunately inconclusive, three-way correspondence between the Comptroller General, the Secretary of Defense, and myself over procedures which the Defense Department instituted to screen documents before making them available to the GAO.

These procedures are not only time-consuming; they embody a concept of auditing that can only be described as astonishing.

What would happen, for example, if a bank asserted the right to screen its books before making them available to the bank examiner?

It should be emphasized that the General Accounting Office is the independent agent of Congress, trying to ascertain what has happened to the people's money.

I am now in receipt of a memorandum detailing some of the observations made, and difficulties encountered, by an agent of the General Accounting Office during a trip to Bangkok, Saigon, and Honolulu in an effort to trace the payments made to Thailand in connection with the deployment of Thai troops in Vietnam.

I ask unanimous consent that the entire memorandum may be printed in the RECORD at the conclusion of these remarks. At this time, I will refer only to some of the highlights.

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

(See exhibit 1.)

Mr. SYMINGTON. Mr. President, it is estimated, for example, that based on costs thus far tentatively identified, cash reimbursements to the Thai Government will probably represent something less than 15 percent of total costs to the United States for Thai troops deployed to Vietnam. Other benefits which have accrued to Thailand include increases in the military and economic assistance programs, outfitting and support of the Overseas Replacement Training Center in Thailand, outfitting and support of Thai troops in Vietnam, construction, military sales concessions, and so forth.

At the Thai Overseas Replacement Training Center, Thai troops receive about 5 months' training before departure to Vietnam. The United States supplied the center with enough equipment and vehicles of the latest models contained in U.S. Army stocks to outfit a U.S. division—approximately $20 million worth. But the Thai troops were being trained in increments of 5,400 men—less than half the strength of a U.S. division.

Furthermore, the maintenance shops at the training center were filled to capacity with vehicles requiring maintenance, although little work appeared to be taking place. Large numbers of new trucks, trailers, and tractors were parked in open fields, engulfed with weeds. Many had flat tires and others—also new—had obviously been cannibalized for parts.

Ammunition was stored unprotected in open fields, with no security in evidence.

The representative of the Comptroller General was not even permitted to visit the Thai installations in Vietnam—although he had agreed that he would talk only to Americans—not Thais—and although he estimates that the U.S. Government has invested some $260 million in equipment, allowances, subsistence, construction, military sales concessions, and other support to the Thais for their contribution under the free world military assistance program to Vietnam.

Mr. President, I hope and believe the General Accounting Office will pursue its inquiry into this matter with full vigor, so that Congress and the American people will know more of the truth about why and how their tax money is being expended in this tragic Far East venture.

EXHIBIT 1

OBSERVATIONS MADE BY AUDIT MANAGER DURING SUPERVISORY VISIT TO SELECTED AUDIT SITES IN CONNECTION WITH A REQUEST BY SENATOR SYMINGTON FOR GAO TO CONDUCT A STUDY OF PAYMENTS MADE TO THAILAND FOR DEPLOYMENT OF ITS TROOPS TO VIETNAM

During the period from September 9, 1970, through October 7, 1970, I traveled to Bangkok, Saigon, and to our Far East Branch office in Honolulu before returning to Washington, D.C. The purpose of this trip was to oversee work being performed by the Far East Branch (FEB) staff concerning subject study, help finalize thoughts with regard to presentation of data in the forthcoming report, and to help solve any other problems that may exist.

The FEB staff had started work on the subject study in Honolulu on July 6, and in Bangkok on July 15. The staff in Bangkok was experiencing considerable difficulty and delays (per progress reports) in getting access to records maintained by the U.S. Embassy and the U.S. Military Assistance Command/Thailand. Therefore, we obtained a good bit of payment information from sources other than the U.S. Army 47th Finance Unit in Bangkok which had made the payments to the Thai Government.

We reviewed a number of vouchers by which payments were made to the Government of Thailand under the program, and obtained copies of certain selected vouchers and cancelled checks to use as examples in our report. We also prepared schedules showing all applicable payments made by the 47th Finance Unit since the unit was established in FY 1967, to the date of our visit in September 1970. In doing this, we were able to obtain copies of certain vouchers and cancelled checks, other information, and to schedule payments to the Government of Thailand for fiscal year 1967 which were not available in Bangkok.

The schedules prepared show that the 47th Finance Unit began making cash payments to the Thai Government in June 1967 for the period beginning in December 1966 for various types of allowances, etc. for Thai troops.

The largest of the 11 categories of payments relates to overseas allowance for Thai troops, followed by separation bonus of $400 per man after he has served in Vietnam, training in Thailand, subsistence for troops while in training, death gratuities of from $1,500 to $5,500 per man depending on rank, etc. Further details, however, are not shown herein because the source documents are classified. It should be mentioned, however, that based on costs thus far tentatively identified, cash reimbursements to the Thai Government will probably represent something less than 15 percent of total costs to the United States for Thai troops deployed to Vietnam.

BANGKOK, THAILAND (SEPTEMBER 14–19, 1970)

While in Bangkok, the assignment was discussed quite extensively with the audit supervisor and a limited review was made of the working papers and FEB's tentative report outline. I conveyed to the audit supervisor, who will also be deeply involved in preparing the overall report draft in Honolulu, our thoughts on report presentation. We believe the report should contain a schedule somewhere near the front showing amounts paid under each payment category. Other benefits that have accrued to Thailand as a result of their deployment of troops to Vietnam should also be scheduled, such as costs representing increases in the military and economic assistance programs, outfitting and support to the Overseas Replacement Training Center in Thailand, outfitting and support of Thai troops in Vietnam, construction, military sales concessions, etc. Subsequent

sections would then contain descriptive explanations and examples of each category of payment and costs.

We also discussed access to records problems experienced by both the FEB and ID/W staffs. These problems have been serious and have delayed the study. These problems have also prevented us from obtaining information needed to present a complete and fully accurate report to the Subcommittee. For example, the FEB staff was not permitted access to documents or other information we consider essential to enable us to verify either the validity of payments or accuracy of Thai Government reimbursement billings to the U.S. Military Assistance Command/Thailand. We were also prohibited by the Department of State to directly contact Thai personnel to verify whether their troops actually received the money for which the United States paid the Thai Government.

I met separately with the U.S. Embassy Mission Coordinator, Director and Deputy Director of the Agency for International Development Mission to Thailand, and the MACTHAI liaison officer to the FEB staff in Bangkok. The Embassy Mission Coordinator was quite outspoken on the subject of GAO's access to their records. During the meeting, I advised him of a meeting between us and the Department of State desk officer for Thailand/Burma the day before my departure from Washington, D.C. At that meeting, we requested assistance in getting the Department to request the Embassy to relax its stringent records and document review process prior to releasing them to GAO, and to be somewhat more objective in those processes than had been evident thus far. The Coordinator advised us that the Embassy had not as yet received any new instructions from the Department on this matter, and that stringent records release criteria used by the Embassy will continue to be followed until the Department instructs them to change.

Shortly after arrival in Bangkok, I requested the audit supervisor to advise the U.S. Military Assistance Command that we wanted to visit the Thai Overseas Replacement Training Center at Kanchanaburi where Thai troops receive about five months training before departure to Vietnam. The trip was quickly approved and we visited the Training Center on September 18, 1970.

We had been advised that initially the United States had an Army special forces company of 300 to 400 men, plus about 200 or more logistics personnel, stationed at the Training Center assisting the Thais. This number, however, increased to something over 1,000 men in April 1968 before starting to phase down to a lower number. At present, the U.S. Army Advisory Group consists of only seven commissioned officers and two non-commissioned officers, although the group is authorized a total of 15 men. The commanding officer of the U.S. advisory group escorted us around the Training Center, and was quite outspoken when answering questions. While we obtained a good bit of information from him, the more significant comments were:

The U.S. supplied the Center with enough equipment and vehicles to fully outfit a U.S. Division based on an established TO&E. The equipment and vehicles are the latest models contained in U.S. Army stocks. Vehicles alone total up to something over 1,100 vehicles. However, the Thais train their troops in increments of about 5,400 men, which is something less than 50 percent of a Division's strength. Consequently, the U.S. has provided the Center with about twice the number of vehicles actually needed.

We were advised that it costs about $20 million to outfit a U.S. Army Division with equipment and vehicles. After my departure from Bangkok, the audit supervisor attempted to obtain from the U.S. Military Assistance Command/Thailand more current information regarding numbers, present ownership (U.S. or Thai Government), and cost of the equipment. However, the requested data had not been made available to him prior to his departure from Bangkok about October 1, 1970. Nevertheless, on October 5, 1970, the U.S. Army Pacific Command in Honolulu provided the FEB staff with IBM runs showing the initial issue of this equipment to the Thai Training Center.

During our visit to the Training Center we observed that the maintenance shops were filled to capacity with vehicles requiring maintenance, although little work appeared to be taking place. We also observed large numbers of *new* ¼-ton, ¾-ton, and 2½-ton trucks, as well as trailers, tractors, etc, that were parked in open fields, engulfed with weeds, many had flat tires, and still other *new* vehicles had obviously been cannibalized of part. We also observed that ammunition was stored unprotected in open fields with no security in evidence.

SAIGON, VIETNAM (SEPTEMBER 19–OCTOBER 2, 1970)

At the time of my arrival in Saigon on September 19, the Saigon staff, which began work on this assignment about the middle of August 1970, had performed work primarily on costs applicable to the Thai Army contingents, and had been dealing primarily with the U.S. Free World Military Assistance advisory group, U.S. Military Assistance Command/Vietnam, and the U.S. Army/Vietnam, in Saigon. The staff has thus far experienced only minimal access to records problems in Saigon.

In view of the conditions observed at the Thai Training Center as explained earlier in this trip report, I requested the Manager of the GAO Saigon Office to arrange with U.S. military officials for us to visit Thai installations in Vietnam. He immediately requested the GAO liaison at the U.S. Military Assistance Command/Vietnam by telephone to arrange the visit, and subsequently followed up the request in writing. He advised them that we wanted to make a 1-day field trip to the Thai base camp which, incidentally, is part of a larger complex housing U.S. forces, make observations of the facilities and equipment located there, and to talk with U.S. military representatives stationed there as liaison officers. We also informed them that, as on our visit to the Training Center in Thailand, we did not intend to talk to any Thai personnel during the visit. Nevertheless, U.S. military officials in Vietnam with the concurrence of U.S. Embassies in Bangkok and Saigon denied us permission to visit the installation at that time and referred our request to higher authority.

The reason cited for denying our request was that GAO should have no need to consult host country officials or agencies and that such contacts could have adverse consequences. The reason cited, therefore, is not justified in view of the fact we had already visited the Training Center in Thailand without contacting the Thais, and we had agreed to not contact the Thais during our visit to the Thai base camp in Vietnam. It's difficult to understand the rationale of the U.S. military and Embassy officials for their refusal when one realizes the U.S. Government has invested possibly more than $260 million in equipment, allowances, subsistence, construction, military sales concessions, and other support to the Thais for their contribution under the Free World Military Assistance program to Vietnam.

The staff in Bangkok and Saigon has obtained conflicting information concerning ownership of equipment provided the Thais in connection with their deployment of troops to Vietnam. The staff had been advised from some sources that most of the equipment on hand with Thai troops in Vietnam had been brought with them from Thailand and that the Thai Government had title to all such equipment and would take it with them when they withdraw from Vietnam. The staff had also been advised that the Thais brought only a small amount of personal items with them to Vietnam (mess kits, clothes, etc.) and that such equipment as vehicles, weapons, etc., were generally obtained from U.S. Army stocks.

Although there was considerable correspondence on this subject between the U.S. Ambassador to Thailand and the Thai Government indicating that the Thais could keep such equipment upon withdrawal, the "Military Working Arrangement" between the Thai Government and the U.S. Military Assistance Command/Vietnam provides that title to equipment furnished through the Thailand Military Assistance Program and brought into Vietnam by Thailand will remain with the Thai Government, whereas title to items of equipment provided from U.S. or Government of Vietnam stocks will remain with the U.S. or Vietnam Governments as appropriate.

We had learned that equipment at the Thai Training Center and on hand with Thai forces in Vietnam are of the most up to date series in the U.S. Army inventory, and not of the type normally provided under the Military Assistance Program. Therefore, the source of such vehicles and equipment (costing about $40 million) at both the Training Center in Thailand and at the Thai base in Vietnam, may very well determine their ownership and disposition whenever the Thais withdraw from Vietnam. The FEB staff in Bangkok and Saigon, therefore, were requested to inquire further into the matter of equipment source and ownership. The FEB Saigon staff had obtained an up to date listing of U.S. equipment on hand with the Thais in Vietnam. The listing when compared to the authorized TO&E indicated the Thais had excess equipment in several categories. Since the listing did not show any cost data, the Saigon staff was requested to cost out the equipment. This exercise showed an equipment valuation of about $20 million.

IS THERE A VIRGINIA KNAUER?

Mr. MOSS. Mr. President, in these last days of the 91st Congress, American consumers are being taught a brutal lesson: The Nixon administration's consumer protection program is a fraud. It is not what it pretends to be.

Let us look at the facts.

On October 31, 1969, the President sent to Congress a consumer message which paid lip service to the pressing needs of American consumers. Here is where the deception begins. The message was billed as President Nixon's "Buyer's Bill of Rights" but its rhetoric was, in fact, a carbon copy of President Kennedy's 1962 Consumer Magna Carta.

From this first message was born a hodgepodge of proposals. But exposure of time and examination of fine print have shown these proposals to be mere shadows of their expressed objectives. The administration appeared committed to legislation that would strengthen the Federal Trade Commission and provide for consumer class actions so that consumers could protect their own rights without waiting for the bureaucracy. But while the Senate Commerce Committee hammered out the terms of a bill to meet these objectives, agents of the White House, Justice, and Commerce launched delaying and obstructive maneuvers designed to undercut the work of the committee.

A week ago last Monday, responsible officials in the administration refused even to discuss a proposed compromise which would have enabled Congress to act now on those consumer bills which have broad support, leaving the most controversial bill to be fought out next year. This refusal followed President Nixon's charge that Congress was unwilling to compromise in order to get some protection for consumers.

Legislation to create an Independent Consumer Protection Agency was worked out in an extraordinary show of bipartisan cooperation in the Senate—cooperation which was made manifest by a final vote of 74 to 4. The cooperation was extraordinary because it came in the face of White House urging to scuttle the whole effort.

But the Senate victory was short lived. In last week's tragic Rules Committee vote where every Republican voted in the negative, the White House succeeded in preventing the consumer agency bill from reaching the House floor where passage was certain.

On July 1 of this year, the Senate unanimously passed a bipartisan bill the administration had given up fighting against. This bill would have rid the marketplace of many warranty abuses which plague American consumers in every economic bracket. To the best of my knowledge, the administration has not lifted a finger to press for the passage of this legislation, despite the fact that responsible appliance manufacturers and retailers now accept the necessity for legislation.

Perhaps the administration's commitment to the consumer cause can best be gaged not by the speeches and messages that have seen the light of day, but rather by the extraordinary circumstances in which the President signed the Cigarette Advertising Act. That landmark legislation will remove from the air cigarette ads costing hundreds of millions of dollars directed toward the promotion of a lethal product. The President apparently signed the bill in the dead of night without comment. Apparently the President was too timid to offend the broadcasters and the tobacco interests which Congress had dared confront.

As this Congress comes to a close let the record of the Senate, and particularly the Senate Commerce Committee, testify to our consumer commitment. Under the leadership of Chairman MAGNUSON the Senate Commerce Committee has reported no less than 11 consumer bills to the floor of the Senate. The Consumer Subcommittee which I chair had held 36 days of hearing and taken testimony from more than 110 witnesses in the 91st Congress. More than 330 pages of reports have been presented to the Senate.

But the timid behavior of the administration has brought us a meager return for our time and energy investment on behalf of consumers of this country. And what about Virginia Knauer?

Once a forceful, committed spokeswoman for consumers, today she stands humiliated, undercut, and hamstrung by such barely visible White House operatives as Flannigan and Rose and the clever, business-oriented tactician of the Commerce Department, General Counsel James Lynn.

Mr. President, tomorrow President Nixon will hold his first press conference since early summer. There are, of course, many pressing and critical issues of national interest about which he is certain to be questioned. But if there were adequate time, I would hope that those present would seek the answers to these questions:

What is the administration really willing to do for consumers?

Will the administration allow Congress to create a consumer protection agency without putting roadblocks in its way?

Will the President support the recommendations of the National Commission on Product Safety for strong coherent product safety legislation?

Will the President support legislation to give the Federal Trade Commission the tools it needs to police fraud and deception?

Will the President support legislation to give consumers a meaningful right to protect themselves from fraud through class actions?

Will the President work for early passage of the warranty legislation in the next Congress?

Will the President allow the Department of Transportation to develop basic automobile insurance reform which its studies have demonstrated are essential?

And, finally, will he allow the real Virginia Knauer to stand up?

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. STEVENSON) laid before the Senate a message from the President of the United States submitting the nomination of Lt. Gen. Harry Herndon Critz, Army of the United States—major general, U.S. Army—to be placed on the retired list in the grade of lieutenant general.

THE SUPERSONIC TRANSPORT

Mr. MURPHY. Mr. President, I rise today to comment on a vote that was taken in the Senate a few days ago that had to do with the future building of experimental models of the supersonic transport. The SST was rejected in the Senate, but not by a great margin. Five votes would have changed the result.

I am sure many of my colleagues arrived at their conclusions in connection with the SST based on some of the arguments presented here. In examining the arguments I find many of them had no basis in fact; they were arguments based on theory. For instance, we were told about the damage to the environment but there is no scientific basis for the charge. We were told of the sideline noise from the engines, when the engines have not been built. I do not know how it would be possible to know about the sideline noise at this point.

I was pleased to read in the newspapers this morning that this program, which I think is vitally needed and extremely important to our aviation industry, is still alive by a vote taken in the House.

Recently, 34 American scientists, including Dr. Edward U. Teller, have urged that work continue on the SST simultaneously with investigation of its effects on the environment.

Because the SST is generally assumed to have been defeated because of its alleged adverse effect on the environment, this statement by leading scientists should serve to point out that there is a very great area of disagreement over the question of whether the SST will indeed harm the environment.

In the recent debate prior to the SST vote, the Senate heard many statements by scientists who were against the SST, but these arguments were almost always couched in terms of equivocation. There was a good reason for this. No one is sure just what the environmental effects of the SST will really be.

My colleague, the distinguished Senator from Arizona, said he had flown at twice the speed of sound in formation last summer and that there was no pollution discernible from the tailpipes of any aircraft in that formation.

The Senate, in voting down the SST, sacrificed the jobs of 150,000 workers, a billion dollars in wasted money, and America's leadership position in the aviation industry. But it is not too late to rectify that mistake. It would seem that the most rational course would be to allow continued development of the SST coupled with a thorough program of scientific investigation into possible environmental consequences. I hope that the Senate will give this possibility every consideration.

President Nixon has taken a strong and proper stand in terming the Senate's refusal to vote funds for the SST a "devastating mistake." It would be difficult to characterize this move—which will do so much more harm than good—in any other way.

The opponents of the SST have continued to downplay the consequences of their action. They dismiss out of hand the loss of 150,000 jobs, the loss of our Nation's prominent position in the aviation industry, the $700 million which has been wasted and the $278 million in contract terminations which will be wasted.

However, I wonder whether the American people will dismiss these losses so easily. As the realization begins to dawn that the U.S. Senate has voted irreparable damage to a significant portion of our economy, that we have given up leadership in an extremely important technological field and thrown away $1 billion to boot—then I wonder whether the defeat of the SST will be applauded or deplored.

I think it will be deplored. That is why I intend to discuss this matter further in this Chamber before the end of the session.

I believe that some of our colleagues who voted against the SST should reconsider their position, particularly if they were motivated by many of the arguments I listened to on the floor of the Senate which had no basis in science. I would urge them to weigh carefully the damaging consequences of their vote against what we have achieved in favor of preserving the environment based on some very specious and I believe unreliable information.

CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar beginning with Calendar No. 1410.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered. The clerk will proceed to state the items on the calendar, beginning with Calendar No. 1410.

ENRICO DeMONTE

The bill (H.R. 2335) for the relief of Enrico DeMonte was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1394), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to provide that in the determination of the right of Enrico DeMonte, of Niagara Falls, N.Y. to widower's insurance benefits under section 202(f)(1) of the Social Security Act, as amended (42 U.S.C. 402(f)(1), as amended), he is held and considered to have been receiving at least one-half of his support from his late wife, Rose DeMonte, at the time of her death on October 15, 1963.

STATEMENT

In its favorable report on the proposed legislation, the Committee on the Judiciary of the House of Representatives said:

"Mr. Enrico DeMonte was completely disabled from performing gainful employment in an industrial accident in 1928. The accident caused an injury to Mr. DeMonte's eyes with the result that his eyesight was so impaired that he has been held to be functionally blind for purposes of earning a living and his own support. His sole personal source of income, except for a small amount of interest upon a savings account, is and has been the meager monthly sum of $100. This represents a disability payment which is made out of the New York State insurance fund. Considering that Mr. and Mrs. DeMonte were the parents of three children, this amount was inadequate for the purposes of providing the minimal support necessary for their subsistence. His wife was, therefore, forced to obtain employment in 1930 or 1931 in order to properly support themselves and their three minor children. Prior to that time, she was unable to obtain any employment because of the economic depression which existed.

"Mrs. DeMonte was forced to continue full-time employment, as and when she was able to obtain it, and in 1941 or 1942, she obtained a full-time job at the Chisholm-Rider Co., Inc., in Niagara Falls, N.Y., where she continued her employment until the year 1959 when a plantwide strike caused her employer to discontinue normal operation and go into a minimal operation under a skeleton crew.

"Mrs. DeMonte was then forced to seek new employment whenever and wherever available and of any type available to her. For a period of approximately 3 months, she collected unemployment insurance benefits, but thereafter she obtained part-time employment with the board of education in Niagara Falls, N.Y., where she worked during the years 1959 through the time of her accidental death on October 15, 1963. Unfortunately, Mrs. DeMonte was killed in an automobile accident which occurred on that date. Mrs. DeMonte, while laid off during the years 1959 through 1963, fully expected to be recalled to the Chisholm-Rider Co. plant and as a union member with 17 years seniority at the time of the layoff, she would have been recalled. This belief is strengthened by the fact that some time in the year 1964 the Chisholm-Rider plant reopened production and commenced the recall of former employees released because of the plant shutdown.

"Mr. DeMonte made application for widower's insurance benefits under the Social Security Act following his wife's death. He applied for these benefits because his wife was and had been the main support of the family for many years.

"Under the Social Security Act a widower must have been receiving at least one-half of his support from his wife at the time of her death in order to qualify for widower's insurance benefits. (Under the regulations of the Social Security Administration, a widower meets this requirement if his wife was contributing at least one-half of his support for a reasonable period before her death. A period of 12 months preceding the date of death is considered a reasonable period unless there is a change in the support situation during such period.) The reason for the support requirement is to assure that benefits will be paid only in situations where the widower had been dependent on his deceased wife for his support and lost that support as a result of her death.

"As is noted in the memorandum accompanying the Health, Education, and Welfare report, the information furnished to the Social Security Administration showed that in the 12-month period before she died, on October 15, 1963, Mrs. DeMonte was working part time and Mr. DeMonte was getting biweekly workmen's compensation payments. (Mr. De Monte had been receiving such payments since 1928, when he became disabled.) Mrs. DeMonte had a net income of $1,674.50 in the 12 months immediately preceding her death. In the same period her husband's income was $1,300 in workmen's compensation (which is not subject to taxes). The total income to the couple for that period was $2,974.50, and the value of Mr. DeMonte's support was determined to be one-half of $2,974.50 or $1,487.25. Since Mr. DeMonte's income of $1,300 was more than half that amount, the Social Security Administration determined that Mr. DeMonte did not receive one-half of his support from his wife in the year before her death and that he was not entitled to widower's insurance benefits.

"On October 13, 1964, Mr. DeMonte requested a hearing before an examiner of the Bureau of Hearings and Appeals of the Social Security Administration. The specific issue determined at the hearing, which was held on March 24, 1965, was whether Mr. DeMonte was receiving at least one-half of his support from his wife at the time of her death. The hearing examiner found that Mr. DeMonte's tax-free income of $1,300 a year had provided more than one-half of his support prior to the death of his wife on October 15, 1963. He therefore upheld the Social Security Administration's determination that Mr. DeMonte was not entitled to widower's insurance benefits.

"The committee has determined that the unusual circumstances of this case have served to deny social security benefits to a dependent individual, who is clearly of a class of individuals who were intended to be benefited by the Social Security Act.

"The beneficiary of this bill is a man who, according to the information supplied to the committee, was not gainfully employed since 1928. As has been noted in this report and as outlined in the departmental memorandum, the law only permitted a consideration of a 12-month period immediately preceding Mrs. DeMonte's death and did not make it possible to examine the history prior to that time when the actual facts show that she was the main support of the family and had she died in that period, Mr. DeMonte would have been eligible for the benefits he now seeks. The Department has questioned relief on the grounds that it would be preferential in this instance. However, the committee feels the facts are sufficiently unique that legislative relief should be extended in this instance and accordingly recommends that the bill be considered favorably."

The committee believes that the bill is meritorious and recommends it favorably.

MRS. FRANCINE M. WELCH

The bill (H.R. 12173) for the relief of Mrs. Francine M. Welch was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1398), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to relieve Francine M. Welch of liability in the amount of $5,568.74, representing payments of living quarters allowance as an employee of the Air Force in the period July 20, 1964, through March 8, 1969, which was subsequently held to be payable to her as a Federal employee serving overseas.

STATEMENT

The Committee on the Judiciary of the House of Representatives in its favorable report on the bill said:

"The Department of the Air Force in its report to the committee on the bill stated that the payments were received in good faith and in reliance upon determinations made by responsible Air Force officials, and, for this reason, the Department would have no objection to favorable consideration of the bill. The Comptroller General in his report noted its policy objection to private relief but stated that it viewed the matter as a case for determination by the Congress.

"The Department of the Air Force in its report outlined the situation as regards the regulations authorizing the payment of living quarters (LQA) to a civilian employee of the Government serving overseas. The Air Force noted that in order for an employee who is recruited outside of the United States for employment in a foreign area to qualify for the allowance, the person must meet the conditions of either section 031.12c or 031.12d of the Department of State Standardized Regulations. The first section allows eligibility to a locally hired Government employee if the person had been working in the foreign area for an employer named in that section and 'the employee was recruited in the United States, the Commonwealth of Puerto Rico, the Canal Zone, or a possession of the

United States' by that employer, 'and had been in substantially continuous employment by such employer under conditions which provided for his return transportation to' such U.S. area.

"Section 031.12d requires that 'the employee was temporarily in the foreign area for travel or formal study and immediately prior to such travel or study had resided in the United States, the Commonwealth of Puerto Rico, the Canal Zone, or a possession of the United States.' Current policy in Department of Defense Instruction 1418.1, January 14, 1969, reflects the consistent interpretation of section 031.12d by providing:

"In applying the provisions of section 031.12d, the determination of a locally hired employee's eligibility under the criterion "temporarily in the area for travel or formal study" must be administered with caution. An individual determination must be made in each case in consideration of all known circumstances. As a general rule, this criterion will be limited to persons who clearly are planning to continue their travels and who have no prior residence in the area.

"As is noted in the Air Force report, it was ultimately determined that Mrs. Welch did not meet either eligibility criteria. This, of course, is a determination that was made more than 5 years after the initial contrary determination was made. The problem in her case was that while she had traveled to Europe and apparently would have qualified under section 031.12d, she was held not to have qualified because she was locally employed in Germany prior to obtaining Government employment in Spain. The review of the Air Force of her reasons for traveling to Europe led to the conclusion that she did not qualify under the requirement that she was in the foreign area "temporarily for travel." The Air Force noted that the information on her application for employment and her application for quarters of allowance stated facts which should have alerted responsible personnel to the facts referred to above. It was also noted that there was no administrative authority for relief in this instance. It is therefore clear that Mrs. Welch's only recourse is to petition Congress for relief as provided in this bill.

"In view of the position of the Air Force and the circumstances of this case, including the evident good faith of the employee in fully disclosing the circumstances concerning her presence in Europe and reliance upon the Air Force determination for an extended period, it is recommended that the bill be considered favorably."

The committee believes that the bill is meritorious and recommends it favorably.

MUTUAL BENEFIT FOUNDATION

The bill (H.R. 2214) for the relief of the Mutual Benefit Foundation, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1404), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to pay $7,500 to the Mutual Benefit Foundation, a charitable corporation, in full settlement of its claims against the United States for the value of the private yacht *Southern Breeze* which was requisitioned by the United States in 1941 and delivered to the U.S. Maritime Commission at Galveston, Tex.

STATEMENT

In its favorable report on the proposed legislation, the House Judiciary Committee set forth the facts of the case as follows:

The bill H.R. 2976 was the subject of a subcommittee hearing on May 9, 1968, at which time the committee received testimony in support of the bill.

The *Southern Breeze* was a pleasure yacht owned by Leslie A. Layne. The committee has been furnished with a report of survey of condition of the yacht dated December 17, 1941. This survey disclosed that the yacht was built in 1912 and was 91 feet 8 inches in length. It was 17 feet wide and had a depth of 8 feet 6 inches. Its gross tonnage was 93.24 and its net tonnage was 63 tons. It was powered by two 220-horsepower 6-cylinder gasoline engines. The cabins and housing on the inside were built of mahogany and on the outside teak. The vessel was a flush deck type with wooden house amidship and navigating bridge on top of house fore part. The survey detailed the fact that the vessel was equipped with auxiliary machinery including a refrigerating unit, a butane gas system for the galley, and an auxiliary generator. The appraisal of the vessel in connection with the survey was $49,912.

The *Southern Breeze* was a pleasure yacht owned by Leslie A. Layne. Length 91 feet 8 inches, breadth 17 feet; net tons 63.

The vessel was requisitioned and possession was delivered to the District Manager, U.S. Maritime Commission, New Orleans, La., on December 17, 1941, at Galveston. Thereafter, the owner, Mr. Layne, was advised that the vessel was lost somewhere in the Atlantic Ocean in April 1943 but was later advised that the vessel (YP–158, official number 209519) was in custody of 7th Naval District, Miami, Fla. Still later (Mar. 3, 1954) the owner was advised by Lloyd's Register of American Yachts that the yacht *Southern Breeze* had foundered. So, since shortly after the date of requisition the owner was unable to definitely determine the location of the yacht.

On February 17, 1942, the War Shipping Administration transmitted to Mr. L. A. Layne an offer of $7,500 for the vessel and equipment. Mr. Layne considered this offer wholly inadequate and much correspondence was had as to its value. Mr. Layne furnished the War Shipping Administration the appraisal referred to above which was made by one R. L. Wynee, an independent marine appraiser who had no connection with Mr. Layne. As has been stated, according to this itemized appraisal the vessel, machinery and equipment as of December 17, 1941, was appraised at $49,912. The committee was also advised that at that time a letter was addressed to U.S. Maritime Commission, Washington, D.C., to the attention of Adm. E. S. Land, written by Mr. Charles Crotty, assistant director of the Port of Houston, stating that he had been cognizant of the vessel for from 12 to 15 years and knew its value, and that in his opinion based on the present values (1942) the vessel could not be replaced at a cost of $90,000 to $100,000. He placed the market value at not less than one-half its replacement value. At that time, Mr. Layne offered (for the purpose of settling and compromising the dispute) to accept $34,400 for the vessel.

After much correspondence the War Shipping Administration on June 9, 1945, forwarded a bill of sale, affidavit, and public voucher to be signed by Mr. Layne and a suggested form of letter to be signed by Mr. Layne's attorney, who at that time was Hon. W. M. Streetman. The accompanying letter advised that when the above-listed necessary documents were executed and returned the matter of payment of $5,625, representing 75 percent of the sum determined by the War Shipping Administration to be just compensation for the vessel, would be given prompt consideration.

Mr. Layne objected to the form of the bill of sale and refused to execute it. Further correspondence was had as to this feature and Mr. Layne did not return the papers. Therefore, he did not receive the $5,625, or any amount. At the hearing on the bill, the witness in behalf of the claimant was questioned concerning this incident and the witness was the attorney representing the Mutual Benefit Foundation, the charitable corporation to which the owner transferred his interest and stated that neither Mr. Layne nor the foundation was paid anything by the Government.

The bill recites that the claim for compensation for requisition of the vessel was assigned by the owner of the vessel, Leslie A. Layne, to the Mutual Benefit Foundation. Mr. Layne, long prior to his death, made the transfer to the Mutual Benefit Foundation, a charitable corporation, of all and every claim and demand held by him against the United States (or any agency thereof) for compensation for said vessel.

The committee has carefully considered the matter and the facts concerning it as disclosed in the information submitted to the committee and the testimony at the hearing as well as those outlined in the report of the Department of Commerce. The committee has concluded that the most equitable resolution of the matter at this time is to provide for a payment of $7,500. This is the amount originally fixed by the Government which was not paid due to a refusal on the part of the owner to accept any amount due to disagreement as to values. However, since the vessel has been lost and the intervening period has made it difficult to establish value, it is felt that the best settlement of the matter can be effected by providing for a payment of $7,500 to the assignee of the owner's interest—that is, the Mutual Benefit Foundation. It is recommended that the amended bill be considered favorably.

The committee, after a review of the foregoing, concurs in the action taken by the House of Representatives and accordingly recommends favorable consideration of H.R. 2214, without amendment.

JULIUS DEUTSCH

The bill (H.R. 7267) to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Julius Deutsch against the Government of Poland, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1407), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to provide that notwithstanding any prior decision of the Foreign Claims Settlement Commission, the Commission be authorized and directed to reopen and redetermine, after hearing, the claim of Julius Deutsch against the Government of Poland, based upon the claim of the said Julius Deutsch, of a 50-percent interest in the Polish corporation "Lenko" S.A.

The bill further provides that any award made by the Commission after a redetermination shall be paid by the Secretary of the Treasury from the Polish Claims Fund to the same extent as if the award had been made prior to March 31, 1966.

STATEMENT

In its favorable report on the legislation, the House Judiciary Committee set forth the facts of the case as follows:

The claim referred to in the bill was a part of a claim filed with the Foreign Claims Settlement Commission on September 1, 1960. It was filed within the filing period for claims against Poland which was established pursuant to the provisions of title I of the International Claims Settlement Act of 1949, as amended.

Title I of the International Claims Settlement Act of 1949, as amended, conferred jurisdiction on the Foreign Claims Settlement Commission to receive, examine, adjudicate, and render final decision with respect to claims of nationals of the United States within the terms of the Yugoslav Claims Agreement of 1948, or concluded within the terms of any claims agreement thereafter concluded between the Government of the United States and a foreign country for the settlement and discharge of claims of nationals of the United States arising out of the nationalization of other taking of property.

The claim filed by Julius Deutsch was in the amount of $5,045,829 and was based upon the nationalization or other taking by the Government of Poland of the interest he claimed in two corporations in Poland.

On November 24, 1965, after consideration by the Commission, an award in the principal amount of $40,288.50, plus interest in the amount of $29,141.88, was made in favor of Mr. Deutsch for his 45-percent interest in the corporation, Slaka Fabryka Grenipi, S.A., located at Bielska, Poland, which was nationalized by the Government of Poland on June 26, 1948. The portion of the claim based upon the nationalization of Mr. Deutsch's asserted 50 percent interest in the second corporation known as "Lenko," S.A., located at Wapiennice and Bielska, Poland, was denied for claimant's failure to prove to the satisfaction of the Commission, his ownership in such corporation on July 4, 1947, the date of its nationalization or taking by the Government of Poland.

The Foreign Claims Settlement Commission in its report noted that while no hearing was requested by the claimant to appear before the Commission for the purpose of presenting oral argument or the filing of additional evidence concerning his denial, written objections were filed and were considered by the Commission, prior to the issuance of the final decision on February 2, 1966. The final decision affirmed the award with respect to the first corporation and the denial concerning the second corporation.

A petition to reopen the claim for a reconsideration was filed by Mr. Deutsch's attorney on March 3, 1966, together with certain additional evidence concerning claimant's ownership of the property which had been denied. The attorney was advised that the new evidence was found not sufficient to establish claimant's alleged ownership in the corporation "Lenko" S.A. at the time of its nationalization in 1947 and thus provided no basis for the reopening of the claim.

The issue raised in connection with this bill is, therefore, the basis for an authorization for a reopening of the claim. As is noted in the report of the Foreign Claims Settlement Commission, on April 28, 1966, an attorney for the claimant requested that he be permitted to appear before the Commission to challenge certain of its findings and conclusions in connection with the claim. The attorney was advised that this was impossible since the program was completed and the claim could not be reconsidered or heard. It is for this reason that legislative relief was sought as embodied in this bill.

In order to further develop the facts concerning this matter, a hearing was scheduled on the bill on January 22, 1970. The witness appearing in behalf of the claimant stated that the particular facts of this case provide extenuating circumstances justifying relief and further that a decision of a Polish court rendered on November 25, 1969, constituted new evidence which could not have been presented to the commission at the time of its original consideration of the claim.

While the facts must be established before the Commission under the provision of this bill, the information submitted to the committee indicates that the property which is the subject matter of this claim is a textile manufacturing plant with buildings in Bielsko and Wapienca, Poland. It was stated that this business was founded in 1880 by the father of the claimant, and in 1908, upon the death of the father, the claimant and his older brother became the sole owners of the company and operated the business as a partnership under the name of "Deutsch Bros."

In 1936, the brother organized a corporation, "Lenko" S.A., and all of the assets of Deutsch Bros. were transferred to the corporation in exchange for 12 shares of stock which were divided equally between the two brothers. One of the principal issues in this case relates to the ownership of the stock of the corporation. In January of 1939, the shares were reissued as bearer shares. At the subcommittee hearing, it was asserted that each brother retained the same 50 percent ownership as before. It was further stated that prior to the outbreak of World War II, the stock certificates were kept in the vaults of the corporate headquarters at Bielsko located within a few miles of the German border. Just prior to the German invasion of Poland, the claimant made preparations to leave the country and forwarded these stock certificates 300 miles eastward to Lenko's representative in Warsaw with instructions to make arrangements for their safe keeping. Julian Deutsch then fled from Poland and never returned. He settled in the United States and became a citizen on April 21, 1946. The corporate representative in Warsaw deposited the stock certificates for safe keeping in a bank used by the corporation in that city and apparently there is no question concerning the fact of the deposit in the bank.

After the war, the Government of Poland began nationalizing its economy and the Lenko plant was nationalized on July 4, 1947. The securities remained on deposit in the bank and, when that bank was liquidated, the certificates passed into the hands of the Polish National Economic Bank.

As has been noted by the Foreign Claims Settlement Commission in its report, this aspect of the claim was denied on the basis of a finding that Julian Deutsch had failed to provide to the satisfaction of the Commission his ownership in the corporation on the date of nationalization in 1947.

The Foreign Claims Settlement Commission in its report on a similar bill in the 90th Congress opposed the bill, and has advised the committee that it takes the same position concerning the bill in the present Congress. In that report the Commission noted that proposals which would have been extended to the Polish claims program were not passed by the Congress, and stated that the Commission had opposed the extension. It was also noted that there is presently no money in the Polish Claims Fund to pay claims such as the one embodied in this bill. If a payment is determined to be due upon further consideration of the claim as authorized in the bill, it will only be made if other money is deposited to the fund as outlined in the Commission's report. The committee has considered the objections of the Commission and has concluded that they must be weighed in the light of the relief sought under this bill. The committee views this bill as being, in essence, an appeal for a rehearing of the matter. Such a rehearing would enable the Commission to consider the determination by the Polish court in 1969, which has been referred to in this report and is in the nature of subsequently developed evidence which was not before the Commission at the time of its previous determination. Clearly, the Commission provides the best forum for a determination of this matter, and, while the facts were discussed extensively before the subcommittee in the course of the hearing on the bill, the committee makes no findings as to the ultimate determinations based on these facts for these are matters within the province of the Commission. It is recommended that the bill be considered favorably.

The committee, after a review of the foregoing, concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 7267, without amendment.

JAMES HOWARD GIFFIN

The bill (H.R. 7830) for the relief of James Howard Giffin was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1408), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to provide that notwithstanding any contrary provision of the Railroad Retirement Act of 1937, as amended (45 U.S.C., ch. 9; 49 Stat. 967–974, as amended), the Railroad Retirement Board is authorized and directed to determine and certify to the Secretary of the Treasury the aggregate amount of annuity which would have been payable under such act to James Howard Giffin, of Bainbridge, Ohio (R.R.B. No. A–572441), for the period beginning on the earliest date for which he could (upon filing application therefor) have become entitled to an annuity under such act and ending with the date with respect to which he first commenced to receive an annuity under such act; and the Secretary of the Treasury is authorized and directed to pay to the said James Howard Giffin (out of the railroad retirement account in the Treasury) an amount equal to the amount so certified by such Board.

STATEMENT

In its favorable report on the bill, the House Judiciary Committee relates the facts of the case as follows:

James Howard Giffin was a railroad employee who, the committee has been advised, was employed by the Baltimore & Ohio Railroad up to March of 1947. The report of the Railroad Retirement Board indicates that his last day of work was March 1, 1947. He became a patient in the Athens State Hospital in Athens, Ohio, in April of 1947. However, he did not file an application for an annuity benefit under the Railroad Retirement Act until March 3, 1954. The Railroad Retirement Board has advised the committee that he was awarded an annuity based on his being permanently disabled to work in his regular occupation of railroad flagman by reason of psychosis. He is still receiving this annuity.

The annuity award, which was made in August 1954, was effective September 3, 1953, 6 months before the date his application was filed. This was the earliest beginning date permissible under section 2(c) of the act under which an annuity could not begin to

accrue earlier than "6 months before the filing of the application." (The retroactive period was subsequently increased by Congress to 12 months with respect to applications filed after August 1954.)

The Railroad Retirement Board has opposed the relief which would be extended to Mr. Griffin by this bill. They have pointed out that among other reasons, incompetency is not included in the law as providing an exception for the requirement that an application be made for benefits in order to provide for the retroactive payment of annuities. In stating its opposition to private relief, the Board commented, in part, as follows:

"This limitation on accruals reflects the basic policy of the Railroad Retirement Act (as well as of the Social Security Act which contains a similar restriction on accruals) to provide current income to beneficiaries in the form of regular monthly benefits. There is no express exception in the act to this limitation on accruals because of the employee's incompetency. Nor can one be implied. There is provision in the act for another person to act on behalf of an incompetent (sec. 19) but it is provided that otherwise every individual receiving or claiming benefits shall be conclusively presumed to be competent until notice to the contrary is received by the Board.

"The matter of fault, negligence, ignorance of the law, incompetency, and so forth, in connection with failure to apply for benefits at the earliest possible date is not involved and does not arise. The purpose of the act is to provide current income; so accruals beyond the limited accrual period (6 months at the time Mr. Griffin applied) are not provided for, irrespective of considerations of lack of fault, ignorance, or incompetence.

(Certain lump-sum payments are provided for specific purposes; there is an insurance lump sum for burial purposes and a residual lump sum to guarantee that an employee and his survivors will get benefits at least equal to his contributions.)

"The policy and administrative considerations which lie behind this limitation on accruals in the Railroad Retirement Act as well as in the Social Security Act are not, of course, pertinent here since there is no proposal to change the law. The proposal here is to make an exception, by way of a private bill, to the statutory rule which limited the accrual of Mr. Griffin's annuity to 6 months, that is, which required that his annuity award be made effective no earlier than September 3, 1963. Enactment of this bill would set a precedent for introduction of other private bills to provide the same preferred treatment in similar cases, and enactment of such bills would result in a very unequal and unfair application of the law."

The committee has carefully considered the statements of the Retirement Board set forth in its report and as referred to above, as well as the other information submitted to the committee in connection with this claim. The wife of the claimant stated that in 1947, she informed her husband's employer that her husband was a patient at the Athens State Hospital. This was done by a phone call placed to a Mr. A. S. Weller, who was the superintendent of the Newark Division of the B. & O. Railroad, at Newark, Ohio.

The committee has carefully considered the facts of this case and determined that the circumstances justify the relief provided by this bill, that is, that this man be granted retroactive benefits to which the board found him entitled. It appears that the permanent disability that forms a basis for the benefits he is presently receiving must have operated to inhibit his ability to apply for the benefits himself. The fact that others failed to adequately protect his rights should not be taken advantage of for the purpose of denying him those benefits. The report of the Railroad Retirement Board does not raise any question concerning his entitlement to the benefits. Their opposition is grounded upon a failure to apply in a timely fashion. Since he was subsequently entitled to the benefits and the retroactive period would include the period of his initial hospitalization, it is recommended that the bill be considered favorably.

After a review of the foregoing, the committee concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 7830.

BILL PASSED OVER

The bill (S. 106) for the relief of Waldemar E. Kunstmann was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

INCREASE IN AUTHORIZATION FOR APPROPRIATIONS TO THE ATOMIC ENERGY COMMISSION

The bill (S. 4557) to amend Public Law 91–273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(b) of Public Law 91–273 is hereby amended by adding at the end thereof:

"(9) Project 71–9, fire, safety, and adequacy of operating conditions projects, various locations, $25,500,000."

SEC. 2. Section 102(a) of Public Law 91–273 is amended by striking "and" after "(3)," and by inserting ", and (9)" after "(4)".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1414), explaining the purposes of the measure.

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

SUMMARY OF THE BILL

This bill amends Public Law 91–273, the Atomic Energy Commission Fiscal Year 1971 Authorization Act, by providing a supplemental authorization for appropriations of $25.5 million for the construction at various locations of improvements to further enhance fire protection, safety, and operating conditions of the Atomic Energy Commission's nuclear weapons production and research facilities. These funds were requested by the President after careful and thorough study by the AEC and independent fire insurance consultants taking into cosideration the combination of gradual deterioration of aging facilities and advances in fire and safety techniques and materials.

The bill is in two sections. Section 1 amends subsection 101(b) of Public Law 91–273 by adding paragraph (9), line item for construction project 71–9, at an authorized level of $25.5 million.

Section 2 of the bill contains a technical amendment to subsection 101(a) of Public Law 91–273, containing limitations applicable to the authorization, by providing an appropriate reference to the new paragraph added by section 1.

BACKGROUND

On September 14, 1970, the President transmitted an executive communication (H. Doc. No. 91–382) to the Congress requesting the Congress to consider proposed supplemental appropriations most of which involved increased budget authorizations. Accompanying that request was a letter from the Office of Management and Budget which delineated the amounts of appropriations desired including $25.5 million for the Atomic Energy Commission for plant and capital equipment.

By letter dated September 12, 1970, the Atomic Energy Commission forwarded to the Congress a proposed bill to authorize the supplemental appropriations requested by the President. Hearings were held by the full committee on December 3, 1970. In view of the classified nature of the subject matter, the hearings were conducted in executive session.

On December 3, 1970, Chairman Holifield, for himself, Mr. Price of Illinois, and Mr. Hosmer, introduced H.R. 19908, a bill to authorize a supplemental appropriation of $25,500,000. Vice Chairman Pastore introduced an identical bill, S. 4557, on the same day. On December 4, 1970, the full committee met in executive session for markup of the bills. At this session, the committee voted to approve reporting of the bills favorably without amendment and adopted this report.

HEARINGS

On December 3, 1970, the full committee held executive hearings on the request for supplemental authorization of appropriations. Atomic Energy Commissioner Johnson presented a general statement on the proposed legislation. Testimony was also received on behalf of the AEC from Commissioners Ramey and Larson; R. E. Hollingsworth, General Manager; John Erlewine, Assistant General Manager for Operations; Maj. Gen. E. B. Giller, USAF, Assistant General Manager for Military Applications; and John Abbadessa, Controller. The Joint Committee intends to publish a declassified print of these hearings.

COMMITTEE COMMENTS

On May 11, 1969, a major fire occurred at the Rocky Flats (Colo.) plant of the Atomic Energy Commission. The Rocky Flats plant, which produces plutonium parts for weapons, is located approximately 21 miles northwest of Denver between Golden and Boulder. The fire occurred in building 776–777 which, like so many other AEC plants, is a complex facility that has been rearranged and modified frequently over the years to meet changes in production requirements and schedules. The restoration of the Rocky Flats manufacturing facility will cost between $40 million and $50 million. Public Law 91–47, June 22, 1969, provided supplemental appropriations in the amount of $45 million for that purpose.

To get a better overall picture of the possible vulnerability of other key weapons-related facilities to the starting and spreading of fire, the AEC contracted for detailed fire protection surveys by two independent industrial inspection teams. One team was supplied by the Factory Insurance Association (FIA) of Hartford, Conn., and a second team by Factory Mutual Research Corp. (FMRC) of Norwood, Mass. FIA and FRMC generally conduct the fire surveys which are used as the basis for setting industrial insurance rates. The inspections that these groups made at the AEC facilities were similar to those conducted for industrial installations before fire insurance rates are set for them. Inspections were conducted at Albuquerque and Los Alamos, N. Mex., Burlington, Iowa, Kansas City, Mo., St. Petersburg, Fla., Savannah River, S.C., Rocky Flats, Colo., Livermore, Calif., Amarillo, Tex., Miamisburg, Ohio, and Oak Ridge, Tenn.

A comparable survey was conducted by AEC personnel. In addition to looking for obvious

fire hazards, an effort was made to determine what improvements would be necessary to convert all inspected facilities to what is known in the fire insurance trade as a "highly protected risk" (HPR). An HPR is an expensive facility in which, if a fire should occur loss could be restricted to $1 million or less. It was concluded that steps could be taken to significantly reduce the probability of fire initiation and progression and the attendant monetary loss if certain changes were undertaken (e.g., installation of overhead sprinklers and high-capacity fire-fighting water mains and installation of additional fire doors and walls). In some cases, the AEC is planning replacement of specified facilities with new facilities using modern materials. It is for this reason that the supplemental request for $25.5 million was submitted by the AEC for title I and title II design work and the procurement and installation of certain critical items for the 10 highest priority projects. The eventual cost for these 10 items is projected to be $118 million dependent upon the forthcoming more detailed examination under title I and title II.

The Joint Committee is aware that some buildings in the AEC's overall weapons complex where research, process development, manufacturing, and material recovery are conducted are in need of major modification or replacement. The committee is also aware of the fact that new standards for fire prevention and fire retardation, such as the "2-hour fire wall," impose criteria which in some instances can be met more economically through the construction of new facilities than through extensive modification of existing structures.

With respect to all nuclear activities, the Joint Committee has always put the health and safety of the general public and workers in the highest priority category. While the Factory Insurance Association and Factory Mutual Research Corp. reports submitted to the AEC did not specifically state that any new facilities are required, the committee has ascertained that upgrading some of the facilities to the recommended level could impose an economic burden approaching that of new facility construction and in some cases not completely eliminate certain conditions considered substandard under the higher criteria. Therefore, in keeping with the committee's traditional role of assuring maximum protection for public health and safety while seeking maximum efficiency in AEC operations, the committee recommends evaluation by the AEC of the retirement of certain facilities, replacement of others with the most modern designs and materials available, and improvement of existing structures where the action meets the demands for safety and efficiency.

While aging is an important factor in considering plant modification or replacement, serious consideration also must be afforded to improved materials and handling techniques and new concepts of inventory management and quantity throughputs. Also of vital importance to any organization—government or private—is the periodic reconsideration of the economic validity for retaining all ongoing activities. The committee urges the AEC to give careful consideration to the possibility of consolidation of certain activities with the transfer or even termination of some functions if such action would facilitate economy without adversely affecting safety or endangering overall production capability. The Joint Committee intends to pursue this possibility in depth during hearings on the fiscal year 1972 budget.

It is the committee's view that the proposed title I and title II effort to be supported by this supplemental authorization shall include thorough consideration of the possibility that certain plants could be identified as potential backup facilities for other weapons manufacturing plants. This might be accomplished at little additional cost, would lessen the necessity for redundant facilities, and yet would provide some competence for continued weapons work in the unlikely event of another serious accident like the Rocky Flats fire.

The Joint Committee is aware that several new task forces are at work considering such items as waste management and inventory control. The Joint Committee expects that the title I and title II effort proposed by the AEC would not foreclose the possibility of having any new concepts developed by these task forces incorporated into modified or new facilities.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

PROGRAM

Mr. GRIFFIN. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I wonder if the majority leader for the benefit of the Senate can indicate what might be the schedule for the remainder of the day and for the future, as far as he cares to indicate.

Mr. MANSFIELD. Mr. President, may I say to my good friend the distinguished acting minority leader that, at the conclusion of the morning hour it is intended to call up S. 4572, the so-called omnibus rivers and harbors bill. Following that it is anticipated that we will turn to the consideration of H.R. 18306, Calendar 1259, an act to authorize U.S. participation in increases in the resources of certain international financial institutions, and so forth.

I would anticipate that a resolution may be reported by the Committee on Labor and Public Welfare sometime today, because we are faced with a deadline, as the Senator well knows. I would anticipate that, in some form or other, a resolution covering the President's suggestions or the committee's deliberations would be before us. There will be other pieces of legislation to consider during the rest of the week.

On Monday next it is anticipated that we will take up the supplemental appropriations bill, the final appropriation bill; and, on the basis of the information which has just been relayed to the two of us, acting as joint leaders, by the distinguished Senator from Delaware (Mr. WILLIAMS), the Finance Committee has ordered reported a combination package. It is our understanding it will take 3 or 4 or 5 days to compile the report; and that, very likely, it will go to the printer on Sunday and be available on Monday. It will be a quite lengthy document and it will cover a wide spectrum. Members of the Senate ought to have an opportunity to look it over overnight. Then, hopefully, on Tuesday early, we may begin discussion of that multi-headed bill, which the Finance Committee has ordered to be reported.

The supplemental bill, which I have discussed with the distinguished Senator from West Virginia, who has been doing yeoman work trying to keep up with the many demands made in the consideration of the bill, has assured me the House will probably act tomorrow, if not today, and that he will be prepared to have it reported by the committee Friday and have it brought up Monday. That will be the last of the appropriation bills. And, to the best of my knowledge, outside of conference reports, which are privileged, we are drawing pretty close to a close.

Mr. GRIFFIN. I thank the majority leader.

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The VICE PRESIDENT laid before the Senate the following letter, which was referred as indicated:

PROPOSED LEGISLATION TO AUTHORIZE SECRET SERVICE PROTECTION OF VISITING HEADS OF FOREIGN STATES OR GOVERNMENTS

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of California; to the Committee on Appropriations:

"ASSEMBLY JOINT RESOLUTION NO. 48—RELATIVE TO THE SOUTHERN CALIFORNIA REGIONAL AIRPORT SYSTEMS STUDY

"WHEREAS, The Southern California Association of Governments has commenced a continuing, comprehensive, regionwide planning process which will include the identification of regional problems and issues and recommendations for goals and policies leading to their solution; and

"WHEREAS, The general assembly of the association has adopted a basic regional planning program which, among other things, provides for the coordination of the various elements of transportation planning; and

"WHEREAS, The Southern California Association of Governments' Airport Study Authority is now engaged in a two-year regional airport systems study which was begun when financial assistance was obtained for such a study under the provisions of Section 701 of the Housing Act of 1954, as amended; and

"WHEREAS, One year of the study is near completion and an application for the second year funding will be made to the Federal Department of Housing and Urban Development pursuant to said act; and

"WHEREAS, The magnitude and complexity of aviation and airport development in southern California are of such a nature that the full two-year program is necessary to develop the findings, conclusions and recommendations of the study; and

"WHEREAS, Airport development is crucial to the development of a regional transportation plan, which, in turn, is a significant element in a coordinated regional comprehensive plan; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide the necessary funds for the completion of the full two-year, 10-county southern California regional airport systems study and to assure that such funding be made available in sufficient time so that the study may continue without an interruption in the research; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the

United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 60—RELATIVE TO ENVIRONMENTAL QUALITY

"WHEREAS, Congress has acted to phase out the present 7-percent excise tax on new automobiles beginning with a 2-percent reduction starting January 1, 1971, rising to a 4-percent reduction in 1972, and complete removal of this tax in 1974; and

"WHEREAS, The Assembly Select Committee on Environmental Quality, consisting of committee chairmen of Assembly policy committees concerned with environmental quality, has recommended that legislation be enacted establishing a state environmental excise tax on new automobiles to fund programs to preserve, protect, and enhance the state's environmental quality contingent on removal of the federal excise tax on new cars; and

"WHEREAS, The select committee has recommended that an Environmental Bill of Rights be amended into the California Constitution declaring that it is the policy of the state to develop and maintain a high-quality environment in order to assure for the people of the state, now and in the future, clean air, pure water, freedom from excessive noise, and enjoyment of scenic, historic, natural, and aesthetic values; and

"WHEREAS, The California Legislature recognizes the need to acquire key coastal resources to meet increasing demand for public beaches and for the protection of other unique coastal resources; and

"WHEREAS, The California Legislature further recognizes the need to make funds available in order to improve water quality, provide clean air, and develop improved methods of solid waste management; and

"WHEREAS, The national administration has proposed a new federalism involving greater exercise of initiative and responsibility by state and local governments to deal with state problems; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States not to request reimposition of a federal excise tax on new automobiles, so that this tax source may be used by the states to preserve, protect, and enhance the quality of our environment; and be it further

"Resolved, That the Legislature urges each Senator and Representative from California in the Congress of the United States to take all necessary action to allow this tax source to be made available to California for environmental quality control purposes; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION No. 52—RELATIVE TO THE CALIFORNIA DESERT

"WHEREAS, The California Desert contains a multitude of valuable resources such as minerals, unique vegetation, and wildlife, historical and archaeological treasures, and unparalleled scenery; and

"WHEREAS, The California Desert is now threatened by air pollution, solid waste disposal, scars on the land surface, accidental destruction and wanton vandalism; and

"WHEREAS, Three-fourths of the California Desert belongs to the United States Government; and

"WHEREAS, The Bureau of Land Management has prepared a very thorough and complete report urging a comprehensive plan for development and protection of the California Desert titled The California Desert, A Critical Environmental Challenge; and

"WHEREAS, The Bureau of Land Management stressed in its report the urgent need for legislation regulating the use, development and utilization of the California Desert; and

"WHEREAS, That need is also recognized by the United States Forest Service, the National Park Service, the State of California Resources Agency, and the Southern California Association of Governments, and these agencies have pledged to work together to help protect the California Desert; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation embodying the recommendations of the Bureau of Land Management for the protection and enhancement of the California Desert; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Post Office and Civil Service:

"ASSEMBLY JOINT RESOLUTION No. 70—RELATIVE TO THE PROPOSED A. P. GIANNINI COMMEMORATIVE STAMP

"WHEREAS, A. P. Giannini is recognized by professional economists as the greatest innovator in banking, having permanently revolutionized banking everywhere by founding and successfully operating a bank expressly to serve 'the little fellow'; and

"WHEREAS, He established that bank in cosmopolitan San Francisco, California, in the year 1904 as the Bank of Italy, later changed its name to Bank of America NT&SA, and saw it grow in some 40 years, under his leadership, from a modest single office to the world's largest privately owned bank and an international institution; and

"WHEREAS, Even today the Bank of America NT&SA is owned and controlled by 'the little fellow,' for of the 180,000 shareholders none owns as much as 1 percent of the outstanding stock; and

"WHEREAS, The banking institution A. P. Giannini founded and the revolutionary banking policies and principles he introduced have immeasurably contributed to the economic development and prosperity not only of California and the nation but have also profoundly benefited international trade and the economy of foreign countries; and

"WHEREAS, Much of the financial reward earned by A. P. Giannini personally was by him devoted to public service by endowing educational foundations and donating funds to academic institutions and charities; and

"WHEREAS, The life and career of A. P. Giannini, a California-born son of Italian immigrants, illustrate dramatically the opportunities open to all in our democratic society and American free enterprise system; and

"WHEREAS, There is pending a proposal that the United States Post Office issue a commemorative stamp in honor of A. P. Giannini; and

"WHEREAS, The proposed A. P. Giannini commemorative stamp would perpetuate throughout the world not only the memory of his achievements and public service but also of the values and benefits inherent in American democracy; and

"WHEREAS, This year, 1970, is the centennial anniversary of the birth of A. P. Giannini and hence a most appropriate time for the issuance of the proposed A. P. Giannini commemorative stamp; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, the Postmaster General, the Congress of the United States, and the Citizens' Stamp Advisory Committee that in this centennial year of the birth of A. P. Giannini there be issued a commemorative stamp in recognition of his achievements and public service and as an exemplification of the opportunities open to all in our democratic society and free enterprise system; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Citizens' Stamp Advisory Committee and to Claire Giannini Hoffman, the daughter of A. P. Giannini."

A petition signed by sundry citizens of the State of Idaho, relative to the Headstart program; to the Committee on Appropriations.

A letter, in the nature of a petition, from Warren M. Weitzman, of New York City, praying for repeal of the first and 14th amendments to the Constitution; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Agriculture and Forestry, without amendment:

H.R. 14169. An act to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act (Rept. No. 91–1423).

By Mr. MANSFIELD (for Mr. MAGNUSON), from the Committee on Commerce, with an amendment:

H.R. 15549. An act to amend title 10, United States Code, to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. merchant seaman through cooperation with the United Seaman's Service, and for other purposes (Rept. No. 91–1424).

By Mr. CHURCH, from the Committee on Foreign Relations, with an amendment:

S. Res. 469. Resolution to express the sense of the Senate on the Agreement of Friendship and Cooperation between the United States and Spain (Rept. No. 91–1425).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

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

Sidney P. Marland, Jr., of New York, to be Commissioner of Education.

BILLS AND A JOINT RESOLUTION INTRODUCED OR REPORTED

Bills and a joint resolution were introduced, or reported read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. YOUNG of North Dakota:

S. 4573. A bill for the relief of Luciano Trencio; to the Committee on the Judiciary.

By Mr. MONDALE (for himself and Mr. NELSON):

S. 4574. A bill to provide an additional period of time for review of the basic national rail passenger system; to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service; and for other purposes; to the Committee on Commerce.

By Mr. METCALF:

S. 4575. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. YARBOROUGH:

S.J. Res. 248. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

(The remarks of Mr. YARBOROUGH when he reported the joint resolution and the debate of the joint resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 492—RESOLUTION SUBMITTED TO EXTEND THROUGH JANUARY 31, 1972, THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. McGOVERN. Mr. President, yesterday, in executive session, the Select Committee on Nutrition and Human Needs voted unanimously to seek an extension of the committee's work for another year. The members of the committee reached this decision because of the clear evidence that we have not yet resolved the problem of hunger and malnutrition in the midst of the most affluent society in the world. Indeed, the facts indicate that while some progress has been made during the first 2 years of the committee's existence, we are still only half way home on fighting hunger.

Among the items that the members of the committee discussed and believed warranted attention during the coming year were our efforts to insure that every needy school child does in fact receive free or reduced price lunches and that every needy family does in fact receive the family food assistance to which it is entitled. At this moment, there are probably 3 to 4 million children in school who by legal right should be receiving lunches but are not. Despite a Presidential pledge last Christmas that every needy school child would receive a lunch by Thanksgiving of this year, the children have not yet been fed. At this point, I ask unanimous consent to have printed in the RECORD news clippings from all over the country detailing the failure to meet that Thanksgiving pledge. The Select Committee is determined to insure that by next Thanksgiving that pledge will be fulfilled. That is one of our major goals in the coming year.

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

[From the New York Post, Nov. 26, 1970]

HUNGRY KIDS STILL HUNGRY

(By Nick Kotz)

WASHINGTON.—Eigheteen months ago President Nixon pledged that "the moment is at hand to put an end to hunger in America for all time." Last Christmas Eve, he pledged that every poor American child would receive a free or reduced price school lunch by Thanksgiving Day, 1970.

This week, Nixon Administration spokesmen and Administration critics recalled those still-unfulfilled Presidential promises and quarrelled about progress made. They agreed, however, that at east two million hungry Americans still are not reached by any Federal food aid—perhaps several million—poor children still are not getting free school lunches.

Furthermore, Agriculture Dept. officials and Senate critics agreed that further progress is crucially dependent on passage of a food stamp reform act that has been stalled in the House Rules Committee and on positive action by 17,000 schools now lacking any lunch program.

The McGovern-Javits food stamp reform act which passed the Senate in September, 1969, would provide free stamps for the very poor, and more benefits for all poor, establish a national eligibility standard of not less than $4000 for a family of four. And provide for self-certification of recipients. The House Agriculture Committee passed a far more restrictive bill last June, but the Rules Committee has taken no action on it.

Sens. McGovern (D-S.D.) and Javits (R-N.Y.) and Rep. Conyers (D-Mich.) issued statements criticising the Rules Committee for its inaction.

"I don't know what the hangup is," said Asst. Agriculture Secretary Richard Lyng. "We've talked to all kinds of people down there (the Rules Committee) but haven't gotten anywhere. If no action is taken, even the authority for our present food stamp program expires on Dec. 31."

Rep. Colmer (D-Miss.), chairman of the Rules Committee, said in an interview that he will hold hearings on the food stamp bill next week.

If the bill reaches the House floor, Congressmen will be asked to choose between the McGovern-Javits bill, a far more restrictive measure approved by the House Agriculture Committee, or a compromise to be proposed by Reps. Foley (D- Wash.) and Quie (R-Minn.).

The Agriculture Committee bill eliminates free food stamps and self-certification and provides a work requirement more stringent than the one sought by the Nixon Administration. The House bill also requires states to pay 10 per cent of the cost of the program.

[From the Pittsburgh Post, Nov. 26, 1970]

TURKEY DAY SHAME: FREE SCHOOL LUNCHES: MANY STILL GO HUNGRY

(By Sylvia Porter)

Last Christmas eve, the Nixon administration made a formal pledge that all of the nation's needy children would get a free or low cost school lunch by Thanksgiving 1970. "It will cost what it will cost," declared Harvard's world-famous nutritionist, Dr. Jean Mayer, who directed 1969's White House Conference on Food, Nutrition and Health.

The "target group" of needy school children was estimated at that time at 6,600,000—about double the number then receiving free or reduced price school lunches. It is now Thanksgiving, 1970. How has the pledge been honored?

At last count, only 4,100,000 American children were getting free or low-cost school lunches, not only 2,500,000 below the original target, but also 1,000,000 below the number receiving free lunches at the end of the 1969–70 school year.

And the gap actually is much greater, according to Rodney Leonard, who heads the non-profit Community Nutrition Institute in Washington to push for better child nutrition programs nationwide. Leonard claims there are now at least 5,000,000 children who are legally eligible but who are not receiving free or low cost lunches.

Of course, the problem goes far beyond a school lunch. For millions, a free or inexpensive school lunch is the day's only meal. The link between hunger and a child's ability to learn is now well established. The link between lack of education and poverty also is indisputable.

A fundamental first step in the elimination of poverty in this land is elimination of malnutrition.

Yes, we are stepping up our national child-feeding programs (which also include a limited school breakfast program and a school milk program). This fiscal year, total federal spending for all child nutrition programs will top $1 billion, against less than $300 million only three years ago.

Congress will probably vote around $350 million for this year's free or low-cost school lunches—more than triple last year's appropriation.

This is progress. But the key point is that we have made a pledge and Congress has stated clearly its intent that NO American child will go without lunch because his family is unable to pay for it.

Yet millions are going without lunches and in addition are being subjected to grotesque abuses and discrimination.

To illustrate, in many schools, children who receive free or low cost lunches must stand in separate lines, eat from different colored plates, or wait at the end of the line until paying children have been served.

In many areas, names of families whose children are getting free lunches are pointedly printed in local newspapers. Or, if families fail to pay a certain contribution toward lunch costs, the school principal may threaten to give their children a failing grade.

In some Southern school districts, free meals are served only in all-black schools—an effective way of discouraging desperately poor parents from transferring their hungry children to better, predominantly white schools.

Elsewhere, "quotas" of free lunches are set so that a child may receive free lunches only two days a week or every other week. On "no lunch" days, these children simply watch while others eat, or "study" during the lunch hour, or scrounge for leftovers. Mind you, these are children who in many cases did not eat breakfast either.

Under the pioneering new 1970 Child Nutrition Act, such practices are illegal. However, they persist and only the feeblest efforts are being made to stop them.

Congress must vote sufficient funds to assure that all eligible children actually do receive free or low cost school lunches.

Administrators of the new Child Nutrition Act must crack down on the abuses of the law in so many parts of the country.

You and I must take responsibility for honoring the Nixon Administration's 1969 Christmas Eve pledge.

[From the Charlotte Observer, Nov. 26, 1970]

LUNCH EFFORT FELL SHORT—OFFICIAL; BUT NIXON AIDE SAYS IT DID NOT

WASHINGTON.—Officials who administer the federal school lunch program said Wednesday the government has failed to meet President Nixon's commitment to feed the nation's 6.6 million needy children by Thanksgiving, 1970.

The White House, however, insisted the goal has been reached.

The gap within administration ranks developed Thanksgiving Eve after disclosure of an Associated Press study showing scattered school districts—from Massachusetts to Mississippi and North Carolina to Nevada—were not meeting new federal standards for the free or reduced-price lunch program.

At the Agriculture Department, Assistant Secretary Richard E. Lyng announced that

5.3 million needy children received free or reduced price lunches in October, a 23 percent increase from last year.

"Unfortunately there are still some schools that do not have a lunch program" Lyng said in a statement, "so we know there are needy children that we have not yet reached."

But later, at the White House, press Secretary Ronald L. Zeigler insisted that first quarter figures will show the President's goal "has been met and more children are participating than ever before."

Zeigler first said the administration was "close" to achieving the goal of feeding 6.6 million needy children, then broadened his claim when questioned by newsmen.

Meanwhile, Sen. George McGovern, D-S.D., chairman of the Senate Select Committee on Nutrition and Human Needs, charged the administration program has practically stood still.

"A solemn pledge by the administration has turned out to be 3 percent food and 97 percent promise," McGovern said in a Thanksgiving statement.

[From the Detroit Free Press, Nov. 26, 1970]

FREE LUNCH PROGRAM MISSES GOAL

(By Sylvia Porter)

Last Christmas eve, the Nixon administration made a formal pledge that all of the nation's needy children would get a free or low cost school lunch by Thanksgiving 1970. "It will cost what it will cost," declared Harvard's world-famous nutritionist, Dr. Jean Mayer, who directed 1969's White House Conference on Food, Nutrition and Health.

The "target group" of needy school children was estimated at that time at 6,600,000—about double the number then receiving free or reduced price school lunches. It is now Thanksgiving. How has the pledge been honored?

At last count, only 4,100,000 American children were getting free or low-cost school lunches, not only 2,500,000 below the original target, but also 1,000,000 below the number receiving free lunches at the end of the 1969–70 school year.

And the gap actually is much greater, according to Rodney Leonard, who heads the non-profit Community Nutrition Institute in Washington to push for better child nutrition programs nationwide. Leonard claims there are now at least 5,000,000 children who are legally eligible but who are not receiving free or low cost lunches.

Of course, the problem goes far beyond a school lunch. For millions, a free or inexpensive school lunch is the day's only meal. The link between hunger and a child's ability to learn is now well established; the link between lack of education and poverty also is indisputable; a fundamental first step in the elimination of poverty in this land is elimination of malnutrition.

Yes, we are stepping up our national child-feeding programs (which also include a limited school breakfast program and a school milk program). This fiscal year, total federal spending for all child nutrition programs will top $1 billion, against less than $300 million only three years ago. Congress will probably vote around $350 million for this year's free or low-cost school lunches—more than triple last year's appropriation.

This is progress. But the key point is that we have made a pledge and Congress has stated clearly its intent that no American child will go without lunch because his family is unable to pay for it. Yet, millions are going without lunches and in addition are being subjected to grotesque abuses and discrimination.

To illustrate, in many schools, children who receive free or low-cost lunches must stand in separate lines, eat from different colored plates, or wait at the end of the line until paying children have been served. Or, if families fail to pay a certain contribution toward lunch costs, the school principal may threaten to give their children a failing grade.

In some areas quotas of free lunches are set so that a child may receive free lunches only two days a week or every other week. On "no-lunch" days, these children simply watch while others eat, or "study" during the lunch hour, or scrounge for leftovers. Mind you, these are children who in many cases did not eat breakfast either.

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[From the Atlantic Journal and Constitution, Nov. 26, 1970]

SCHOOL LUNCH GOALS REALIZED, NIXON SAYS

WASHINGTON.—Officials who administer the federal school lunch program said Wednesday the government has failed to meet President Nixon's commitment to feed the nation's 6.6 million needy children by Thanksgiving 1970. The White House, however, insisted the goal has been reached.

The gap within administration ranks developed Thanksgiving Eve after disclosure of an Associated Press study showing scattered school districts—from Massachusetts to Mississippi and North Carolina to Nevada—were not meeting new federal standards for the free or reduced-price lunch program.

At the Agriculture Department, Assistant Secretary Richard E. Lyng announced that 5.3 million needy children received free or reduced price lunches in October, a 23 per cent increase from last year.

"Unfortunately there are still some schools that do not have a lunch program," Lyng said in a statement, "so we know there are needy children that we have not yet reached."

But later, at the White House, press secretary Ronald L. Ziegler insisted that first quarter figures will show the President's goal "has been met and more children are participating than ever before."

Ziegler first said the administration was "close" to achieving the goal of feeding 6.6 million needy children, then broadened his claim when questioned by newsmen.

Lyng said November figures will not be available until late next month. "We will come very close to our Thanksgiving goal," he said, "and we are confident that we will reach the final goal this school year with the continued cooperation of state and local school officials."

Meanwhile, Sen. George McGovern, D-S.D., chairman of the Senate Select Committee on Nutrition and Human Needs, charged the administration program has practically stood still.

"A solemn pledge by the administration has turned out to be 3 per cent food and 97 per cent promise," McGovern said in a Thanksgiving statement. He termed it "a bitter lesson in the fumbling process of America's government for millions of her school children."

In another Thanksgiving message, Secretary of Agriculture Clifford M. Hardin said nourishing food has been provided to more Americans this year than at any time in history.

"Free or reduced price lunches assure needy children daily nutritious meals on all parts of the land," Hardin said. "Child feeding programs now reach far more schools and related institutions than ever before."

The AP story, as well as investigations by such private groups as The Children's Foundation of Washington, D.C., revealed that at some schools:

—A quota system gives free lunches to some needy children while requiring other children, just as needy, to pay.

—Officials refuse to notify parents there is a free lunch program.

—Children are asked to work for their free lunches, or denied lunches as punishment.

—Officials segregate children getting free meals so their classmate can see who is too poor to pay.

Local school administrators say such practices—all banned by federal law—have continued because of state and federal administrative delays or shortage of money to pay for the share of each lunch that federal funds don't cover.

All districts examined in the AP study said they would start new lunch programs by the end of the Christmas holidays that would either conform with, or be closer to, federal law.

The AP study found that in Greensboro, N.C., about 450 needy children waited over a month this year before the city found private donors to pay the estimated 30 cents each lunch cost.

In Mississippi, local officials said the state establishes quotas on the number of free lunches it will finance, and anything beyond that is determined by how much money individual schools districts can scrape up.

[From the Chicago Sun-Times, Nov. 26, 1970]

CHARGES UNITED STATES FAILS TO KEEP NIXON SCHOOL LUNCH PLEDGE

WASHINGTON.—The head of the federal school lunch program said Wednesday the government has failed to meet President Nixon's commitment to feed the nation's 6.6 million needy children by this Thanksgiving. The White House, however, insisted the goal was being reached.

Assistant Sec. of Agriculture Richard E. Lyng said 5.3 million children received free or reduced-price lunches in October, an increase of 23 per cent from a year earlier.

"Unfortunately," he added, "there are still some schools that do not have a lunch program, so we know there are needy children that we have not reached."

Later, at the White House, press secretary Ronald L. Ziegler said the last figures he had seen indicated 4.4 million children were being fed. But he said these figures did not include first quarter enrollment. "When the next figures come out, it will be shown very clearly that this goal (6.6 million) is being met," Ziegler said.

"Most of them are getting a meal now?" he was asked. "Yes," Ziegler responded.

The Thanksgiving Eve developments came after disclosure of an Associated Press study showing scattered school districts—from Massachusetts to Mississippi and North Carolina to Nevada—were not meeting new federal standards for the lunch program.

Lyng said November figures will not be available until late next month. "We will come very close to our Thanksgiving goal," he said.

Meanwhile, Sen. George S. McGovern (D-S.D.), chairman of the Senate Select Committee on Nutrition and Human Needs, charged the administration program has virtually stood still.

"A solemn pledge by the administration has turned out to be 3 per cent food and 97 per cent promise," McGovern said.

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Officials refuse to notify parents there is a free lunch program.

Children are asked to work for their free lunches, or denied lunches as punishment.

Officials segregate children getting free meals so their classmates can see who is too poor to pay.

Local schools administrators say such practices—all banned by federal law—have continued because of state and federal administration delays or shortage of money to pay for the share of each lunch the federal funds don't cover.

[From the St. Petersburg Times, Nov. 26, 1970]

IN U.S. SCHOOLS

WASHINGTON.—An official who heads the federal school lunch program said Wednesday the government has failed to meet President Nixon's commitment to feed the nation's 6.6-million needy children by Thanksgiving 1970. The White House, however, insisted the goal was being reached.

Assistant Secretary of Agriculture Richard E. Lyng said in a statement that 5.3-million children received free or reduced price lunches in October, an increase of 23 per cent from a year earlier.

He said the increase was "a result of the drive to meet President Nixon's commitment to reach a total of 6.6-million needy children by Thanksgiving. Unfortunately, there are still some schools that do not have a lunch program, so we know there are needy children that we have not reached."

Later, at the White House, press secretary Ronald L. Ziegler was asked about the school lunch program. Referring to Dr. Jean Mayer, the president's adviser on hunger and nutrition, Zeigler said:

"As you will recall, last year Dr. Mayer, in a press conference . . . mentioned that the Administration, at the President's instructions, had set a goal, I believe, of feeding 6.6-million poor children by Thanksgiving of this year."

He said the last figures he had seen indicated 4.4-million children were being fed. But he said these figures did not include first quarter enrollment. "When the next figures come out, it will be shown very clearly that this goal is being met," Ziegler said.

"Most of them are getting a meal now?" he was asked.

"Yes," Ziegler responded. "And the goal which Dr. Mayer stated last year, I believe, of feeding 6.6-million needy children will be reached."

The Thanksgiving Eve developments came after disclosure that scattered school districts from Massachusetts to Mississippi and North Carolina to Nevada were not meeting new federal standards for the lunch program.

Lyng said November figures will not be available until late next month. "We will come very close to our Thanksgiving goal," he said, "and we are confident that we will reach the final goal this school year with the continued cooperation of state and local school officials."

Meanwhile, Sen. George McGovern, D-S.D., chairman of the Senate Select Committee on Nutrition and Human Needs, charged the Administration program has practically stood still.

[From the Chicago Daily News, Nov. 27, 1970]

HUNGRY MILLIONS SKIP HOLIDAY FEAST

(By Robert Gruenberg)

WASHINGTON.—As the Thanksgiving turkey was being carved, hunger was still present across the land and politicians argued about who was to blame.

Administration spokesmen thought they had done well in meeting the problem and predicted they would do better.

Administration critics said, as did Rep. John Conyers (D-Mich.), the poor on this holiday of feasting had "nothing but promises to eat," and he asked, "What kind of a country is it?"

Asst. Sec. Agriculture Richard E. Lyng, in charge of consumer services and feeding programs, said in a statement that the nation had reached an "all-time record" in feeding 5.3 million poor children meals "free or at reduced prices" each day in October.

He said this was a million more than a month earlier, and 23 per cent more than had been fed a year ago. He conceded that it was still 1.3 million short of the 6.6 million who, as President Nixon pledged last Christmas, would be getting free or token-priced daily meals.

But Lyng went on to say that by next January between 7 million and 8 million poor children would be fed as a result of new federal "need" standards to take effect in January.

To Conyers and Sen. George McGovern (D-S.D.), the nation's foremost Senate voice on hunger, the 5.3 million children who were being fed were not so important a statistic as the "4 million who still go hungry at school."

Also, of the nation's "25 million hungry citizens, 13 million are without any governmental food assistance at home, and must struggle in unbelievable circumstances," said Conyers, with McGovern backing him up with only slightly different figures.

Legislation to expand the nation's food stamp program was passed by the Senate more than a year ago—on Sept. 24, 1969—reported Conyers and Sen. Jacob Javits (R-N.Y.). But it has been stalled in the House Rules Committee.

Unless the Rules chairman, William Colmer, the powerful Mississippi Democrat, gives the legislation a green light for House floor action, it is going to die in this session of Congress, they said.

While the politicians traded charges, Agriculture Department statements showed that in Chicago an "unprecedented" 125,000 school children in 407 public schools got free daily lunches, with 60,000 getting free breakfasts. Eleven thousand children in 38 of Chicago's Catholic elementary schools received 11,000 hot lunches daily, the agency reported.

[From the Cleveland Plain Dealer, Nov. 26, 1970]

DISPUTES FLARE OVER SCHOOL LUNCH PROGRAM

WASHINGTON.—Officials who administer the federal school lunch program said yesterday the government had failed to meet President Nixon's commitment to feed the nation's 6.6 million needy children by Thanksgiving 1970. The White House, however, insisted the goal had been reached.

The gap within administration ranks developed after an Associated Press study showed scattered school districts, from Massachusetts to Mississippi and North Carolina to Nevada, were not meeting new federal standards for the free or reduced-price lunch program.

At the Agriculture Department, Assistant Secretary Richard E. Lyng announced that 5.3 million needy children received free or reduced-price lunches in October, a 23% increase from last year.

"Unfortunately there are still some schools that do not have a lunch program," Lyng said, "so we know there are needy children that we have not yet reached."

But later, at the White House, press secretary Ronald L. Ziegler insisted that first-quarter figures would show the President's goal "has been met and more children are participating than ever before."

Ziegler first said the administration was "close" to achieving the goal, then broadened his claim when questioned.

Lyng said November figures would not be available until late next month. "We will come very close to our Thanksgiving goal," he said, "and we are confident that we will reach the final goal this school year with the continued cooperation of state and local school officials."

Meanwhile, Sen. George McGovern, D-S.D., chairman of the Senate Select Committee on Nutrition and Human Needs, charged the administration program had virtually stood still.

"A solemn pledge by the administration has turned out to be 3% food and 97% promise," McGovern said.

The AP study and investigations by private groups revealed that at some schools:

A quota system gives free lunches to some needy children while requiring other children, just as needy, to pay.

Officials refuse to notify parents there is a free lunch program.

Children are asked to work for their free lunches, or denied lunches as punishment.

Officials segregate children getting free meals so their classmates can see who is too poor to pay.

Local school administrators say such practices, all banned by federal law, have continued because of state and federal administrative delays or shortage of money to pay for the share of each lunch that federal funds don't cover.

[From the Miami Herald, Nov. 26, 1970]

NIXON SCHOOL LUNCH GOAL FELL SHORT, OFFICIAL SAYS

(By John S. Lang and Austin Scott)

WASHINGTON.—An official who heads the federal school lunch program said, Wednesday that the government has failed to meet President Nixon's commitment to feed the nation's 6.6 million needy children by Thanksgiving 1970. The White House, however, insisted the goal was being reached.

Assistant Secretary of Agriculture Richard E. Lyng said that 5.3 million children received free or reduced price lunches in October, and increase of 23 per cent from a year earlier.

He said the increase was "a result of the drive to meet President Nixon's commitment to reach a total of 6.6 million needy children by Thanksgiving. Unfortunately, there are still some schools that do not have a lunch program, so we know there are needy children that we have not reached."

Later, at the White House, press secretary Ronald L. Ziegler was asked about the school lunch program. Referring to Dr. Jean Mayer, the president's adviser on hunger and nutrition, Zeigler said:

"As you will recall, last year Dr. Mayer, in a press conference, mentioned that the administration, at the President's instructions, had set a goal, I believe, of feeding 6.6 million poor children by Thanksgiving of this year."

He said the last figures he had seen indicated 4.4 million children were being fed. But he said these figures did not include first quarter enrollment. "When the next figures come out, it will be shown very clearly that this goal is being met," Ziegler said.

"Most of them are getting a meal now?" he was asked.

"Yes," Ziegler responded. "And the goal which Dr. Mayer stated last year, I believe, of feeding 6.6 million needy children will be reached."

At a news conference Christmas Eve 1969, Mayer said that "the measures which have been taken by the Department of Agriculture are going to bring free and reduced price lunches to the 6.6 million needy children in nation's schools . . . and will be accomplished by Thanksgiving 1970 . . ."

The Thanksgiving Eve developments came after disclosure of an Associated Press study showing scattered school districts—from

Massachusetts to Mississippi and North Carolina to Nevada—were not meeting new federal standards for the lunch program.

Lyng said November figures will not be available until late next month. "We will come very close to our Thanksgiving goal," he said, "and we are confident that we will reach the final goal this school year with the continued cooperation of state and local school officials."

Secretary of Agriculture Clifford Hardin said nourishing food has been provided to more Americans this year than at any time in history.

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Local school administrators say such practices—all banned by federal law—have continued because of state and federal administrative delays or shortage of money to pay for the share of each lunch that federal funds don't cover.

All districts examined in the AP study said they would start new lunch programs by the end of the Christmas holidays that would either conform with, or be closer, to federal law.

The AP study found that in Greensboro, N.C., about 450 needy children waited more than a month this year before the city found private donors to pay the estimated 30 cents each lunch cost.

In Mississippi, local officials said the state establishes quotas on the number of free lunches it will finance, and anything beyond that is determined by how much money individual school districts can scrape up.

In Las Vegas, Nev., the nation's gambling capital, where only 32 of the district's 63 elementary schools serve any kind of lunches, Clark County school officials did not send application blanks or information on the free lunch program home with the children.

In Boston, a state commission reported that only 55 of 189 city schools had lunch programs, and that although 28,585 children were from welfare families, an average of only 667 free lunches were given daily.

[From the Albuquerque Journal, Nov. 27, 1970]

NIXON SCHOOL LUNCH GOAL NOT BEING MET OFFICIAL SAYS

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He said the increase was "a result of the drive to meet President Nixon's commitment to reach a total of 6.6 million needy children by Thanksgiving. Unfortunately, there are still some schools that do not have a lunch program, so we know there are needy children that we have not reached."

Later, at the White House, press secretary Ronald L. Ziegler was asked about the school lunch program. Referring to Dr. Jean Mayer, the president's adviser on hunger and nutrition, Ziegler said:

"As you will recall, last year Dr. Mayer, in a press conference . . . mentioned that the administration, at the President's instructions, had set a goal, I believe, of feeding 6.6 million poor children by Thanksgiving of this year."

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"Most of them are getting a meal now?" he was asked.

"Yes," Ziegler responded. "And the goal which Dr. Mayer stated last year, I believe, of feeding 6.6 million needy children will be reached."

At a news conference Christmas Eve 1969, Mayer said that "the measures which have been taken by the Dept. of Agriculture are going to bring free and reduced price lunches to the 6.6 million needy children in the nation's schools . . . and that further, will be accomplished by Thanksgiving 1970 . . ."

The Thanksgiving Eve developments came after disclosure of an Associated Press study showing scattered school districts—from Massachusetts to Mississippi and North Carolina to Nevada—were not meeting new federal standards for the lunch program.

Meanwhile, Sen. George McGovern, D-S.D., chairman of the Senate Select Committee on Nutrition and Human Needs, charged the administration program has practically stood still.

"A solemn pledge by the administration has turned out to be 3 per cent food and 97 per cent promise," McGovern said in a Thanksgiving statement. He termed it "a bitter lesson in the fumbling process of America's government for millions of her school children."

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"Free or reduced price lunches assure needy children daily nutritious meals on all parts of the land," Hardin said. "Child feeding programs now reach far more schools and related institutions than ever before."

FEW FREE LUNCHES

For example, most families in the Bromley Heath housing project, an ugly, barren yellow brick complex, are reported to be on welfare but nearby schools have few free lunches, and none at reduced prices.

In Mississippi, local officials say the state sets quotas on the number of free lunches it will release funds for and anything beyond that is determined by how much money individual school districts can scrape up.

"Ninety per cent of our children would qualify for a free lunch," said Homer Byers, principal of Marshall Countys 1000-pupil Sand Flat Elementary School.

Although new federal law directs schools to "avoid overt identification to their peers of children receiving such meals . . ." high school students in Quitman County, Miss., said "students who pay for their lunches go first, five or ten minutes ahead of time." Those getting free meals, they add, stand in line together until, one-by-one, their names are called and they step forward for their food.

In Las Vegas, Nev., the nation's gambling capital, Clark County school officials did not send application blanks or information on the free lunch program home with school children.

"If that's what the law says, I don't know it," said School Supt. Kenny Guinn. "Our interpretation is not the same . . . if Washington interprets different, nobody's ever told us."

[From the San Francisco Examiner, Nov. 26, 1970]

WHY SCHOOLS' LUNCH GOAL WAS NOT MET

(By Austin Scott)

President Nixon's hunger expert pledged last year that all needy school children in America would be getting free or cut-price lunches by this Thanksgiving. A study has found the goal will not be met. This dispatch, citing scattered abuses and problems in the massive program, documents why.

Every weekday morning, four of Mrs. Mary Hudson's children leave their weather-ravaged wooden shack in the northeast Mississippi hill country and trudge down the muddy, red-gravel road toward the school bus.

At lunch, two children get free meals. The other two, victims of a free-lunch quota system, often go hungry until they get home again.

Despite new federal laws and funds to back up a White House pledge, the goal of giving all needy children free or cut-price school lunches by this Thanksgiving has not been met in many classrooms—North and West as well as South, urban as well as rural.

Inside the Mississippi shack, Mrs. Hudson said her income, all from welfare, is $90 a month. There are "a heap of days," she said, when she can't give the two children the 30 cents each needs to buy lunch.

As she talked, wind drifted through cracks in the walls. Only old license plates nailed over holes in the sagging bare board floor and old car seats wedged into openings that once held windows kept the wood fire in the rusty oil drum stove from being overwhelmed.

PROBLEM NOT UNIQUE

Mrs. Hudson's poverty may be extreme, but her problems with the federal school lunch program are not.

A study disclosed that varied school districts—from Massachusetts to Mississippi and from North Carolina to Nevada—aren't meeting new federal requirements.

The Agriculture Department announced Wednesday that 5.3 million needy children benefited from the program in October, but conceded "there are many needy children that we have not yet reached."

Some schools, such as the one Mrs. Hudson's children attend, have a quota system which gives free lunches to some needy children while others just as needy have to pay.

PARENTS NOT NOTIFIED

In other schools, separate investigations by private welfare and church groups found, officials refuse to notify parents there is a free lunch program, ask children to work for their free lunches, deny lunches as punishment, and segregate children getting free meals so their classmates can see who is too poor to pay.

Local school administrators say such practices, all banned by the new law, have continued because of state and federal administrative delays or because of a shortage of funds to pay for the share of each lunch that federal money doesn't cover.

Without exception, districts checked by the Associated Press said they would implement new lunch programs by the end of the Christmas holidays that would either conform to, or be closer to, federal law.

MISSED TARGET DATE

It was last Christmas Eve that President Nixon's adviser on hunger and nutrition, Dr. Jean Mayer, promised that all 6.6 million of the nation's needy school children would be getting free or cut-price lunches by Thanksgiving 1970.

Later, on May 14, Nixon signed a bill expanding the program and said: "It will assure that every child from a family whose income falls below the poverty line will get a free or reduced-price lunch."

Regulations to implement that law were published Sept. 4. But a number of school districts have written policies saying they won't start meeting the law until January. For example, an administrative guideline issued by Massachusetts school lunch director John Stalker began: "This office recognizes that it is impossible to meet the deadline date of October 31, 1970 . . ."

The delays have angered some hunger fighters.

"Millions of needy school children have learned a bitter lesson about how government operates," said Sen. George McGovern (D-S.D.) chairman of the Senate Committee on Nutrition and Health Needs. "They have learned that they get promises instead of food when they are hungry."

NEED LUNCHES

McGovern estimates that 8.9 million children need free lunches, but said less than half are getting them.

However, Assistant Secretary of Agriculture Richard E. Lyng said yesterday that the 5.3 million children given free or reduced price lunches in October was a 23 percent gain from a year earlier.

Herbert Rorex, director of the department's child nutrition division, said in an interview that "we are moving with a good tempo toward the ultimate objective, but we may not make it by Thanksgiving Day." He acknowledged that many problems remain.

The AP study spotlighted some of those problems:

In Greensboro, N.C., needy children waited more than a month this year until the city could find private donors to pay the estimated 30 cents each lunch cost.

In Boston, a special state commission reported last spring that only 55 of 189 city schools have lunch programs, and that although 28,585 children are from welfare families, an average of only 667 free lunches were given daily.

[From the Los Angeles Times, Nov. 27, 1970]

SCHOOL LUNCH PROGRAM SHORT OF NIXON'S GOALS

(By Nick Kotz)

WASHINGTON.—Eighteen months ago President Nixon pledged that "the moment is at hand to put an end to hunger in America for all time." Last Christmas Eve he pledged that every poor American child would receive a free or reduced price school lunch by Thanksgiving Day, 1970.

This week Nixon Administration spokesmen and Administration critics recalled those presidential statements and quarrelled about progress made. They agreed, however, that at least 2 million hungry Americans still are not reached by any federal food aid program and that thousands—perhaps several million—poor children still are not getting free school lunches.

Furthermore, Agriculture Department officials and Senate critics agreed that further progress is crucially dependent on passage of a food stamp reform act that has been stalled in the House Rules Committee and on positive action by 17,000 schools now lacking any lunch program.

"I don't know what the hangup is," said Asst. Agriculture Secretary Richard Lyng. "We've talked to all kinds of people down there (the Rules Committee) but haven't gotten anywhere. If no action is taken, even the authority for our present food stamp program expires on Dec. 31."

FOURTEEN MILLION HUNGRY

Lyng said the food stamp and commodity distribution programs now reach 11.7 million people, while the Administration estimates the number of hungry poor at 14 million or 15 million.

Lyng and Sen. George S. McGovern (D-S.D.) agreed that the Agriculture Department would need additional appropriations simply to fund the present food stamp program, not to mention the food stamp reform bill which would expand eligibility roles.

McGovern said $400 million would be needed in addition to the $1.25 billion required by the Nixon Administration and approved by the House. The Senate has approved an appropriation of $1.75 billion.

"Unfortunately, there are still some schools that do not have a lunch program," Lyng said in a statement, "so we know there are many needy children that we have not reached. But we feel we will come very close to our Thanksgiving goal, and we are confident we will reach the final goal this school year, with the continued cooperation of state and local school officials."

Lyng acknowledged that 17,000 schools with more than 6 million pupils still have no lunch program, so that the poor in those schools now cannot get any meals, much less free ones.

[From the Kansas City Kansan, Nov. 27, 1970]

PLEDGED GOAL NEARED ON SCHOOL LUNCH AID

WASHINGTON.—When Thursday dawned the Nixon administration was close to its pledged goal of offering free or token-priced school lunches to 6.6 million needy children by Thanksgiving day, Assistant Agriculture Secretary Richard E. Lyng said.

But Lyng conceded the Agriculture Department's drive to expand free and token-priced lunch servings has not yet reached its ultimate goal of aid to every needy school child.

Department experts currently estimate that between 7 million and 8 million children from poverty families will be eligible for free or token-price lunches under new federal "need" standards which take effect in January. Lyng said state and local school authorities are cooperating enthusiastically in federal efforts to expand aid to needy children, adding that: "We'll be feeding substantially all needy children very soon."

There has been considerable confusion during the past year over the exact nature of President Nixon's promise to get lunch aid to needy children by Thanksgiving, 1970. Last Christmas, a presidential aide who said he was speaking for Nixon pledged that "The 6.6 million needy children will get a free school lunch program by Thanksgiving, 1970."

At the time the pledge was made, administration officials were estimating that only 6.6 million children would be eligible. Since then, however, they have revised their estimates of need upward. Lyng's comments in an interview today indicated the administration hoped to reach the 6.6 million portion of the pledge, but had no hope of fulfilling the full-coverage part of the promise before early next year at the soonest.

Lyng said firm estimates of the number of children receiving free or token-priced lunches as of today will not be available for about a month. But he said a preliminary report indicated the number of children receiving such aid rose from 4.3 million in September to 5.3 million in October.

"The pace is accelerating even more this month, so we think we'll come fairly close to 6.6 million by Thanksgiving . . . we may well achieve it," Lyng said.

The official's comments came as Agriculture Secretary Clifford M. Hardin issued a Thanksgiving statement asserting that government food aid programs now are reaching more needy Americans than ever before in history.

"Family food assistance programs now reach more than 12 million of the nation's poverty victims—a gain of 5 million since last Thanksgiving, and child feeding programs now reach far more schools and institutions," Hardin said.

Hardin praised farmers for giving the nation a food supply, expanded 20 per cent in the last decade, which is "unequalled in abundance and quality anywhere on earth." He called on other Americans who benefit from farm abundance help farmers get, in return, incomes on a par with those earned in other walks of life.

"The new farm law just passed by Congress marks a step in that direction by moving toward market-oriented production and expanded exports," Hardin added.

[From the Providence Journal, Nov. 27, 1970]

SCHOOL LUNCH PLEDGE UNMET

(By Sylvia Porter)

Last Christmas eve, the Nixon administration made a formal pledge that all of the nation's needy children would get a free or low cost school lunch by Thanksgiving 1970. "It will cost what it will cost," declared Harvard's world-famous nutritionist, Dr. Jean Mayer, who directed 1969's White House Conference on Food, Nutrition and Health.

The "Target Group" of needy school children was estimated at that time at 6,600,000—about double the number then receiving free or reduced price school lunches. It is now the day after Thanksgiving, 1970. How has the pledge been honored?

At last count, only 4,100,000 American children were getting free or low-cost school lunches, not only 2,500,000 below the original target, but also 1,000,000 below the number receiving free lunches at the end of the 1969–70 school year.

And the gap actually is much greater, according to Rodney Leonard, who heads the non-profit Community Nutrition Institute in Washington to push for better child nutrition programs nationwide. Leonard claims there are not at least 5,000,000 children who are legally eligible but who are not receiving free or low cost lunches.

Of course, the problem goes far beyond a school lunch. For millions, a free or inexpensive school lunch is the day's only meal. The link between hunger and a child's ability to learn is now well established; the link between lack of education and poverty also is indisputable; a fundamental first step in the elimination of poverty in this land is elimination of malnutrition.

Yes, we are stepping up our national child-feeding programs (which also include a limited school breakfast program and a school milk program). This fiscal year, total federal spending for all child nutrition programs will top $1 billion, against less than $300 million only three years ago. Congress will probably vote around $350 million for this year's free or low-cost school lunches—more than triple last year's appropriation.

This is progress. But the key point is that we have made a pledge and Congress has stated clearly its intent that NO American child will go without lunch because his family is unable to pay for it. Yet, millions are going without lunches and in addition are being subjected to grotesque abuses and discrimination.

To illustrate, in many schools, children who receive free or low cost lunches must stand in separate lines, eat from different colored plates, or wait at the end of the line until paying children have been served.

In many areas, names of families whose children are getting free lunches are pointedly printed in local newspapers. Or, if families fail to pay a certain contribution toward lunch costs, the school principal may threaten to give their children a failing grade.

In some Southern school districts, free meals are served only in all-black schools—an effective way of discouraging desperately poor parents from transferring their hun-

gry children to better, predominantly white schools.

Elsewhere, "quotas" of free lunches are set so that a child may receive free lunches only two days a week or every other week. On "no lunch" days, these children simply watch while others eat, or "study" during the lunch hour, or scrounge for leftovers. Mind you, these are children who in many cases did not eat breakfast either.

Under the pioneering new 1970 Child Nutrition Act, such practices are illegal. However, they persist and only the feeblest efforts are being made to stop them.

Congress must vote sufficient funds to assure that all eligible children actually do receive free or low cost school lunches.

Administrators of the new Child Nutrition Act must crack down on the abuses of the law in so many parts of the country.

You and I must take responsibility for honoring the Nixon Administration's 1969 Christmas Eve pledge.

After your dinner yesterday, and your vow today to go on a diet, how digestible do you find this report?

[From the San Francisco Chronicle, Nov. 26, 1970]

MISSED TARGET IN SCHOOL LUNCHES

(By Sylvia Porter)

Last Christmas Eve, the Nixon Administration made a formal pledge that all of the Nation's needy children would get a free or low-cost school lunch by Thanksgiving, 1970. "It will cost what it will cost," declared Harvard's world-famous nutritionist, Dr. Jean Mayer, who directed 1969's White House Conference on Food, Nutrition and Health.

The "target group" of needy school children was estimated at that time at 6.6 million, about double the number then receiving free or reduced price school lunches. It is now Thanksgiving, 1970. How has the pledge been honored?

At last count, only 4.1 million American children were getting free or low-cost school lunches, not only 2.5 million below the original target, but also 1 million below the number receiving free lunches at the end of the 1969–70 school year.

The gap actually is much greater, according to Rodney Leonard, who heads the nonprofit Community Nutrition Institute in Washington to push for better child nutrition programs Nationwide. Leonard claims there are now at least 5 million children who are legally eligible but who are not receiving free or low-cost lunches.

The problem goes far beyond a school lunch. For millions, a free or inexpensive school lunch is the day's only meal. The link between hunger and a child's ability to learn is well established; the link between lack of education and poverty also is indisputable; a fundamental first step in the elimination of poverty in this land is elimination of malnutrition.

We are stepping up our national child-feeding programs (which also include a limited school breakfast program and a school milk program). This fiscal year, total Federal spending for all child nutrition programs will top $1 billion, against less than $300 million only three years ago. Congress probably will vote around $350 million for this year's free or low-cost school lunches, more than triple last year's appropriation.

This is progress. But the key point is that we have made a pledge and Congress has stated clearly its intent that no American child will go without lunch because his family is unable to pay for it. Yet millions are going without lunches, and in addition are being subjected to grotesque abuses and discrimination.

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In many areas, names of families whose children are getting free lunches are pointedly printed in local newspapers. Or, if families fail to pay a certain contribution toward lunch costs, the school principal may threaten to give their children a failing grade.

In some Southern school districts, free meals are served only in all-black schools, an effective way of discouraging desperately poor parents from transferring their hungry children to better, predominantly white schools.

Elsewhere, "quotas" of free lunches are set so that a child may receive free lunches only two days a week or every other week. On "no lunch" days, these children simply watch while others eat, or "study" during the lunch hour, or scrounge for leftovers. These are children who in many cases did not eat breakfast either.

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You and I must take responsibility for honoring the Nixon Administration's 1969 Christmas Eve pledge.

After your dinner, and your vow to go on a diet, how digestible do you find this report?

[From the Arizona Daily Star, Nov. 26, 1970]

MANY POOR CHILDREN UNFED, SAYS SCHOOL LUNCH HEAD

WASHINGTON.—An official who heads the federal school lunch program said Wednesday the government has failed to meet President Nixon's commitment to feed the nation's 6.6 million needy children by Thanksgiving 1970. The White House, however, insisted the goal was being reached.

Assistant Secretary of Agriculture Richard E. Lyng said 5.3 million children received free or reduced price lunches in October, an increase of 23 per cent from a year earlier.

He said the increase was "a result of the drive to meet President Nixon's commitment to reach a total of 6.6 million needy children by Thanksgiving. Unfortunately, there are still some schools that do not have a lunch program, so we know there are needy children that we have not reached."

Later, at the White House, press secretary Ronald L. Ziegler was asked about the school lunch program. Referring to Dr. Jean Mayer, the President's adviser on hunger and nutrition, Ziegler said:

"As you will recall, last year Dr. Mayer, in a press conference . . . mentioned that the administration, at the President's instructions, had set a goal, I believe, of feeding 6.6 million poor children by Thanksgiving of this year."

He said the last figures he had seen indicated 4.4 million children were being fed. But he said these figures did not include first quarter enrollment. "When the next figures come out, it will be shown very clearly that this goal is being met," Ziegler said.

"Most of them are getting a meal now?" he was asked.

"Yes," Ziegler responded. "And the goal which Dr. Mayer stated last year, I believe, of feeding 6.6 million needy children will be reached."

At a news conference Christmas Eve 1969, Mayer said, "The measures which have been taken by the Department of Agriculture are going to bring free and reduced price lunches to the 6.6 million needy children in the nation's schools . . . and that further, it will be accomplished by Thanksgiving 1970. . . ."

The Thanksgiving Eve developments came after disclosure of an Associated Press study showing scattered school districts—from Massachusetts to Mississippi and North Carolina to Nevada—were not meeting new federal standards for the lunch program.

[From the Minneapolis Tribune, Nov. 26, 1970]

OFFICIALS DIFFER ON WHETHER GOAL OF FREE LUNCHES HAS BEEN MET

WASHINGTON.—Officials who administer the federal school lunch program said Wednesday the government has failed to meet President Nixon's commitment to feed the nations 6.6 million needy children by Thanksgiving 1970. The White House, however, insisted the goal has been reached.

The gap within administration ranks developed Thanksgiving Eve after disclosure of an Associated Press study showing scattered school districts—from Massachusetts to Mississippi and North Carolina to Nevada—were not meeting new federal standards for the free or reduced-price lunch program.

At the Agriculture Department, Assistant Secretary Richard E. Lyng announced that 5.3 million needy children received free or reduced-price lunches in October, a 23 percent increase from last year.

"Unfortunately there are still some schools that do not have a lunch program," Lyng said, "so we know there are needy children that we have not yet reached."

But later, at the White House, Press Secretary Ronald L. Ziegler insisted that first-quarter figures will show the President's goal "has been met and more children are participating than ever before."

Ziegler first said the administration was "close" to achieving the goal of feeding 6.6 million needy children, then broadened his claim when questioned by reporters.

Lyng said November figures will not be available until late next month. "We will come very close to our Thanksgiving goal," he said, "and we are confident that we will reach the final goal this school year with the continued cooperation of state and local school officials."

Meanwhile, Sen. George McGovern, D-S.D., chairman of the Senate Select Committee on Nutrition and Human Needs, charged the administration program has practically stood still.

"A solemn pledge by the administration has turned out to be 3 percent food and 97 percent promise," McGovern said in a Thanksgiving statement. He termed it "a bitter lesson in the fumbling process of America's government for millions of her school children."

Secretary of Agriculture Clifford M. Hardin said nourishing food has been provided to more Americans this year than at any other time.

"Free or reduced-price lunches assure needy children daily nutritious meals on all parts of the land," Hardin said. "Child feeding programs now reach far more schools and related institutions than ever before."

The AP study, as well as investigations by such private groups as the Children's Foundation of Washington, D.C., revealed that at some schools:

A quota system gives free lunches to some needy children while requiring other children, just as needy, to pay.

Officials refuse to notify parents there is a free lunch program.

Children are asked to work for their free lunches, or denied lunches as punishment.

Officials segregate children getting free meals so their classmates can see who is too poor to pay.

Local schools administrators say such practices—all banned by federal law—have con-

tinued because of state and federal administrative delays or shortage of money to pay for the share of each lunch that federal funds don't cover.

All districts examined in the AP study said they would start new lunch programs by the end of the Christmas holidays that would either conform with, or be closer to, federal law.

The study found that in Greensboro, N.C., about 450 needy children waited over a month this year before the city found private donors to pay the estimated 30 cents each lunch cost.

In Mississippi, local officials said the state establishes quotas on the number of free lunches it will finance and anything beyond that is determined by how much money individual schools districts can scrape up.

In Las Vegas, Nev., where only 32 of the district's 63 elementary schools serve any kind of lunches, Clark County school officials did not send application blanks or information on the free lunch program home with the children.

Mr. McGOVERN. Mr. President, on the family feeding front, we are now reaching through the food stamp and commodity distribution programs approximately 12 million persons, about half of America's poor. Our objective is to fight for a full expansion of the food stamp program until it is able to reach every needy family. This will require far greater funding than has presently been appropriated, a need that I am certain will be increasingly evident in the coming year. But funding is not the only requirement for a truly successful food stamp program. We also need fundamental reforms in the structure of the programs. Reforms such as free food stamps for the very poor, simplified stamps for basic items of hygiene, the freedom of choice between stamps and commodities. I sincerely hope that we will achieve these reforms before this session of Congress is concluded. If we do not, then an even greater effort must be made next year to achieve them. And once we achieve them, we must insure by the closest scrutiny, that they are in fact implemented. As an example of the incredible maladministration of the program as it is presently operated, I ask unanimous consent to have printed in the RECORD at this point a letter I recently received regarding the impossibility of receiving food stamps in the District of Columbia. Specifically, this letter describes how a 90-year-old woman was expected to stand in the bitter predawn cold for hours in order to receive her stamps. This kind of torture of the poor must be stopped. A reformed food stamp program would stop it.

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

NATIONAL RURAL HOUSING COALITION,
Washington, D.C., December 7, 1970.

HON. GEORGE S. MCGOVERN,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR GEORGE: Attached is a copy of a letter I have sent to Secretary Hardin. I call this incredible situation to your attention in the hopes that you and your Committee can inquire into the matter, and put a stop to it.

While I am at it, I might raise the question of how far the Select Committee has gone into the problem of seeing that food recipients are not being put through humiliations or medieval tortures as a price for a little food.

Lela Kelly (see attached copy) shows on the welfare rolls as being born in 1885, making her 85 years old. But she is, in fact, at least five years old than that. So what the D.C. government was asking was that a woman 90 years old stand in freezing weather from 4 in the morning until 6:30 so that if she were lucky enough to be among the first 20 people, she could get some food.

I know Mrs. Kelly, and I have known her foster granddaughter, Mrs. Carlock, for 18 years, and I assure you that she is a woman of the highest moral character. She would not have falsified information to me under any conditions I can conceive of. This story is as authentic as it is ugly.

CLAY L. COCHRAN,
Chairman of the Board.

DECEMBER 6, 1970.

DEAR SECRETARY HARDIN: November, 1970 the monthly OAA check for Mrs. Lela Kelly, 517 8th St. N.E., Washington, D.C. was either not sent or was lost or stolen. On being informed of this, her social worker, a Mrs. Rativz, gave her some food stamps to tide her over until the check appeared or could be replaced.

Mrs. Kelly's friend Dorthula Carlock of the same address went to the designated place, 1326 Florida Ave. N.E. one day in the morning and was told that it was too late and she should appear the following day if she wanted any food. She was told that the place opened at 6:30 A.M. but that they only took 20 people a day and if she wanted food she should be there by 4 A.M. (That's right four A.M.)

The following morning the temperature was below freezing but Mrs. Carlock appeared at 4:30 or 5 A.M. When the place opened at 6:30 she was told that she was not among the first 20 people in line and would have to return the next morning, at 4 A.M. if she wanted to get food.

Mrs. Carlock, not being a total fool or a total slave, called Mrs. Kelly's social worker, noted above, and the social worker said she would try to get her special permission to get food without having to stand in freezing cold from 4 to 6:30 A.M. She failed and advised Mrs. Carlock to just get along somehow until money came. The December check arrived in due course. . . .

Mr. Secretary, I am absolutely sure that you are not aware that the D.C. government is treating food recipients worse than anyone but a sadist would treat a mad dog. Will you please check into this matter and use your good offices to put a stop to this savagery?

Sincerely,

CLAY L. COCHRAN.

Mr. McGOVERN. Mr. President, a third vitally important matter on the agenda of the Select Committee in the coming year is a followup of the White House Conference on Food, Nutrition, and Health held last December. This conference resulted in some 3,000 recommendations regarding the nutritional well-being of the American people. Many of them vitally important. The administration is reconvening a representative conference group in Williamsburg, Va., on February 5 to evaluate the results of the conference. The committee intends to monitor this meeting and assess its conclusions. The importance of the committee's oversight in this regard is emphasized by a telegram I recently received from Dr. Jean Mayer, the noted Harvard nutritionist and the Chairman of the White House Conference. I ask unanimous consent that the telegram be printed in the RECORD at this point.

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

Senator GEORGE MCGOVERN, Senator JACOB JAVITS: The follow-up meeting of the White House Conference on Food, Nutrition and Health to be held in Williamsburg on February 5, will examine which ones of the recommendations cannot be effected without legislative action. I hope that the committee on nutrition and human needs will be continued in existing by the United States Senate in the coming year so that it can examine important unresolved issues in the field of nutrition in our country.

JEAN MAYER,
Professor of Nutrition, Harvard University.

Mr. McGOVERN. Mr. President, these are the highlights of the committee's work in the coming year. I would now like to submit an original resolution to extend the committee's existence from January 31, 1971, to January 31, 1972, and ask for its reference. The select committee is not, at this time, requesting any additional operating funds. Its authorization to expend $246,000 under Senate Resolution 323 is sufficient to enable the committee to operate through January 31, 1971. The committee does expect to request next January a full operating budget for the period February 1, 1971, through January 31, 1972.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). The resolution will be received and appropriately referred.

The resolution (S. Res. 492), which reads as follows, was referred to the Committee on Labor and Public Welfare:

S. RES. 492

Resolved, that the Select Committee on Nutrition and Human Needs, established by S. Res. 281, Ninetieth Congress, agreed to on July 30, 1968, as amended and supplemented, is hereby extended through January 31, 1972.

SEC. 2. It shall be the duty of such committee to examine, investigate, and make a complete study of any and all matters pertaining to the lack of food, medical assistance, and other related necessities of life and health including, but not limited to, such matters as (a) the extent and cause of hunger and malnutrition in the United States, including educational, health, welfare, and other matters related to malnutrition, (b) the failure of food programs to reach many citizens who lack adequate quantity or quality of food, (c) the means by which this Nation can bring an adequate supply of nutritious food and other related necessities to every American, (d) the divisions of responsibility and authority within Congress and the Executive branch, including appropriate procedures for congressional consideration and oversight of coordinated programs to assure that every resident of the United States has adequate food, medical assistance, and basic related necessities of life and health; and (e) the degree of additional Federal action desirable in these areas,

SEC. 3. For the purposes of this resolution the committee, from February 1, 1971, to January 31, 1972, inclusive, is authorized: (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants; (3) to subpoena witnesses and documents; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities,

and personnel of any of the departments or agencies of the Government; (5) contract with private organizational and individual consultants (6) interview employees of the Federal, State, and local governments and other individuals, and (7) take depositions and other testimony.

FEDERAL BROKER-DEALER INSURANCE CORPORATION ACT—AMENDMENT

AMENDMENT NO. 1096

Mr. HARTKE submitted an amendment, intended to be proposed by him, to the bill (S. 2348) to establish a Federal Broker-Dealer Insurance Corporation, which was ordered to lie on the table and to be printed.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 1097

Mr. RIBICOFF (for himself and Mr. BENNETT) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. RIBICOFF when he submitted the amendment appear later in the RECORD under the appropriate heading.)

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, December 9, 1970, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 336. An act to amend section 3(b) of the Securities Act of 1933 to permit the exemption of security loans, not exceeding $500,000 on aggregate amount, from the provisions of such Act;

S. 4187. An act to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands; and

S.J. Res. 230. Joint resolution extending the duration of copyright protection in certain cases.

NOTICE OF HEARING ON BUREAU OF INDIAN AFFAIRS

Mr. JACKSON. Mr. President, I wish to announce for the information of the Senate that the Committee on Interior and Insular Affairs will hold an open hearing on December 16 to hear the Honorable Louis R. Bruce, Commissioner of Indian Affairs, in connection with proposed changes in Bureau of Indian Affairs structure and policy.

The hearing will begin at 10 a.m. in room 3110 New Senate Office Building.

ANNOUNCEMENT OF HEARING ON BILL TO ESTABLISH C. & O. HISTORICAL PARK

Mr. BIBLE. Mr. President, I wish to announce that the Subcommittee on Parks and Recreation, of which I am chairman, will conduct an open public hearing on proposals to establish a Chesapeake and Ohio National Historical Park.

The hearing will start at 10 a.m., Tuesday, December 15, in room 3110 of the New Senate Office Building.

The bills are S. 1859 and H.R. 19342, the House-passed measure. Each would establish a park extending from Rock Creek in the District of Columbia to the vicinity of Cumberland, Md. Included would be the historic Chesapeake and Ohio Canal.

Persons wishing to testify should contact the Senate Committee on Interior and Insular Affairs.

NOTICE OF HEARING ON NOMINATIONS

Mr. ERVIN. Mr. President, on behalf of the Committee on the Judiciary I desire to give notice that a public hearing has been scheduled for Wednesday, December 16, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

W. Wallace Kent, of Michigan, to be U.S. circuit judge for the sixth circuit, vice Bert T. Combs, resigned.

Dennis R. Knapp, of West Virginia, to be a U.S. district judge for the southern district of West Virginia, vice a new position created by Public Law 91-272, approved June 2, 1970.

Barron P. McCune, of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania, vice a new position created by Public Law 91-272, approved June 2, 1970.

Fred M. Winner, of Colorado, to be a U.S. district judge for the district of Colorado, vice a new position created by Public Law 91-272, approved June 2, 1970.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Nebraska (Mr. HRUSKA).

ADDITIONAL STATEMENTS OF SENATORS

MONTANA HOSPITALS AND SPRINKLER SYSTEMS

Mr. MANSFIELD. Mr. President, on December 7, 1970, I wrote a letter to the Honorable Elliott L. Richardson, Secretary of Health, Education, and Welfare, and have received his reply of December 9, 1970. I take this means to thank Secretary Richardson for his understanding and recognition of the problem and to express my personal appreciation for his reply.

I ask unanimous consent that the letters be printed in the RECORD.

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

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., December 7, 1970.

Hon. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I am writing pursuant to past correspondence regarding the life safety code's application and effect upon hospitals and rest homes under provisions provided in the 1967 amendments to the Social Security Act.

For your information, I am enclosing a copy of the *Congressional Record* of December 4 and I would draw your particular attention to the statement I made on this matter, commencing on page 39985.

As you are undoubtedly aware, the United States Senate Committee on Finance has given favorable consideration to a revised amendment providing assistance for facilities affected by this ruling. I would, however, draw your attention to the fact that end of session business, as well as the need for appropriation considerations, precludes the possibility of any immediate assistance to the affected facilities.

In the Commissioner of Social Security's report to you of November 17, he stated that, if a facility were unable to meet the existing deadlines for valid reasons, an extension would be granted. In light of the numerous difficulties resulting from this ruling relating to availability of sprinkler firms, installation and maintenance, as well as the entire area of financing, I am herein requesting a one-year extension of the existing compliance deadlines. It would be my hope that, during the coming year, the Department and the Social Security Administration will give concerted consideration to the various expressions of concern resulting from this ruling.

It has come to my attention that the National Fire Protection Association is still developing and reviewing existing and future life safety systems. I also think it pertinent that in departmental consideration of this question, that an appropriate review be made of those policies allowing for the delegation of authority to non-governmental bodies in the establishment of standards in connection with federal programs.

I would appreciate being apprised of your decision in this matter at your earliest possible convenience.

Assuring you of my concern and thanking you for your consideration, I am, with best personal wishes,

Sincerely yours,

MIKE MANSFIELD.

P.S.—Elliot, this is very, very important to a lot of small people, small towns, and small hospitals. Something should be done. Can you help?

Regards,

MIKE M.

WASHINGTON, *December 9, 1970.*

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: Your letter of December 7 and the material you enclosed from the *Record* emphasize well the need for consideration of special circumstances in application of the sprinkler requirement for health care facilities.

As indicated in our earlier correspondence with you, we will grant an extension to a facility having valid reasons for failure to meet the January 31, 1971, deadline date that has been set. I will go further and say that valid reasons will include a facility's inability to negotiate a reasonable contract within the time limit for installation of sprinklers, as

well as difficulty in timely arrangement for financing the proper cost of the equipment. Any serious difficulties experienced by a facility agreeing to install the equipment will be thoroughly considered in terms of justification for an extension of time. Also recognition is given to the situation where a facility housed in a wood frame building has begun construction of a new building.

I believe this will greatly alleviate hardship situations. In others as where a facility simply disagrees with the sprinkler standard, or is reluctant to incur the costs, I think the paramount concern of patient safety strongly calls for adherence to the time limit that has been set.

A blanket moratorium or extension for a year would expose a great many aged people to what leading fire safety experts have held is real and avoidable danger.

We are asking the State departments of health, which assist us to determine which facilities meet the standards for Medicare participation, to work closely with all facilities experiencing problems with the sprinkler equipment and to notify us of any that seem to warrant an extension.

With best regards,

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

PEARL S. BUCK COMPLETES TOUR OF NATIVE STATE—WEST VIRGINIA TO MAKE HER BIRTHPLACE A MEMORIAL

Mr. BYRD of West Virginia. Mr. President, one of West Virginia's most distinguished native daughters, Pearl S. Buck, recently traveled extensively in our State on behalf of a campaign to restore her birthplace.

This effort originated some 5 years ago and has gained widespread support throughout the State for the Pearl S. Buck Birthplace Foundation. Many West Virginians, including my colleague from West Virginia (Mr. RANDOLPH), have given generously of their time and talent to help transform Miss Buck's birthplace into a living tribute to her.

During her travels in West Virginia, Miss Buck visited more than 20 communities and spoke before thousands of people on behalf of the foundation. The climax of the tour was a banquet in Charleston on November 19.

I ask unanimous consent that a newspaper article about the banquet, published in the Charleston Daily Mail, be printed in the RECORD.

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

MOST GIFTED DAUGHTER RETURNS HOME

(By Wilma Higginbotham)

"I've never doubted where my home was. I've always known it was West Virginia," Pearl S. Buck said last night at a dinner held in her honor at the Heart-O-Town Motor Inn.

Standing tall and elegant in a dress of champagne satin embroidered in pearls, she smiled the happy, relaxed smile of a daughter returned to her homeland.

It had been a big evening for "West Virginia's most gifted daughter."

She had received a plaque as "Woman of the Year" from Richard Polinsky, president of the Minnesota Woolen Co., as "the woman who most personifies the ideal upon which America was built," and been glowingly introduced by West Virginia's Senator Jennings Randolph via a live telephone hook-up with the nation's capitol. She also had received $500 with her award, made out at her request, to the Pearl S. Buck Birthplace Foundation, Inc.

She said, "I never feel I deserve these kind of things said of me because whatever I have accomplished was due to the parents and the background they gave me from my home state."

Miss Buck has lived and traveled in many lands but had little chance to visit her home state.

She said, "What a unique experience I've had in these two weeks to travel this beautiful state and have confirmed what my mother and father always told me about West Virginia. I love the people here and have met many I would like to know better. But I haven't seen any hillibillies. I don't know where they are . . .

"I feel when I come here I can speak to you informally as I would at home . . .

"I shouldn't be surprised if I start writing something when I know my home state better. I love to go to Lewisburg and visit the Old Stone Church. My father was dedicated there as a missionary.

"My father was the soul of independence. He felt he had direct communication with God. It was amazing how alike what he thought and God's will were sometimes. He went to China imbued with idealism and my life was greatly enriched by being the daughter of a missionary.

"They always told me about West Virginia. When we lived in China my mother and father used to sit together and talk in the evenings when he was not traveling. My father traveled hundreds of miles in China by donkey. He was a tall man and when he wanted to stop the donkey he would just put his feet on the ground.

"My father never got over his love for the hills. He always found an excuse to visit the farthest part of his parish in the spring. My mother died very young. Before she did, she told me, 'Remember when spring comes, let your father go.' After my mother died, I always packed his bags and let him go when the azaleas were blooming on the mountains."

She spoke briefly of trying to get help through the State Department and the Pentagon for the Asian children born of American fathers. Eventually, she signed away the millions earned as an author to a foundation for their care. She said, "I'm a very stubborn woman in a quiet way. I guess that also comes from West Virginia. My Asian upbringing taught me to be quiet. In other words, I'm liberated in my own way . . . liberated enough that it doesn't occur to me that I need any more.

"I watch with interest what is going on in our country. We have reached a very interesting period. I see policies that ought to be changed and see no way of doing it. Being a woman still has its handicaps in our society. If I were younger, I'd settle the whole matter by running for President.

"I'm so anxious to see our problems in Vietnam and Asia solved. I would like to see my two worlds reunited and our 100 years of friendship with China regained. Perhaps we will have to wait until the jeweled tigers are dead. As the King of Siam said, 'Is a puzzlement.'

"I've seen too much of Communism to have faith in it. I've been chased from my home by it. Our policy of containment has become a real problem for us. Other nations are changing their attitudes. Some very hard thinking has to be done in Washington."

CHRISTMAS MESSAGES FROM HANOI

Mr. MURPHY. Mr. President, every day for the past 2 weeks, Hanoi radio has broadcast so-called "Christmas messages" from Americans they hold prisoner. These taped statements are usually prefaced by a commentary describing the broadcast as a "humanitarian service."

This is a sick joke.

Hanoi is again showing its callous disregard for human decency. They deliberately exploit the suffering of our men and their families by raising hopes that our men are well treated.

If our men are in good condition, why do the North Vietnamese refuse to allow impartial observers to inspect the prison camps?

If Hanoi is really interested in making a humanitarian gesture, let them do one simple thing.

Let them release the names of all those whom they hold captive. Next to the release of the men themselves, notice their sons, husbands and fathers are still alive would be the best Christmas present their families could receive.

MILITARY SPENDING IN SOVIET UNION UNCHANGED

Mr. PROXMIRE. Mr. President, the Soviet Union announced on Tuesday that defense spending next year in the Soviet Union will remain unchanged. They will continue to spend about 17.9 billion rubles or $19.9 billion for defense in 1971, a figure which is almost the identical figure for 1970.

This is merely the direct defense spending for procurement of materiel and for the maintenance of the armed forces. Items for research and development and for defense industries are in other budget items. But it is nonetheless interesting that U.S.S.R. officials say that the amount for these items is not going to increase next year.

Almost daily the Pentagon puts out information through speeches by top officials or background information from its public relations organizations that the Soviet Union is gaining on us in missiles, ships, and strategic power. The impression is deliberately put out that the U.S.S.R. is not only gaining but that the Soviet Union has overtaken us or surpassed us in strategic power.

UNITED STATES STILL STRONGER POWER

That is not the case. It has not been the case in the past. The new information contained in the Soviet announcement gives no indication that it will be the case in the future.

In fact, a year ago the Joint Economic Committee held a set of hearings in which we invited the most knowledgeable experts on the Russian economy and the Russian defense capability to testify. Their conclusion was that the Soviet Union was then spending a maximum of $40 billion in equivalent American dollars for all aspects of their defense.

EXPERTS CONFIRM SOVIET DEFENSE SPENDING

I checked with these same experts again this year. Again they told me that they had no information to suggest that the Soviet Union was stepping up its overall defense outlays. This newest announcement confirms what the experts have told us.

Thus, if the United States is figuratively 6 feet tall in its military capa-

bility, the Soviet Union figuratively is 3 feet tall. While both we and they have the ability to blow up the world, the Soviets have not overtaken us militarily or economically, and there is not the slightest indication that they are doing so or will do so in the foreseeable future. While we should never underestimate the Soviet military strength, there is absolutely no reason to exaggerate it or panic in the face of it. While the Soviets will no doubt stress some aspects of defense which we do not, or spend larger sums in one area than another, the overall facts and the determining facts are that they spend about one-half the amounts we do on national defense. I ask unanimous consent that an article by Bernard Gwertzman on the Soviet announcement of 1971 military spending published in today's New York Times, be printed in the RECORD.

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

SOVIET KEEPS FUND FOR DEFENSE HIGH—1971 OUTLAY AT RECORD LEVEL BUT ITS SHARE IN GROWING BUDGET IS DECLINING

(By Bernard Gwertzman)

Moscow.—The Soviet Union announced today that defense spending next year will remain unchanged at the current record level but that the military share of the budget will be the lowest in postwar years.

The 1,517 members of the Supreme Soviet (Parliament) were told at the opening session of their three-day winter meeting that the Government planned to spend 17.9 billion rubles ($19.9 billion) on defense in 1971, virtually the same as announced for 1970, which had been the highest level in Soviet history.

The defense item in the Soviet budget, in contrast to the United States budget, covers only direct outlays for the procurement of materiel and maintenance of the armed forces. Soviet investment in defense industries and military research and development are contained in other budget items.

Because of an increase in the total budget, to 160.6 billion rubles, the share of the direct military expenditures dropped to 11.1 per cent from last year's 12.35 per cent.

The Government also announced that the economy this year in both the industrial and agricultural sectors had rebounded from last year's poor showing.

Industrial growth was estimated at 8 per cent for 1970, 1 percentage point over 1969. The 1970 rate ended a downward trend of the growth rate in recent years.

FARM OUTPUT IMPROVES

Agriculture, traditionally the backward sector of the economy, recorded a 6.5 per cent increase over 1969 in the ruble value of products produced.

In 1969, largely because of poor weather, agricultural output dropped by 3 per cent. The rise in agriculture, however, did not keep pace with the planned 8.5 increase for this year. Newspapers have reported the largest grain harvest in history, but exact figures have not yet been made public.

The general tone of the economic report, made by Nikolai K. Baibakov, the chairman of the State Planning Committee, and the budget report by Vasily F. Garbuzov, the Minister of Finance, was sober and drew attention to the problems facing the economy as it enters a new five-year plan next year.

Stress was laid on the need to increase efficiency, to modernize technology, get rid of surplus workers. Ministers and plant managers were warned that they would be held personally responsible for failure to meet goals. They were told that they must take measures to meet consumer unrest, caused by an uneven flow and poor quality of merchandise.

Mr. Garbuzov, in announcing the defense budget, said that while the Soviet Union pursued a peaceful policy, it "cannot but consider that imperialists continue the arms race, strengthen military blocs, widen the fight against socialist countries and the liberation movements."

DEFENSE LEVEL ASSAYED

Western diplomats said that the maintenance of high levels of defense spending indicated that while tensions with Communist China might have eased and relations with West Germany improved. Moscow was still concerned about the arms race with the United States.

Mr. Baibakov, in making public the economic plan for 1971, said industry was expected to rise by 6.9 per cent and agriculture by 5.5 per cent. Both are moderate increases. Soviet economists have stressed that the days of spectacular rates of growth are over.

The Soviet economy in recent years has been strained by shortages of manpower and raw materials and a lagging technological base.

Both Mr. Baibakov and Mr. Garbuzov avoided making major projections for the next five-year plan, 1971–75, since this will be done by Premier Aleksei N. Kosygin at the 24th party congress opening March 30.

But the two economic specialists stressed the need for reductions in inflated work staffs. Mr. Garbuzov noted that 26,000 workers in the coal industry and 50,000 workers in other industries were given other jobs in 1970.

MORE TO BE REASSIGNED

He said that next year about 450,000 workers, half from state farms, are to be reassigned.

Both speakers took notice of complaints about consumer goods and pledged to meet demand for items in short supply such as fashionable women's shoes and many food products.

Continuing the trend of recent years, Mr. Baibakov said, output by the consumer-goods sector is planned to rise at a faster rate than heavy industry. But heavy industry continues to get a larger share of investment allocations.

Mr. Baibakov said motor vehicle output next year would top the million mark, with 560,000 trucks and 513,000 passenger cars. The new Fiat plant in Togliatti is expected to produce 160,000 cars. The plant began production recently and will produce about 30,000 cars this year. Its ultimate capacity will be more than 600,000.

The chemical and construction industries were criticized as usual for failure to meet delivery dates. Ministeries were told not to start any new projects but to devote energies to completing work already started.

ADDRESS BY E. J. DWYER, CHAIRMAN, NATIONAL ASSOCIATION OF MANUFACTURERS

Mr. GOLDWATER. Mr. President, on December 4, it was my pleasure to address the 75th anniversary meeting of the National Association of Manufacturers. Following my remarks, the new chairman of the board, Mr. E. J. Dwyer, made an acceptance speech on being appointed to this position. It was of so much interest, so to the point and frankly, so rather unusual a speech made by a businessman to other businessmen, that I knew Senators would enjoy reading it. I ask unanimous consent that this outstanding address be printed in the RECORD.

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

BOARD CHAIRMAN INSTALLATION

(Acceptance remarks by E. J. Dwyer)

The solemn oath that I have just given in accepting the national chairmanship of this great voluntary organization is one that I do not take lightly.

The task of representing over 13,000 American enterprises, large and small, is both a high honor and a grave responsibility. No industrialist asked to take this oath of office would do so without a profound sense of humility. At this moment I seek Divine guidance for the trust placed in me, and pray, too, that I am worthy of your confidence.

The high standards of conduct and leadership of those who have preceded me in this office add to this feeling. Each chairman has personally given a full measure of attention to the major problem areas that touch all of us, and which intensify our concerns for the future of our families, our enterprises, our communities and our nation. This dedication to the advancement of the national interest is especially true of my predecessor, Bill Keeler—a real "Chief", in more ways than one. Bill, you will be difficult to follow.

Although dimly conscious that my workload has just been increased, and in ways that I do not fully perceive at the moment, I look forward—eagerly, enthusiastically—to the next twelve months as NAM chairman. Eagerly, because of the opportunity my post provides to work with you and this audience and with many other industrialists to carry out the principles found in the Credo of this Association. Enthusiastically, because members of the NAM family have an unparalleled opportunity at this point in history to serve fellow industrialists all across the United States.

Many critics in our restless society are quick to attack American industry for what it has not accomplished. It is time we make clear what we have accomplished. NAM has the potential to become a much stronger and more vibrant force for American industry. My goal is to help amplify that voice so that it is heard across the land, informing and persuading.

American business and industry has had to cope with many problems in the past, and the outlook for 1971 is for more of the same. NAM must continue to be in the forefront of proposing solutions that are wholly consistent with our capitalistic free enterprise system—the most enlightened and beneficial economic system known in the history of mankind.

Yet, under our system, a basic obligation is imposed on the enterpriser. He must, first and foremost, produce a reasonable profit on the investment others have made in the enterprise. Otherwise, the industrialist cannot make more than a fleeting contribution to society. By his ability to put his enterprise on a profitable basis he is then able to provide the jobs that are essential to the well-being of our citizens, and the financial means for solving pressing human needs. He then can devote time, talent and resources to finding solutions to social issues that are crying out for attention; among them housing, education, crime prevention, mass transportation, environmental quality improvement, urban decay and equality of opportunity for all Americans.

I suggest that we need to continue to demonstrate that solutions to these larger social problems can be found in the application of principles tested in smaller economic and social units.

In our business and in our communities alike, we have an obligation to improve, to expand, to excel. We will find that many of these problems represent great opportunities.

In Peter Drucker's words, one of our obligations is to "maximize these opportunities."

Yet, in fulfilling this obligation, we must not promise more than can be delivered. A source of disillusionment to many Americans today, from Appalachia to Watts, is the heady promises made that remain unfulfilled.

Please remember this well: as industrialists, each promise we make that is not fulfilled creates yet another example of the failure of private enterprise. Those who seek to supplant or destroy our capitalistic free enterprise system are eagerly waiting to make the most of these failures. Each blasted hope that can be pinned on industry represents another nail for the coffin in which our critics intend to "bury us." Therefore, let's be short on promises and long on action in our efforts to solve these great social problems.

My humility in accepting my new responsibilities as Chairman of NAM is due to my recognition of the relationship that has existed between our excellent economic system and the well-being of the nation as a whole. My fervent wish is to strengthen this relationship in every way I can; if the system is weakened or impaired, our children and grandchildren may live under another system of government.

Whether the next system is benign or despotic, we Americans still will have lost a glorious heritage. I am indebted to a fellow Pennsylvanian, James W. Michener, for calling attention to the fact that our constitutional democracy is now the oldest continuing form of government on earth. As he points out, no other form of government existing today can make an equal claims to either the constancy or stability of our system of government. While others tend to regard us as a young country, we actually are the oldest in the family of nations—the senior brother who is experienced, tested, and possessed of the material and moral stability to command universal respect as the foremost nation on the globe.

During this Diamond Jubilee meeting, our theme is "Quest for Quality." What a positive concept for the dynamic decade that includes the 200th anniversary of the founding of our nation! And how appropriate is this theme for a meeting of industrialists who are doing so much to improve the quality of life within the framework of our free competitive enterprise system!

As your chairman, I aim to pursue the quest for quality in all phases of the Association's work, but particularly in NAM's work with *and* for members.

We must see that the Association's policies are fully and fairly considered in the highest councils of the nation. To do so, we must encourage the membership as a whole to join in the articulation of industry's concerted position on problems of overriding concern.

To become truly effective, we really need your advice and counsel on NAM Policy Committees and to your Board of Directors. Our positions must reflect your substantive contributions and our actions must serve your needs.

The life blood of any effective organization is a large, active and responsive membership. NAM is no exception. My efforts in 1971 will be directed largely at bringing this about by coming to you for your constructive suggestions, help and active participation.

Our mission is to lead American industry in the quest for quality within the framework of a free society. The joining of your voice to that of your industrial neighbors, and to the voices of firms in other industries will result in a clarion quality—one that is widely heard, respected, and heeded. The synergestic effect of a blending of voices on an upbeat note can be truly effective. We must and will be heard to the end that progress toward realistic goals is achieved. We must and will give emphasis to the positive aspect of American life, and overcome the shrill cries of nihilistic forces that have captured the attention of youth.

We must be in position to report that we did not drop the torch handed on from those men in Philadelphia who, nearly 200 years ago, had the genius to fashion a document that was flexible enough to accommodate the demands of undreamed technological and social change.

Our Association will be fully responsive to the new demands put upon it by the times. With your help, this can be accomplished. As your new chairman, I promise dedication to the task.

TO DAVE C. EBERHART—"A GOOD JOB; WELL DONE"

Mr. JORDAN of North Carolina. Mr. President, on December 16, 1970, Mr. David C. Eberhart, Director of the Federal Register, retires from active Government service. His retirement ends a distinguished career that spans nearly 34 years of Federal service—virtually all of it spent with the Federal Register.

During his career, Mr. Eberhart has made important contributions to the development of the Federal Register system of publishing the rules and regulations of the executive agencies. In helping develop the Federal Register system, Mr. Eberhart was always guided by public interest requirements. He regarded the Federal Register as a protection for the citizens against the whims of the bureaucracy. As a result he always searched for new and better ways of presenting to the public, the legal documents that literally affect every walk of life. When the Freedom of Information Act became law, Mr. Eberhart took the initiative in assisting agencies in meeting their responsibilities under that act to publish in the Federal Register all material that the public could rightfully expect to find there.

Understandably, since his work was so integrally involved with Federal printing, Mr. Eberhart was no stranger to the Joint Committee on Printing. With particular reference to the corollary effects of the Freedom of Information Act, his efforts have undoubtedly contributed beneficially to that committee's national printing program.

Mr. Eberhart also made important contributions to the development of the series "Public Papers of the Presidents" and the "Weekly Compilation of Presidential Documents" which give the public a record of the official statements of the Presidents of the United States.

In the field of law publishing, Mr. Eberhart introduced new processes to the publication of the laws of the United States assuring the accuracy of the printed versions of Federal laws. He won the plaudits of Congress, researchers, and the public with the introduction of legislative history references in slip law printings and in the U.S. Statutes at Large volumes.

These are only a few examples of the creativity, skill, professional competence, and dedication that Mr. Eberhart brought to the Federal Register. All citizens of the United States today have more ready access to statutory and administrative documents as the result of his distinguished career. So to Mr. Eberhart, on the occasion of his retirement, we say "thank you for a job well done."

LET US PASS THE PUBLIC INTEREST PROTECTION ACT

Mr. BENNETT. Mr. President, when Richard Nixon took office nearly 2 years ago, he assigned finding a solution to the congested and snarled transportation system of this country the highest of priorities. He observed at that time that the transportation system of this country runs from doorstep to doorstep, encompassing all the various means of transportation. Today the Nation is being confronted with the possibility of a crippling strike in one of the most vital links in the transportation system. At midnight tonight, unless we shoulder our responsibility, the Nation's railroads will be brought to a halt. The possibility of a rail strike is, as I see it, a result of the refusal by the union leaders of the four major unions involved voluntarily to extend their negotiations with railroad management. This refusal comes at the end of the present "cooling-off" period that saw a 5-man panel appointed by the President to investigate the dispute and propose terms for a settlement.

The proposals recommended by the panel represented a realistic approach towards the much needed modernization of the rail industry. They included a 37 percent increase in wages over a 3-year period, the largest wage increase in the history of the railroads, and "substantial" liberalization of certain restrictive work rules. It also contained a recommendation for the formation of a more permanent committee that would seek long-term solutions to the labor-management problems in the rail industry.

These proposals were accepted by the railroads as being an acceptable solution to the disputes. The unions involved have rejected them and instead are demanding higher wage increases, additional fringe benefits and increased demands regarding the proposed work-rule changes. With the possibility that these disagreements could result in an extended strike, it is essential for both those directly involved and the country in general, that we here in the Senate enact the necessary legislation to extend the strike deadline an additional 45 days. With the economy just starting to recover from the effects of the prolonged General Motors strike, the country cannot tolerate another major strike.

Putting aside the pros and cons of the positions in this particular labor dispute, the situation clearly demonstrates the necessity for prompt consideration and passage of President Nixon's Public Interest Protection Act. Contrary to much of the adverse publicity that this measure has received, it does not damage the collective bargaining process, but rather encourages those parties involved to work toward agreements between both parties with a minimal amount of Government intervention. In addition to encouraging meaningful negotiation, this bill would provide for additional protection of the public interest during those labor disputes in the transportation industry which imperil the national health or safety.

The threatening rail strike presents an excellent example of how the Public Interstate Protection Act would work to

the advantage of both the railroads and the rail unions as well as protecting the public interest. I want to point out that the new options provided for the President under this act are available to him only after the 80-day cooling-off period provided for under the Labor-Management Relations Act has expired.

The first option that would be available to the President is the extension of the cooling-off period. During this extension of 30 days, both parties would continue to bargain.

A second option that would be opened to the President by the passage of this act is one that would allow for the partial operation of the essential part of the industry or service to a critical class of customers. The difficulty in deciding which portion of an industry is essential is a difficult one, however, if the option is available, it would make it possible for the President to prevent disaster to an essential segment of the Nation. Those who have carefully studied the act will realize that there have been sufficient precautions written into the act to prevent the favoring of one segment over another.

Perhaps the most reasonable and practical segment of the act is the final offer selection. Following the cooling-off periods, if an agreement still has not been reached, the parties involved would be given 3 days in which to submit two final offers. This would be followed by intensive bargaining with or without mediation by the Secretary of Labor.

If a settlement was still not forthcoming, a panel would be created to select the best agreement from among the final offers submitted by the disputing parties. The process of making that selection would involve hearings, consultation, and detailed study of those offers submitted by the two parties. This type of an arrangement would encourage the parties to negotiate with offers that were closer together rather than further apart, realizing that the most reasonable offer would be selected in the event that they were not able to reach a settlement independent of the final selection panel.

While there are a number of other important sections of the bill, I think that these brief descriptions of their functions adequately demonstrate the soundness in its approach aimed at resolving the labor disputes involving the Nation's transportation systems.

I urge the adoption of the President's request for an additional 45-day "cooling off" extension in the present railroad dispute. However, as I have mentioned, these types of stop-gap measures will not provide for any type of constructive program for dealing with similar situations in the future. It is for that reason that I would hope we will be able to see action taken on the Public Interest Protection Act early in the next session of Congress.

DO NOT FORGET THE HUMAN EQUATIONS IN SOCIAL SECURITY

Mr. McINTYRE. Mr. President, Congress is considering revisions in the social security program.

I believe the program, which according to reports will be forthcoming for Senate action in a few days, is much superior to the one which has passed the other body.

I believe the reported Senate version is more realistic and is a further step forward in meeting the needs of our senior citizens.

It would set a higher limit on outside income, raise minimum benefits to a more acceptable level and would not put the burden of additional taxes on persons with low income. Finally it differs from the House measure by increasing the monthly payments by 10 percent, twice that of the other body.

I do not suggest for 1 minute that this program is all our senior citizens deserve from social security. I can assure one and all that I am going to continue my efforts to see that this program is even more improved in the future. I would like to see a greater increase in payments, a higher limitation on income and an increase in minimum payments particularly for those who have lost their mate and suddenly find a drastic drop in their social security payments.

There are many other areas of need for our senior citizens such as improved transportation, better elderly housing, food services which pay attention to the special requirement of our elderly, improvements in medicare and medicaid and many others. These needs we must deal with if we are truly to pay our debts to those who have given fully of themselves during their working years. These problems I will be discussing and working to solve in other contexts and at other times.

As we will be discussing the improvements in social security here in a few days I know we will be deeply immersed in many complex tables of figures concerning the social security program. Obviously we must not and cannot forget the cold figures.

But, Mr. President, I hope that in our discussions we do not forget the human equation. We are really dealing with people, not numbers. We are really concerned with human beings during those years of their lives when they seek some relaxation and rest following the rigors of growing up, of parenthood, of homebuilding, daily work at the office or at home. They look forward to years of relaxation and a fuller enjoyment of life. They should not feel burdened just to keep body and soul together.

I have received thousands of letters from my senior citizen constituents, as I know other Senators have, who have told me the problems they have, the hopes they hope and the pressing needs they find they are facing.

I shall not burden the RECORD by reprinting numbers of these letters, but one of them which I received a few days ago struck me as expressing with particular meaning the human lives we are dealing with.

Mr. President, I ask unanimous consent to have this letter from a lovely lady in Dover, N.H., be printed in the RECORD with the hope it will be studied and remembered as we face the barrage of costs, tax rates, percentages, and the numerous other cold numbers.

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

DEAR TOM: I think the very hardest age is the 60's.

I had a stroke two-and-one-half years ago and my left side was paralyzed.

It was some time before I walked and even now I know my left leg and arm are not the same.

I get enough social security to pay for my board and room here with my brother and his wife, but I am not well and could do no work.

There are many in their 60's that do not get but $68.00 Social Security and try to get help under welfare programs but are turned down.

I do not think it is right for older people to be cared for by welfare in the nursing homes that are so expensive.

No, I really believe the welfare programs are too hard on those in their 60's and I feel that we are forgotten people. I find it hard just trying to adjust and get by with the bare necessities.

Tom, I am a nervous person and so depressed all the time.

I have my room with TV and my knitting and I read some but I find I have too much time to think and worry, and you must agree there is plenty to think and worry about.

My children find little time for me and have their own lives to live so I see them so seldom. I really feel so alone in this world.

I am 64 and will be 65 July 9, 1971, so will get Medicare. But, really, Tom, I think there should be a better program, and hope some day there will be.

Dentists and doctors have reaped a harvest with the Medicare and Medicaid programs.

As for Medicaid, I wonder how people who have homes and money do get it?

All these things are abused it seems, and it must be who one knows that counts.

In closing, I'll say I wish we poor old people could grow old gracefully.

RETIREMENT OF SENATOR WILLIAMS OF DELAWARE

Mr. YOUNG of North Dakota. Mr. President, it was with real regret that we learned of the decision of our distinguished colleague, the senior Senator from Delaware, to retire from the Senate on the conclusion of his present term.

His retirement will leave a void in the Senate which probably can never be filled. JOHN WILLIAMS is the conscience of the Senate and has become such a legend that it is inconceivable that any future Senator could fill the unique position he has filled in the Senate for so many years.

Senator WILLIAMS was first elected to the Senate in 1946 and was reelected in 1952, 1958, and 1964. He has the distinction of being the first man in the history of the State of Delaware to be elected to four consecutive terms in the Senate.

Senator WILLIAMS has established a reputation as a fearless investigator. His investigations have been entirely free of partisanship. Over the years he has uncovered wrongdoings of high officials in the administrations of both political parties. As an investigator he has been completely unbiased, which is one of the reasons for his outstanding success. Another reason he has been so successful in his investigations is because he has steadfastly refused to engage in character as-

sassinations or investigation through the press.

In all of his years as investigator and watchdog of the Treasury, he has never made public charges against any official until he has been able to fully document his charges. He has the highest respect for the rights and reputations of individuals. This has won him great confidence among Government employees and others who feel perfectly safe in coming to him with information.

Mr. President, for many years I served on the Senate Agriculture Committee with our distinguished friend and colleague. Although we did not often agree on farm price support legislation, he was a hard worker and one who was always well posted on legislation before the committee. He was one who could disagree with you without being disagreeable. I believe the highest tribute I could pay to his integrity was that, in spite of our differing views, I had no hesitancy whatever in giving my proxy to Senator WILLIAMS on those rare occasions when I was unable to attend an executive session of the Senate Agriculture Committee. He would vote me as I would have voted even though it was completely opposite to his own position.

Our friend has established an enviable record for fiscal integrity for our Nation. In this respect he is a true conservative. He is one who will oppose Federal spending if he thinks it is wrong or unnecessary, even if the spending may be in the short-term interests of a project or an industry in his State, if he feels that in the long run such spending would be harmful to our Nation.

Mr. President, earlier in my remarks I mentioned Senator WILLIAMS' diligence. He is one of the hardest working Members of the Senate. He is always at his desk well ahead of normal office hours and very frequently works late into the evening. In addition, he can very frequently be found in his office on weekends.

Mr. President, one of the nicest things about serving in this body is the lasting friendships that we make. I have known Senator WILLIAMS well all during his tenure in the U.S. Senate. He has the friendship and respect of every Member of the Senate. I hope I can always be counted among his closest friends. Although our good friend will not be present when the first session of the 92d Congress convenes, I will always remember him with fondness and with great respect. Delaware is quite close to our Nation's Capital. I sincerely hope that our friend and his equally highly respected wife, Elsie, will be visiting us often.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my comments an excellent article on Senator WILLIAMS and his record, which was published in the Human Events report of November 28, 1970.

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

"NOT RETIRING, JUST CHANGING JOBS"—THE AMAZING SENATE CAREER OF JOHN J. WILLIAMS DRAWS TO A CLOSE

(By Carol D. Bauman)

In describing Delaware's senior Sen. John J. Williams, usually cautious reporters can't seem to resist superlatives. They will characterize him with phrases that could only apply to a computer, a trained German shepherd, or the most exceptional paragon of virtue ever to sit in the U.S. Senate.

"Fiscal bloodhound! Watchdog of the Senate!" they call him. "Indefatigable! One-Man FBI! Conscience of the Senate!" they crow. In his 24 years in the Senate Williams' press notices have nearly always contained descriptive phrases like "conservative, conscientious, scrupulous, shrewd, folksy, frugal, honest, persistent, sensible, taciturn, homey, and thorough," and many more.

It was with great regret, therefore, that his many friends and supporters learned earlier this year that he would definitely "retire" from the Senate at the end of his current term. But the senator wouldn't put it that way. To him, leaving the Senate is simply a matter of "changing jobs."

Twenty-four years in any career ought to be enough, he believes, and it's now time for a new one. What that new career will be, he isn't telling. But a review of the one he is leaving is cause for hope that the "new career" will be something that will be just as beneficial to his country as was the old one.

The 66-year-old lawmaker, whose slender, erect carriage, thinning gray hair and bushy eyebrows mark him as a familiar figure on the Senate floor and in the Senate Finance Committee, is unfortunately not a "household word" to most Americans. In cliches such as "every man has his price," would find it hard to understand that such a giant of integrity actually serves them in an elected capacity.

And if Sen. Williams has one fault (surely, this devout Methodist and champion of public honesty would admit to having one), it is that he has little glamour and his style of politics therefore gets few imitators. His own publicity during 24 years in the Senate was usually over-shadowed by the very scandal he was exposing. Most everyone remembers those charlatans Sherman Adams and Bobby Baker. But how many—outside Delaware—recall the name of the man who did the groundwork that led to their exposure?

The good that Sen. Williams has done will live after him, of course, but because he lacks glamour, his example might be lost on some of the idealistic young. A pity, because no one could more exemplify the idealism of a man thoroughly devoted to the concept that government is the servant, not the master of men, than this low-keyed, upright, self-educated former chicken-feed dealer from the Eastern Shore of Delaware.

"Sen. John J. Williams, Republican of Delaware, was born on May 17, 1904, on a farm near Frankford, Del., the ninth of 11 children. He attended Frankford High School and in 1922 moved to Millsboro, where . . . at the age of 18, he entered the grain business."

So begins the official biography which one is sent by the senator's office in Washington.

"The senior senator from Delaware first sought public office when he successfully ran for election to the United States Senate in 1946. He was re-elected to a second, third and fourth term in 1952, 1958 and 1964. At that time he became the first man in the history of the state of Delaware to be elected to four consecutive terms in the United States Senate."

So the biography continues. It also tells us he married the former Elsie B. Steel of Millsboro at the age of 20. They had one daughter, and now have three granddaughters. The biography also tells us he is a Methodist, a Mason, a Shriner, and a Rotarian.

No college degrees, no military service. Not even a bank presidency, or membership on the national board of some charitable, social or educational group.

Sen. Williams, who with his brother started a chicken-feed business (Williams' Super Feed) in Millsboro in 1922, became a wealthy man by dint of hard work, thrift and hard-nose business practices.

In 1946, at the age of 42, he decided he had made enough money in chicken-feed, and leaving his brother to mind the store, set out on a second career. He determined to run for the U.S. Senate. He had never even met the state Republican chairman, he recalls, and has observed since that the party leaders were a bit peeved at his brashness for wanting to start at the top without consulting them.

"But I went into it on the principle a man has a right to seek office in this country without the consent of anybody," he says. Today, he acknowledged during an interview in his Capitol Hill office, that might be a little more difficult than it was in 1946. And, he says, "in a small state like Delaware you can do a lot more than you can in a large state."

Hitting the road to gain name identification and make his views on the issues known, he covered the little state from one end to the other. Before other Republicans realized what was happening, he had the nomination and then went on to beat his Democratic opponent by 12,000 votes out of 113,500 cast. Then, as now, he says that the trend toward centralization of powers in Washington was his greatest concern.

He had no trouble being re-elected the next three times. There is no question but that he would be re-elected to a fifth term if he chose to run again. Williams says today that he detects a "conservative trend" in the country, despite some unpopular moves by the President.

When reminded of some recent public opinion polls showing that the voters were not leaning heavily Republican, he said:

"I ran four times and three times the polls said I would lose. I think you can get a 'feel' at election time just by talking to people and reading your mail. I have the feeling that the liberals are going to suffer in the '70s."

In 1964, despite the landslide win by Lyndon Johnson, Sen. Williams won re-election by a wide margin, outpolling all other Republicans in the state. How he survived the Democratic trend of that year is testimony to the staying power of a man whose first principle in politics is scrupulous honesty.

In that election, two Republican state legislators were found to have violated ethical standards for public office, and the party asked them to step aside. When they refused to do so, Sen. Williams renounced the support of anyone who supported them. The tainted state legislators were defeated, but Williams was victorious.

In 1947, Williams' first year in the Senate, the late columnist Drew Pearson said he was "out of place" in the Senate. "Class D Rating," Pearson pronounced. Pearson proved to be 100 per cent in error. And, as the senator points out with a grin, later on Pearson found reason to praise his war against corruption.

The affirmative judgment of Williams by the press, by political organizations, and by his peers in the Senate, is nearly unanimous.

In 1951, *Look* magazine called him "The Man Who Broke the Tax Scandal." (The Internal Revenue Bureau corruption unearthed by the Delaware sleuth led to the 1952 GOP campaign cry, "The mess in Washington!") In 1962, *Reader's Digest*, one of Williams' biggest supporters, termed him "The Senate's One-Man FBI." In September 1966, *Reader's Digest* again praised the senator in an article by John Barron entitled "The Case of Bobby Baker and the Courageous Senators."

In a 1960 *Newsweek* magazine poll, Washington correspondents chose Williams as one of the 10 most effective members of Congress. *Nation's Business*, in December 1969, featured him as the "giant" who is leaving the Senate.

There have been other honors. The American Political Science Association selected Williams in 1959 as one of four members of Congress to receive its first annual award for distinguished service. In 1960 Americans for Constitutional Action (ACA) chose Williams as its "outstanding conservative member of Congress," and in 1961 presented him with its Distinguished Service Award. In 1969 Sen. Williams, together with his counterpart in the House, Rep. H. R. Gross (R.-Iowa), was honored by the first annual Conservative Awards Dinner sponsored jointly by the American Conservative Union, *National Review*, Young Americans for Freedom and HUMAN EVENTS.

Sen. Williams announced his decision to retire from the Senate on Feb. 18, 1969. Characteristically, he issued a straightforward press release, three single-spaced pages, explaining his decision and using it as an occasion to promote the adoption of a mandatory retirement age for members of Congress:

"I have long advocated a reasonable age limit for the top executives of government comparable to the practice in private industry. The federal government accounts for annual expenditures of nearly $200 billion and it has always been my contention that the affairs of the government should be operated on a more businesslike basis."

Williams, who is 66, pointed out that if he served another term he would be 72 at the end of it, and would be two years beyond the age at which he believes all government officials should retire. He cites the fact that the Supreme Court has three members past 70 (one past 80) and that many district courts are presided over by federal judges well past normal retirement age. The result, says Williams, is slower action, delayed decisions and oftime, decisions prepared by assistant law clerks.

Sen. Williams notes that elderly public servants are often pressured into running for another term with appeals to party loyalty. Usually they would prefer retirement, but are talked into running for fear of letting their supporters down. Such officials would probably welcome a mandatory retirement age so they could retire with a minimum of guilt, Williams says. Many, he says, serve well past the age at which they can really be of service, thereby risking a failure both of health and neglect of duties, or death in office. Some ultimately face defeat by the voters who can see the incapacitating effects of age.

"I'm a firm believer that a man should live by the rules he lays down for others," Williams says. And thus, at the age of 66, he leaves the Senate at the end of 1970, even though, as Sen. Russell Long of Louisiana, chairman of the Senate Finance Committee says, he "has failed to convince me that he is doing the nation a favor by insisting on retiring."

The question inevitably arises—who will replace Williams as the Senate's most alert crusader on spending, taxes and corruption?

"None of us is indispensable," he says modestly.

But, who, among some of the younger senators, does he see taking on his role in the future?

"There are lots of able men," the senator says with a grin, and refuses to name them.

How does it feel to complete 24 years in the Senate?

"Well, to quote another retired senator I admired greatly," he smiles, "when I first came to the Senate, I looked around and wondered how in the world I ever got elected to a body of such able and wise men. Now I look around and wonder how the devil some of these men ever got here."

Pressed to name some of the greatest senators with whom he has served over his 24-year career, Williams concentrates a while and firmly replies: "Harry Byrd, Sr., of Virginia, Walter George of Georgia, Robert Taft, Sr., Arthur Vandenburg, and former Sen. Tydings of Maryland (father of the present Maryland senator)."

Questioned about the alleged disillusionment with the American system among some segments of American youth, Sen. Williams replies:

"Youth are idealistic, and when they see evidence of corruption in high office, they hastily blame it on the 'system.' It is our duty to make them see that a few bad apples don't make the system bad. But we should show them that we will do something about the corruption even though these men may be our own buddies.

"People will only respect [elected officials] if we respect ourselves," Williams says. "And if we have any self-respect at all, we will expose the corruption and get rid of the unprincipled men among us."

Sen. Williams has always enjoyed a reputation of being thorough in the extreme when it comes to legislation in the fields of finance and honesty in government. It is here that he has built a reputation for being a "conservative," a title he warmly embraces.

The intricately constructed statements he releases to the press so frequently are the product of intense research, reading and investigation on matters not generally known to the public. And the senator himself is the man behind the work.

According to him, that's one reason why he has never joined the Washington party circuit. And it also explains his effectiveness. Singleness of purpose in all his endeavors has produced a legislative record that is remarkable for its consistency, and its independent attitude.

Taking 1969 as a sample year, the impossibility of fitting him into a neat pigeonhole becomes evident.

Using statistics supplied by the respected *Congressional Quarterly*, one gets an interesting picture.

The most significant statistic is found under: "Bipartisan Roll Calls," as tabulated by *CQ*. These are the votes on which a majority of voting Democrats and a majority of voting Republicans agreed. In tabulating opposition, *CQ* explains, it takes the percentage of bipartisan rollcalls on which a senator voted "yea" or "nay" *in opposition to the bipartisan majority*.

Since bills passed by bipartisan majorities are often the kind of bills that it takes great political courage to oppose, the number of times a senator or congressman registers such opposition is of more than passing interest.

In the House, Rep. H. R. Gross (R.-Iowa) led in opposition with a score of 52 per cent. Gross and those who follow him in leading "bipartisan opposition" scores are all hard-core conservatives.

In the Senate, Sen. John J. Williams led in the number of times he opposed bipartisan rollcalls—39 per cent of the time in 1969. He is followed by Senators Edward Gurney (R.-Fla.), Carl Curtis (R.-Neb.), and Strom Thurmond (R.-S.C.). In 1967–68, Sen. Williams' total opposition to bipartisan votes was still a high 33 per cent.

The Delaware senator was not among the nine top scorers when it came to over-all support of legislation backed by President Nixon. Instead, he was *third* in his over-all *opposition* to the President, trailing Senators Hatfield of Oregon and Cook of Kentucky. The percentage of times Sen. Williams opposed President Nixon during 1969—33 per cent—equaled the opposition scores of liberal Senators Case of New Jersey and Javits of New York. But, you may be sure, his votes were on totally different issues! Sen. Gurney of Florida, also a conservative, had a 32 per cent opposition to the President score for 1969. Even so, Sen. Williams' over-all support score for President Nixon's policies on rollcalls was a respectable 67 per cent.

Still further evidence of Williams' maverick voting performance may be seen in his scores under *CQ*'s "Conservative Coalition" ratings. Williams' name does not appear in the top seven for 1969. He supported the conservative coalition 67 per cent of the time, and opposed it 32 per cent of the time in 1969.

Sen. Williams' party unity score in 1969 (percentage of 89 Senate rollcalls on which he voted in agreement with a majority of his party) was a somewhat weak 70 per cent. For a comparison, consider that Senators Fannin (R.-Ariz.), Allott (R.-Colo.), Gurney (R.-Fla.), Cotton (R.-N.H.), and Curtis (R.-Neb.) were all top scorers in the party unity ratings with 90 per cent. All of those senators are considered trustworthy conservatives. Thus, Williams can be hailed neither for his unwavering support for President Nixon's policies, for support of the Conservative Coalition, nor for support of party unity rollcalls.

Where he does distinguish himself is with an exceptionally high "voting participation" score of 97 per cent, while the average Republican senator's voting participation score was 87 per cent.

What were some of the issues on which the independent Delaware Republican snubbed his nose at both his President and his party?

He voted against the Senate amendment which eliminated the House-passed $20,000 crop subsidy for individual farmers.

Then there was the vote to extend the income tax surtax at 10 per cent through December 31, which was adopted by 51 to 48 and supported by President Nixon. Williams voted "nay."

On the nomination of Judge Clement Haynsworth to the Supreme Court, Williams opposed the President and the GOP by voting "nay."

On an amendment to restore 27.5 per cent oil depletion, a position supported by the President and by the Conservative Coalition, Williams voted "nay."

On adoption of the 1969 Cooper-Church amendment to bar use of Defense appropriations for introducing U.S. ground troops in Laos and Thailand, Williams voted "yea."

On adoption of the conference report of the Tax Reform Act of 1969, Williams voted "nay" in opposition to the bipartisan majority.

On a Mansfield motion to recede from Senate insistence on the Philadelphia Plan amendment to the fiscal 1970 supplemental appropriations, Williams voted "nay" in opposition to the President and the GOP.

Of course his most recent and widely publicized active opposition to President Nixon's controversial welfare "reform" measure is another indication both of his conservatism and his independence.

In Williams' view, no candidate can ethically campaign on a platform of fiscal responsibility unless he is willing to live up to what he preaches. In terms of the staggering federal budget deficit for this year, Williams says it does no good for either Congress or the Administration to point fingers at one another, for both are equally guilty.

It is here that Williams has strong words of warning for his own party. "Unless we as a party, from the President to Capitol Hill, live up to our promises to balance the budget, then we have no business accusing the Democrats of irresponsibility," he says.

"Candidates who, during campaigns, use the issues of spending, taxes, or corruption in high office, must have good records on those issues themselves," he says firmly.

So one cannot judge Sen. Williams on "independence" alone. It is in that very independence of thought that he is most

consistently found to be supporting the principles of sound government and fiscal integrity that *should* guide every one of his Senate colleagues.

Writing in the *Reporter* in 1965, Laurence Stern observed that Sen. John J. Williams' one concession to vanity was an exhibit of autographed newspaper cartoons, framed and hanging on the walls of his Capitol Hill office. They all characterized the Delaware senator's career to quote Stern, as "the triumph of the foxy country boy over a rogues' gallery of tax cheats, corrupt officials, junketing congressmen and assorted malefactors."

And indeed his office walls are still covered with the cartoons, many of which date back to his early years in the Senate and refer to scandals no longer even remembered by the public. Also hanging in the office are the numerous awards, plaques and citations given the senator over the past 24 years.

"The foxy country boy" attitude referred to by Stern became evident before Williams had been in the Senate even for one year. He had been receiving complaints that the Internal Revenue Service was billing some of his constituents for taxes already paid. When Williams demanded to see the files of the Wilmington tax collector's office, he found that even his name was carried on the rolls as a delinquent taxpayer.

That was enough for the "country boy." By the time he was through, the IRS employe responsible had admitted that he had embezzled more than $30,000 and finally wound up in prison.

One good investigation leads to another, so on a tip, he began looking into a possible tax-fixing operation in New York, with satellites in St. Louis, Boston and Philadelphia. The single-minded persistence of Delaware's country boy uncovered a scandal that reached all the way to the White House. In time, grand jury indictments and convictions were made. Caught in the Williams exposé were Truman White House assistant Matthew Connelly, and Assistant Atty. Gen. T. Lamar Caudle. The GOP capitalized on Williams' sleuthing by campaigning in 1952 with the theme "the mess in Washington."

But Williams is no respecter of party when it comes to official dishonesty. "I don't believe that either party has a monopoly on good men—or scandals," he once said.

Sen. Williams proved his bipartisan dedication to truth by becoming the first Republican in the Senate to call for the resignation of Sherman Adams from the Eisenhower White House staff, during the scandals of that Administration.

Once established as the defender of public decency, it wasn't long before Williams became the target for anyone with a "tip" about alleged misdeeds in high places. But Williams managed to keep his perspective about all the "dirt" that is given him unsolicited.

"I investigate them just like any newspaper reporter covers a story," he once said. "I get my facts straight, then I report them to the Senate."

Concern for the reputation of the accused is the motivation of Williams' caution. He told Washington *Star* reporter Paul Hope in 1966:

"You'e got to be extremely careful. With the power of the Senate you can destroy a man, so you've got to be right. I have cases here that are maybe going to explode some day, but until I can document them they are going to stay right in that file. I'd rather let a dozen go than start a new one before it's ready."

Undoubtedly the best-known case of Williams' investigatory success was the Bobby Baker story, even though as of today Baker still manages to stay out of jail.

While the Senate Rules Committee used the well-worn tactic of delay to keep the ruinous facts of the overnight prosperity of Bobby Baker, protégé of Lyndon Johnson, from seeing the light of day, Williams plodded on.

"Whitewash put on over dirt won't stick. We country boys know that," he said.

When the Rules Committee attempted to cover up by closing down the investigation. Williams continued to dig. It was the mass of facts that he finally handed over to the grand jury that resulted in a nine-count indictment against Baker.

In pursuit of the facts, however, Williams took his own lumps from the Democratic Administration of Lyndon Johnson. For all Williams' trouble, the counsel of the Rules Committee called him a liar in public; the IRS audited his tax returns twice in the two years during the investigation; it was charged that his mail to government agencies was intercepted; and none other than President Johnson flew to Delaware in 1964 to try to defeat him for re-election. In spite of the Johnson landslide in Delaware, as elsewhere, Williams was re-elected by a 6,932-vote margin.

The most insulting blow of all was the clumsy attempt to besmudge Williams' character. At a news conference in Nashville, Carole Tyler, Bobby Baker's former confidential secretary, dropped a 10-megaton bomb:

"I wonder what you would think if you knew that the principal investigator of the Senate investigation [of the Bobby Baker case] was seen by me on July 6 at 6:30 a.m. with a lady—not his wife—just after they finished breakfast?"

Pressed to name the senator, Miss Tyler, who later died in a freak airplane accident near Baker's Carousel Motel in Ocean City, Md., said: "I think you know who I mean."

John Williams, then 61 and married for 38 years, was both outraged and incredulous.

But rather than make a public denial of the charge, which he explained in private that he could not do, he wrote a one-sentence statement:

"Any newspaper, any wire service, any network that carries any report questioning my character assumes full responsibility for its truthfulness and had better be prepared to prove it."

SENATOR WILLIAMS WAS STAUNCH FRIEND OF TAXPAYERS

Friends who wondered why the senator didn't openly deny the Tyler charge got a private answer:

The senator had been in a roadside diner with a pretty girl that morning. The girl was his granddaughter and he was driving her back home after the 4th of July weekend. (The Williams' maintain a beach house near Rehoboth Beach, Del.) But he refused to "drag my grandchild into this."

In another case, Sen. Williams' nose for skulduggery took him into the mortgage records of the Federal Housing Administration. For more than two years the General Accounting Office, the independent agency which reports to Congress on the fiscal soundness of government programs and departments, had been publishing in its GAO reports stories of the most incredible bungling, if not downright deception, in the awarding of FHA financing to dubious projects. Were it not for some concerned civil servants at FHA and for the crusading Delaware senator, Congress might have gone on blithely ignoring the facts.

Williams exposed some of the worst abuses. Homes for the elderly built with FHA-insured funds were never occupied and many were abandoned by the owners who left the government holding the bag. Apartment buildings that had been "doomed from the start," according to local reports, were given FHA approval because of political pressures. Individuals whose housing projects had failed consistently were still given FHA financing because of political connections.

One of the most startling of the scandals involved Webb & Knapp, Inc., a major contractor on urban renewal projects in New York City, Pittsburgh and Philadelphia. The company owed $27 million in federal taxes but was still approved for FHA mortgages totalling $67 million for seven urban renewal projects. The company filed for bankruptcy eventually, and the government admitted that it could expect to collect only about $1 million of the $27 million Webb & Knapp owed it.

The cases were made to order for Williams. He said: "In case after case the FHA has shown little concern for the housing needs of our people. It has seemed interested, instead, in pandering to politicians or slipping money into the pockets of questionable speculators."

While the Bobby Baker case and the FHA case occurred under Democratic administrations, Republicans have not been immune from Williams' searchlight.

In the matter of Judge Clement Haynsworth, rejected by the Senate when President Nixon nominated him for the Supreme Court last year, Williams explained his vote:

"For years I have been critical of federal judges neglecting their judicial duties and directing their energies toward outside activities for the purpose of financial gain, and to confirm Judge Haynsworth . . . in the light of his record would, in my opinion, be placing a stamp of approval on such outside financial operations."

While he admitted regret at having to make such a decision, his action was certainly in keeping with his straight-arrow view of public ethics.

It wasn't the first time he cast a vote against what politically would have been the more tenable position.

In 1959 he found himself holding the crucial vote in a Senate Finance Committee consideration of a special bill that would have benefited the taxable status of some General Motors stock owned by the duPont family. The duPonts, after lengthy litigation, were being forced to divest themselves of the $3.5 billion worth of stock, but wanted, understandably, to avoid paying regular tax rates on the income. Sen. J. Allen Frear, the Democratic senator from Delaware, home base of the duPont family, obligingly introduced special legislation to allow them to be taxed at a much lower rate.

Despite the fact that Sen. Williams, as the Republican senator from the duPont territory, was no doubt on good terms with the duPonts, he cast the vote that sent the bill to legislative limbo. The fiscal behavior which Williams expects from both government and citizen would not allow him to support legislation, even for his most powerful constituents, that violated that principle. He finally went on to help draft an amendment to the tax laws that did help the duPonts slightly in the matter of the forced disposition of the General Motors stock.

Sen. Williams keeps an especially alert eye on possible corruption in the distribution of government farm crop subsidies. Practicing what he preaches, he refuses government subsidies for his own farms in Delaware, and keeps a keen watch on those who do accept them. In 1965 he told the Senate that the Department of Agriculture was trying to cover up a major scandal involving large-scale overplanting in the acreage allotment of rice and cotton in the Arkansas area.

He has steadily supported the limitation to $20,000 of the amount of government subsidies that can be accepted by a single farmer. But Congress failed to adopt the lower subsidy limit, setting it instead at $50,000.

The efforts of the Delaware watchdog in trying to prevent waste can be prodigious. In 1967 he found two provisions in a House-passed salary increase bill that had the effect of making two Johnson appointees,

both former Democratic congressmen, eligible for higher retirement benefits. Pointing out that the present law already gave the gentlemen involved liberal benefits, he provided Congress with carefully researched figures on just how much more of the taxpayers' money would go to making them comfortable in their declining years.

Williams argued on the basis of fairness alone that the two amendments should be deleted from the Act. But on a straight party-line vote, his motion was defeated.

"Who does the 'Great Society' think it is kidding?" he asked. "Who said that this 'Great Society' is not fighting its war against poverty—at least as far as its own hierarchy is concerned?"

The recent pay increases for the President, Cabinet officials and members of Congress were a real sore point with Williams. He gives several reasons for opposing the increases, most of which had to do with his predictions of a $15 to $20-billion budget deficit for fiscal 1970.

"This is no time to add to the burden of the taxpayer," he said. "Furthermore, I would hate to see the day when the Senate becomes an exclusive rich man's club. If a man can't live on $30,000 a year, then there's something wrong. These sentators don't need to live in $100,000 homes."

Williams himself has always resided at the old Mayflower Hotel on Connecticut Avenue, commuting on weekends to his home in Millsboro, Del.

Williams' scrupulous reading of GAO reports uncovers some federal spending that might never be known publicly otherwise. In July 1968 he uncovered a Johnson scheme to have federal employers write a history of the agency for which they worked in the Johnson Administration, for placement in the LBJ library in Austin, Tex.

Williams called the order, which came from Special Assistant to the President Joseph Califano, "an unnecessary and irresponsible waste" of taxpayers' money. History should be left to the historians and not "distorted by a lot of high-powered propaganda initiated at taxpayers' expense," he said.

Last year Sen. Williams prodded Congress into asking more questions about the practice of modern Amercan Presidents who take with them into retirement their own "papers"; i.e., government records compiled during their terms in office.

In the case of former President Johnson, the 31 million pages of private government files he took with him are appraised at almost $40 million. When they are donated to the LBJ library at the University of Texas, Johnson can take a tidy tax deduction on them. Furthermore, they would not even be released for other historians until Johnson himself used them as a basis for books and television interviews which will net him substantial royalties.

Williams introduced a bill to close the possibilities of this windfall to future ex-Presidents by making the value placed upon such property taxable as income, thereby offsetting the tax advantage.

"These people are making a profit out of property which properly belongs to the government. These papers are developed by government officials on government time, typed by government secretaries on government paper and stored in government files."

A harsh critic of the Johnson Administration's much-ballyhooed Campaign Financing Act of 1967 (which finally died unmourned), Williams has his own ideas about the problem of campaign financing and the myriad ways in which reporting procedures are being circumvented.

His proposals (for which he was praised by even the liberal Ripon Society) include provisions for (1) a special income tax deduction for contributions of up to $100 to political candidates or parties; (2) reporting of contributions and expenditures by *all* political committees; (3) broadening of the Federal Corrupt Practices Act to cover primary elections; and (4) prohibition of solicitation of campaign funds from federal employes by political committees.

In a recent triumphant scene on the Senate floor, Williams won a victory for another government reform he has promoted for years. He offered an amendment to the Military Authorization Bill which would end the Defense Department's long-standing practice of giving advance information about the award of a government contract to the congressman serving that district.

Although it was considered a harmless enough practice, Williams felt it perhaps gives an incumbent unfair advantage over his opponents, and also, more importantly, could give the public the impression that office holders were influencing the awarding of defense contracts. The Senate, pinned down by Williams' insistence on a rollcall vote, adopted his amendment 78 to 0. Sen. Hugh Scott, the Republican leader of the Senate, originally defended the practice on the grounds that it is one of the lawmakers' duties as "ambassador of the state," but finally voted with the majority when it became clear that his would be the only "nay" vote. It was later passed by the House.

Williams is both persistent and consistent when it comes to opposing budget deficits and unnecessary federal spending. As mentioned before, the pay raises for members of Congress, top Administration executives and federal judges, were a prime target for Williams' blue pencil.

Sen. Williams in the Senate and Rep. Gross in the House led the fight against the pay raises. Both introduced legislation to repeal the Salary Act of 1967, under which raises go into effect automatically on the recommendation of a presidential commission, unless the House or Senate objects within 30 days. In pressing for a repeal of that act, Williams predicted, in February 1969, that there would be massive deficits in both the 1969 and 1970 federal budgets. He warned Congress that the pay increase alone would add another $4 to $5 billion a year to the budget, while Congress was faced with the necessity of raising the national debt limit yet another time.

In August 1970, Williams took the floor to recall his prediction of a massive deficit, and attempted to stop more spending by offering an amendment that would have put a $205.6-billion ceiling on spending for fiscal 1971. That was the projected figure released by the budget bureau in May 1970. But without blinking, the spend-and-elect Senate voted down the Williams amendment 59 to 25.

It gave the ardent anti-deficit senator from Delaware a chance to say "I told you so" to his colleagues.

"I have felt for a long time that one of the greatest mistakes we have made in this Congress was made a year and a half ago when we raised congressional salaries by 40 to 41 per cent, and that of the top executives in government from 40 to 80 per cent," he said.

When President Nixon announced his revolutionary new "Family Assistance Program" to the nation in a televised speech in August 1969, Sen. Williams joined the majority of his Republican colleagues in indicating his conditional support of the bill. Like many others, Williams supported the "workfare" provisions of the legislation, but adopted a wait-and-see attitude on the substance of the legislation.

But in April 1970, when the Senate Finance Committee studied the House-passed version of the legislation to establish Nixon's Family Assistance Plan, Williams, as well as several other influential members of the committee, began to have serious doubts. After listening to testimony by the then Secretary of HEW, Robert Finch, Williams openly questioned the Administration's estimate of $4 billion for the first-year cost of the welfare program.

He enlightened Secretary Finch on the errors in the government's case, pointing to the fact that estimates were based on a national unemployment rate of 3.5 per cent, while the current figure was almost 4.5 per cent. That, Williams pointed out, would mean the cost of the program would be increased by $1.25 billion.

Williams also displayed charts prepared at his request by HEW staffers, which compared the amounts of total income that a welfare family could receive—combining benefits from the federal and state government, including such indirect assistance as public housing.

Williams' figures showed, incontrovertibly, that under the Nixon plan it was possible for a mother with three children and no earnings living in New York City, to get more from the welfare program than if she was earning enough money to make her family ineligible for food stamps and Medicaid. This was enough, despite protests from Secretary Finch, for the committee to insist that FAP be sent back to HEW for overhauling.

Yet even with the legislation patched up with haphazard Bandaids, it has still not met with the approval of the budget-conscious Williams. Even with its revisions, Williams predicts that the bill will not pass the Senate during the upcoming lame-duck session. He has also promised to engage in some lengthy "educational" discussion of the issue on the Senate floor, a move that might well bring about a full-scale filibuster.

His objections to the legislation of course encompass more than the strain it would place on the already burdened federal budget. While not against certain kinds of government aid to truly needy persons, the senator believes that problems of unemployment and non-support of families goes deeper. He cites, in an interview, the poor regard in which manual labor is held today. He would prefer that more be done to restore the dignity of work itself, and to explode the myth that every working man must be a chief rather than an Indian.

Besides that, of course, the senator argues that in time of great inflation and an exploding budget, what the country needs least is new federal programs or an expansion of old ones.

If the President had asked for Williams' advice, he would have told him that the welfare plan, besides being basically unsound fiscally, would be politically disastrous for the President's re-election chances. Williams believes Nixon's political fortunes would be enhanced by the bill's defeat.

He declined to comment on the number of Democrats and ultra-liberals within the Nixon Administration who have been the brain-power behind such schemes as the welfare plan. He did note, however, that he knew many of his Republican colleagues had been dissatisfied. His advice to his own party was that unless it builds a better record on the issues of spending, budget balancing, and reducing government programs, it cannot very well point an accusing finger at the Democrats.

Sen. Williams is at his best when fighting both excessive spending and scandal in the same government program.

He told the Senate during the discussion of certain Medicare program scandals that parts of the program, indeed its major components, would run up costs in the next 25 years that would surpass the present national debt of $370 billion.

"In every single year since Medicaid started we have had to approve a supplemental appropriation for it," he said. "In 1969 the program will require some $278 million in additional funds, and next year the total cost of the program is expected to exceed $6 billion."

He uncovered numerous examples of waste and extravagance in Medicaid during his sleuthing. He even found some downright dishonesty.

One example was the profitable operation by chain organizations of extensive care hospitals and nursing homes. When a patient was through at the hospital, the administrator sent him to one of its nursing homes, picking up a nice federal fee.

Williams noted that lax rules and administration of the program by federal bureaucrats led to the explosion of health costs from $1.3 billion in 1965 to an estimated $5.5 billion in fiscal 1969. He charged that the fees set under federal Medicare average as much as two to four times the maximums allowed by Blue Cross and Blue Shield insurance programs.

The Wilmington (Del.) *News* disclosed on July 15, 1970, that Williams had uncovered more abuses in the Medicare program this year. Questioning Social Security Commissioner Robert M. Ball at a Senate Finance Committee hearing, Williams pried loose the information (which of course he already knew) that HEW had sent a bogus doctor to investigate reports of overcharges and other abuses of Medicare throughout the country. While the "doctor" was in the field visiting hospitals and nursing homes, presumably to clear up the 'misunderstandings," he allegedly set up a dummy consulting firm with a former Nebraska welfare director that billed the government for fictional services, and collected.

Under Williams' questioning, Commissioner Ball finally conceded that Dr. Bradley Near, the HEW official whose activities are now under investigation by the Justice Department, was a *veterinarian*.

No accountant himself, Sen. Williams shows an amazingly sharp eye for deceptive accounting practices in the government. He was one of the first to protest the practice of adding federal trust funds to the total of normal governmental revenue, pointing out that it was hypocritical and dishonest, since those funds were not expendable.

Such back-handed accounting, Williams said, "has but one purpose: that is to deceive the American people as to the serious state of our financial situation."

In 1968 he delivered a scathing attack on the Johnson Administration for the phony accounting method, but reminded his colleagues that they could not excuse themselves from the responsibility to take action to control spending and taxes.

"I have said many times that we cannot point a finger at the President and then excuse our own responsibility by inaction," he charged.

In 1969 Sen. Williams' position had not changed, even though a Republican President was now formulating the federal budget. In August of last year, he reported that the budget surplus claimed by the Nixon Administration was accounted for by the amount of money accumulated in special trust funds like Social Security and Medicare, which he again patiently explained cannot be used to defray normal operating costs of the government. Williams joined Sen. Carl Curtis in sponsoring legislation that would have forced a return to an administrative budget, to show clearly whether the general treasury was operating in balance. Williams called it his "truth in budgeting" proposal.

Williams constantly emphasizes the serious moral responsibility of Congress to keep spending at realistic levels. In debate in November 1969 he told the Senate:

"Congress has no moral right to instruct the President that we expect him to hold expenditures for fiscal year 1970 at $192.9 billin (which was the amount of a Senate-passed ceiling on spending for 1970) and then authorize new projects and programs which will require billions of additional expenditures.

"I will not be a part of such hypocrisy," Williams fairly shouted, straining his normally soft low-volume voice.

Williams once called the Senate's attention to the fact that a Public Works bill being debated included 62 new projects, not one of which had anything to do with air and water pollution, the subject of the appropriation. The projects, he noted, had a total cost of more than $1.25 million.

"The record should be clear that when senators go home and expound their great interest in water and air pollution and motherhood, they can also let it be known that they do not have quite as much interest in the American taxpayer," he stormed.

Yet, on Williams' motion to recommit the giant boondoggle, only four others voted with him.

Sen. Williams is anything but delicate when it comes to laying the blame for inflation at the door of a liberal Senate. In December 1969, when despite his own best efforts, the Senate refused to delete $5 billion in cuts and $7 billion in Social Security benefits from a bill extending the federal income surtax, Williams was livid:

"It is the most irresponsible legislation passed in my 22 years in the Senate," he said.

He was so angry that he refused to lead Republican senators on the Conference Committee to iron out differences between the Senate and the House versions of the bill. He was still so angry by the time final passage rolled around that he voted against it in entirety.

Few examples of federal waste escape the Williams eagle eye.

On May 14, 1969, he voted against authorizing $480 million for a U.S. contribution to the International Development Association (IDA), arguing that the World Bank was not contributing its own fair share. Furthermore, Williams said, IDA funds would be used to finance the kinds of projects in other countries that many American communities could not afford.

He also opposed legislation to buy property to extend the Senate Office Building, explaining that the best way to approach the space problem was to cut back on some of the overstaffed subcommittees. He has frequently spoken out against the proliferation of committee staffs, which he charges result in the senators almost being run by their staffs.

In debate on appropriations for the Padre Island National Seashore in Texas, in June 1969, Sen. Williams charged that the project had more than tripled in cost since it had been authorized seven years before.

"Congress was promised that all the land would not cost more than $5 million. We have already spent over $12 million and now we are asked to spend another $4,129,829. How can Congress with a straight face criticize the Defense Department for its overruns?"

Sen. Williams, as Sen. Clifford Hansen of Wyoming has well said, made such significant contributions to his country through his never-ending search for waste and graft, that it would be difficult, if not impossible, to put a dollar sign on the value of his services.

Moreover, Williams has been one of the least expensive of all the U.S. senators for the public to maintain. Ever since his arriving in Washington, he has regularly returned the unused portion of his Senate stationery allowance for redeposit in the Treasury. (It took him a while to convince reluctant bureaucrats that it was indeed legal and possible to do this.) He did this, he says, without stinting on the amount of supplies he needed to take care of his official duties.

When he cast his vote on a public issue in the Senate, it was always done with the utmost in sincerity, at times displeasing even the conservatives who call him their own. In the '50s, for example, he reluctantly voted for censure of the late Sen. Joseph McCarthy, whose behavior he feared damaged the dignity and sanctity of the Senate. He also voted for cloture in 1964 to break the deadlock on the hotly debated Civil Rights Act of 1965, a nemesis of many Senate conservatives. But he did so with complete conviction and honesty—not for political gain.

He has not often been confused with the other Sen. Williams—Sen. Harrison Williams of New Jersey, the liberal Democrat. But such a mistaken identity could have embarrassed the Democrats.

In 1966, when liberal Democratic Gov. Pat Brown was trying to hold off the assault of Ronald Reagen in the race for governor of California, his campaign manager telephoned Washington to ask "Sen. Williams" to make some campaign speeches for Brown. The caller suggested that the senator might want to bring a subcommittee to California so that the trip could be financed by the federal government.

When John Williams realized the mixup, he had his secretary reply without a hint of sarcasm that he would be happy to come to California to speak on "good government," and that he would even pay his own expenses. After Brown's campaign manager heard this reply, there was dead silence at his end of the line. Sen. Williams says he prefers to think they didn't get him confused with Williams of New Jersey; it was just that they found out he didn't have a subcommittee.

With a 24-year career in the U.S. Senate that has earned him the respect of colleagues of both parties and the administration of reporters of all ideological shades and with no financial worries, Williams could retire and spend the rest of his life in self-indulgent relaxation. But that is not likely.

Williams insists he will engage in some activity to promote the principles he has tried to practice as a senator. Since he is not known as one of the country's better orators, he foresees no great demand for his services as a speaker. But his third career will definitely be consistent with the course he set for himself over the past 24 years.

No matter what he does, it is certain that the example of Sen. Williams will always be used by those who favor decency in public service. The senator recently expressed his concern about the poor example some members of the older generation had already given to American youth.

"When men holding high positions of trust betray that trust, we are creating in the minds of young people an element of doubt about the moral standards we are following ourselves, and are asking them to follow."

Perhaps insistence on the highest standards of public morality, whether in pursuing a Bobby Baker to justice, or in fighting to keep public spending within realistic limits, is the essential message Sen. Williams has for his country.

THE MORATORIUM ON GRAZING FEES

Mr. HANSEN. Mr. President, in January 1969, as former Secretary of the Interior Stewart Udall was preparing to leave office, he issued regulations to increase grazing fees on public lands administered by his Department by 400 percent. A similar action was taken by the Department of Agriculture with regard to lands under its jurisdiction.

This action, taken by "lameduck" administrators to drastically raise the price of forage on public lands, caused great concern among the Members of Congress who were informed on the subject of public land management. Following hearings on the grazing fee increase in

both the House and Senate at which the new administration, the livestock industry representatives, and interested parties testified, a moratorium was placed on the implementation of the new grazing fee regulations.

Mr. President, at this time of the year when the Bureau of the Budget, now the Office of Management and Budget, is formulating the budget for the coming fiscal year, there is pressure to maximize revenues from the public lands even if such action would ignore the needs of the livestock industry, the economies of the public land States, costs to the consumer, and the intent of the Congress. I sympathize with efforts to provide revenues to offset potential deficits in Federal spending. But I do not believe that the long-term consequences of such action should be overlooked or policy set by the Congress overturned by administrative regulation.

Mr. President, it is vital that Congress express to the Office of Management and Budget and the appropriate departments that it will not tolerate implementation of the 1969 grazing regulations issued by Secretary Udall in violation of the moratorium this year any more than it would tolerate such action in 1969 or 1970. Implementation of the 1969 regulations is particularly unacceptable this year in light of the report of the Public Land Law Review Commission which was authorized by the Congress and prepared over a 5-year period at a cost of approximately $7 million. The report recommends broad changes in the public land laws as they relate to grazing on public land, and those changes differ greatly from the 1969 grazing fee regulations. It would be unconscionable in light of the work of the Commission for the moratorium to be lifted before the Congress is given the opportunity to consider the recommendations of the Commission and act accordingly.

In 1964, the Bureau of the Budget released a study recommending that an interagency group develop a uniform system for establishing fees based on economic values of the forage to the user. In the past, grazing fees had first been set by negotiation with the livestock industry and then in relation to the previous year's livestock prices. In 1966, Federal agencies managing public lands and livestock industry organizations cooperated with thousands of individuals in a joint study of the grazing fee question. Supposedly the 1969 grazing fee regulations were based on the results of the 1966 joint survey. But in order to justify a significant increase in the grazing fees the Federal agencies refused to recognize a value for the grazing permit even though such value was included in the survey. The agencies justified their action by arguing that assignment of a permit cost or value in fixing grazing fees would thereby recognize an interest in the permitted land.

The result of the 1969 regulations was a grazing fee schedule which was supposed to reflect the fair market value of the forage, but instead set a fee which failed to give consideration to one of the major costs to the user of forage from public lands and that is the cost of the grazing permit. In addition the new fee schedule did not adequately differentiate between public land forage and private land forage as it benefits the user.

As a matter of law, public land grazing permittees do not acquire any right in the permitted land. But the Federal Government has contributed to the concept of permit value in the administration of the statutory preference right of renewal, the payment of compensation upon permit termination for defense purposes, and statutory recognition of a right to include the permit as loan security. Indeed, permit value has come to be relied upon by Government agencies, business, and individuals.

The Public Land Law Review Commission recommended that fair market value should be established by law as a basis for grazing fees to replace the reasonable fee now required by law. But the Office of Management and Budget and the executive departments should not be permitted to implement the 1969 grazing fee schedule by citing this one phrase from the Commission's report. To begin, the executive should not be allowed to unilaterally act to change the public land laws established by Congress. If the Public Land Law Review Commission report recommendations are to be adopted as the law of the land, the Congress should take the action necessary to do so. But be that as it may, the Commission's recommendation of a fair market value basis for grazing fees was qualified and the Commission made additional recommendations relating to the grazing fee question. The 1969 grazing regulations totally fail to recognize the work of the Commission as it is reflected in the qualification to the fair market value basis and other recommendations. The livestock industry cannot in all fairness be expected to adjust to the impact of regulations which the Congress is very likely to change in the very near future if it intends to implement any of the recommendations of the Public Land Law Review Commission.

The Commission's report states:

> It is clear that Congress assumed that the administrative costs would be used as a yardstick in fixing fees.

The 1969 grazing regulations do not recognize this fact.

The Commission's report recognizes that grazing permits do have value and does recommend, "that permittees should be compensated when permits are canceled to satisfy other public uses." The 1969 grazing regulations do not agree with this statement.

The Commission's report recommends that factors in each area of the lands involved should be taken into consideration in determining fair market value. The 1969 grazing regulations in fact do the exact opposite and set up a single fee for all lands.

The Commission found that an equitable allowance should be afforded to current permittees for permit values in establishing grazing fees. The 1969 grazing regulations fail to achieve this goal.

Mr. President, these are the most glaring inconsistencies which exist between the Commission's report and the 1969 action. The Commission also made other recommendations regarding the role of the public lands, protection and conservation of the lands, allocation of grazing privileges, tenure, range improvement, and a new "dominant use" theory.

It is obvious that it would be a great misfortune to implement the 1969 grazing regulations in light of the Public Land Law Review Commission report. Such action cannot be justified. At the present time, legislation is being drafted to implement recommendations of the Commission. Congress, when it convenes in January, will have an opportunity to consider that legislation.

The Members of Congress should stand up and be counted. They must go on record now against any action by the executive department to rescind the moratorium and to implement the 1969 grazing fee regulations.

THE AMERICAN FLAG AND STUDENT UNREST

Mr. GOLDWATER. Mr. President, we are living in strange times, indeed, when the act of flying the American flag over the Army ROTC offices at a university in the Nation's Capital becomes a feat of almost heroic proportions.

However, this was the situation as described by a Georgetown University cadet in May of this year when that university was closed by a student strike.

In a letter to the editor of Army magazine, the situation was described by Mr. Timothy Fives of Saugust, Calif. The letter describes an almost unbelieveable situation on the Georgetown University campus where a small group of ROTC cadets kept a vigil 24 hours a day to protect the ROTC offices and insure the flying of the American flag.

Mr. Fives' letter is self-explanatory. It describes a situation that deserves to be drawn to the attention of all patriotic and well-meaning American citizens.

I ask unanimous consent that the letter to the Army Times together with some remarks about it which Gen. William Quinn, retired commander of the U.S. 7th Army, recently made to a selected group of Georgetown University cadets, be printed at this point in my remarks.

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

SAUGUS, CALIF.,
July 22, 1970.

ARMY PUBLICATION, EDITORIAL, AND EXECUTIVE OFFICES, *Washington, D.C.*

DEAR SIRS: Perhaps it is a bit late to start this letter, but I thought that someone should know this story. It all grew out of the student unrest and political turmoil that spread across the country's colleges in the first week of May when four students at Kent State were killed and American troops crossed into Cambodia.

Georgetown University in Washington, D.C. has had a bland history of student activism. But in this first week of May Georgetown suddenly became a political arena. The student government voted a strike. Picket lines were formed. An ad hoc faculty group voted to shut down the university. Finally the president of the university agreed to suspend classes and exams to avoid any chance of violence. By the weekend of the 8th, 9th,

and 10th of May, Georgetown looked as if it were under siege. Preparations were being made by the student government and strike committee to feed and house the many students expected to arrive for a large protest march and rally in Washington that Saturday. Classes were cancelled. Political speeches, rallies, and skits were frequent. Large numbers of people were camped out on the university's main lawn. The marijuana flag with its black background, red star, and marijuana leaf, flew from the university's main flag pole. There was an occasional Viet Cong or North Vietnamese flag to be seen.

During this time a small number of Georgetown students in Army ROTC had been keeping a vigil in the ROTC offices twenty four hours a day. The purpose was to prevent a repetition of an incident in December where a small crowd had pushed into the offices, "liberated" them, and showed films and left a Vietcong flag on the wall. With tensions high this weekend, the few students, most of them members of the Robert Jude Reilly chapter of the Association of the U.S. Army, felt that if anything happened it would be worse than the December incident. The rumors of plans to take over the offices were both numerous and varied. To us, they also seemed very real at the time. So we kept awake during the nights just in case. As it happened, there was one incident that almost flared into real trouble. A small number of Georgetown's Radical Union students came up to the offices and saw the few of us sitting up and awake at four in the morning. We had several doors barricaded and several fire extinguishers ready. The ROTC offices looked a bit like an armed camp, and this irritated the Radical Union students. The arguments and philosophical debate almost flared into something more, but cooled after a bit.

But the real climax of the entire week of the vigil was on the morning of Sunday, the 10th of May. It suddenly occurred to us that if we were under siege the least we could do was to show our colors. And besides, the official American flag had been hauled down and replaced by the marijuana flag. Various strike posters and banners, some obscene, fluttered only a few feet from us along the building's walls. So I got my 8' x 5' American flag and we lashed it upright and unfurled to two staffs we had secured to the porch outside the offices. An interesting fact about the porch, George Washington had made a speech from that porch in 1797. It was dawn, and the sun was just coming over the roofs of the buildings opposite us in the quadrangle.

Within five minutes two strike "marshals" from the theoretically neutral student government at Georgetown rushed up to the ROTC offices and demanded we haul down the flag. We were told we had no right to fly the flag, that it was provocative, and an inflammatory insult. We were told we were inciting violence. When we finally proved our right to fly the flag on the same rational that the Viet Cong flag flew at Georgetown, the tone of their persuasion changed. One marshal said that we may have the theoretical right to fly the flag but that we were all fools and "his boys" would come up and "rip us off." I remember the words well; I was there all that night and all the next two days.

To make the story short, the flag stayed up and we made sure it would stay up. We illuminated it at night and mounted a proper color guard when we folded the flag at retreat. Enclosed is a photograph I took shortly after we put up the flag that morning. To the cadets there, it was the most beautiful sight and the most worthwhile deed that the AUS A chapter had performed all year long.

I hope this story, even though late, is of some value.

Respectfully,

TIMOTHY FIVES.

GENERAL QUINN TO SELECTED GEORGETOWN CADETS

Gentlemen—Cadets and Major Bolton: I quote from a letter Mr. Fives wrote to the editor of ARMY Magazine: ". . . the flag stayed up and we made sure it would stay up. We illuminated it at night and mounted a proper color guard when we folded the flag at retreat . . . "

But I am sure all of you have read that letter, in its entirety, in September issue of Army magazine. It should have been published in the most prominent spot in every newspaper in the country, and in the more important of our national magazines.

We older people read of a generation that has abandoned all that we, in our time, held dear and sacred—of young people who are interested beyond all limits in pot, sex, and revolution. Too few of us have the opportunity to know that there are still young men, and young women, too, who are all we hoped our successors would be.

You young men are the best there are, if for no other reason than the fact that you accept your obligation as educated young men to learn to lead our armed forces in battle. When you carried this even further, and became involved at the risk of physical harm in preserving the right to learn to lead, and the right to fly the flag of our country even where it was—and I hope temporarily—unpopular, you touched the hearts of tens of thousands of us.

This memento which I give to each of you does not have much intrinsic worth, but I hope you will keep it as a reminder that some of us who believe in our country are very happy to include you as one of us.

GENOCIDE CONVENTION CONSISTENT WITH THE AMERICAN TRADITION

Mr. PROXMIRE. Mr. President, many people have been given the false impression that ratification of the United Nations Convention on Genocide by the United States would subject American citizens to a loss of our proud judicial heritage and to a denial of our constitutional rights. This is not true.

In fact, this convention is designed to insure all of the citizens of the United States, as well as the citizens of the 75 nations who have previously ratified this convention, that any effort to exterminate any racial, national, ethical, or religious group will not be tolerated. President Nixon, Attorney General Mitchell, and Secretary of State Rogers have assured Members of Congress that this convention does not jeopardize the right of any citizen. The section of individual rights and responsibilities of the American Bar Association studied the Genocide Convention and found that the convention is "consistent with the American tradition." In the concluding remarks of their report on the Genocide Convention is the statement:

The Genocide Convention is now twenty years old, but it is a living and important document. Our friends are confused, our enemies delighted, at continued United States hesitation about the Convention. Adhering to the Convention now would be a real step in the advancement of America's national interest.

The recommendations of the President and members of his Cabinet, the section of individual rights and responsibilities of the ABA, coupled with the recent endorsement of the Genocide Convention by the Senate Foreign Relations Committee should convince all of us that the time has come for Senate action on this important document. I urge the Senate to follow the lead of the Committee on Foreign Relations and the White House and ratify this treaty in the very near future.

ENVIRONMENTAL IMPLICATIONS FOR AGRICULTURAL AVIATION—ADDRESS BY SENATOR MILLER

Mr. ALLOTT. Mr. President, in the keynote address yesterday at the current annual convention of the National Aerial Applicators Association in Las Vegas, Nev., the Senator from Iowa (Mr. MILLER) voiced a concern shared by many of us over the problems of regulating the use of pesticides in our pollution control programs.

The concern he expressed is that we look at these problems in perspective, realizing that our current state of research is far away from giving us the facts, or at least the probabilities, needed to make intelligent and wise decisions with respect to most of our pesticides; realizing also that these facts or probabilities are essential in making judgments regarding the cost-benefit effects of particular pesticides—the cost in adverse effects versus the beneficial effects to society from agricultural productivity.

As Senator MILLER well said, these problems are so complex and the solutions so far-reaching, nothing less than the best scientific and economic research should go into them. Partisan politics, self-seeking publicity, emotionalism, rumors, shooting from the hip, personal profit, and interagency or intergovernmental rivalries have no real relevance.

I ask unanimous consent that the complete text of his address, entitled "Environmental Implications for Agricultural Aviation," be placed in the RECORD.

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

ENVIRONMENTAL IMPLICATIONS FOR AGRICULTURAL AVIATION

(By U.S. Senator JACK MILLER)

At a time when our attention is being increasingly focused upon the environment, it is significant that the 1970 Nobel Peace Prize was awarded to an agronomist from Iowa, Doctor Norman Borlaug. His selection dramatizes the fact that agriculture is a major part of our environment and that the goal of world peace is furthered through agricultural progress and its ultimate concomitant—freedom from hunger.

This heightened public interest in the environment is timely, for unless we honestly face up to, and successfully attack, the many problems of pollution, there will assuredly be an ecological imbalance which will be most harmful to society. Of equal importance, that attack must be intelligent and wise, because, if it is not, society will be denied the benefits of agricultural and industrial progress.

These problems are so complex and the solutions so far-reaching that nothing less than the scientific and economic research should go into them. Partisan politics, self-seeking publicity, emotionalism, rumors, shooting from the hip, personal profit, and interagency or intergovernmental rivalries have no real relevance.

For example, one of the greatest challenges facing the United States is how to meet the mushrooming need for electric energy. We are told that over the next twenty years, we will need to build 250 major electric energy producing plants. Still, there are some who say: ban nuclear reactors, because they cause thermal pollution; others say: ban the use of fossil fuel, because its use pollutes the air; and there are even some who say: ban all new hydroelectric plants, because they upset the ecology of the area. However, such voices are silent when the practical question is asked about how to meet the energy needs of our society.

Your industry is very much involved in meeting another great challenge—how to meet the increasing demand for the highest quality food and fiber, not only for domestic consumption within the United States, but for our export trade, and on a cost basis that will enable our people to afford it and our exports to be competitive in world markets.

There are some 10,000 species of insects in the United States which are classified as public enemies, of which several hundred are particularly destructive and require some measure of control. Other pests capable of causing serious economic loss include 600 weed species, 1,500 plant diseases, and 1,500 species of microscopic worms.

Even though the cost of controlling these pests comes to over $3 billion a year, the Department of Agriculture estimates that nearly one-fourth of our total yearly production is still lost as a result of them. Even with substantial pesticide treatment of corn soil, soil insects are estimated to cause losses of $100 million to our annual corn crop alone! If we hadn't started developing the use of modern pesticides back in 1945, the great increase in quality and output-per-acre of agricultural produce, with its accompanying consumer benefits, would never have happened—even with the developments in more productive seed and plant varieties. The Department estimates that if all pesticides were withdrawn from farm use, crop and livestock production would drop by 25 to 30 percent, resulting in a boost in the price of crops by 50 to 75 percent. And, of course, there would be an accompanying deficiency in the diet of our people—especially among the poor and lower income groups.

The American Farm Bureau, for example, has adopted a policy which states: "Modern agriculture cannot provide adequate quantities of high quality food and fiber without the continued use of agricultural chemicals."

As the Department of Agriculture points out, pesticides are used in ways directly beneficial to wildlife. For example, herbicides are employed to eliminate poisonous plants and brush from rangeland and aquatic weeds from lakes and streams. Treated rangeland is replanted with forage suitable for grazing by deer, elk, and antelope. Selected areas of our national forests are treated without adversely affecting the wildlife populations or their habitat. In fact, the wildlife population in these forests has been at one of the highest levels recorded in the last twenty years.

Of the 450 million acres of farmland in this country, 70 million acres produce crops needing some degree of protection from insect pests. Some form of weed control is used on all cropland and also on a large percentage of the over one billion acres of grazing and forest land. According to the Doane's Agricultural Service, farmers in the Midwest corn belt treated over 24 million acres (of the 42 million acres planted) for corn soil insect control. Over 9 million of these were treated with aldrin insecticides and a substantial acreage was treated with another organochlorine pesticide, heptachlor.

Nearly three quarters of a billion dollars is spent annually on chemicals dispensed by your 2,000 operators from over 6,000 planes over 90 million acres. Not only are you top flight pilots, but you have to be knowledgeable in chemistry, physics, meteorology, agronomy, entomology, farming, engineering, and cost-accounting. And I don't see any direction but up as far as the demands for your services are concerned. The very fact that you have organized a trade association is evidence of your industry's maturity and how far you have come from the old "cropduster" days. You are to be congratulated—not only for your contribution to agriculture, but also to related areas of education, research, and public relations.

As is always the case with a growth industry, government regulations have accompanied your growth so that you are a highly regulated industry—not only in the operation of your aircraft, but in the pesticides your planes dispense. Approximately 80 percent of the pesticides applied by commercial applicators are applied by aerial treatment and 20 percent by a surface application, so problems associated with application of pesticides by aircraft are of primary importance. You are, therefore, very directly interested in the implications that the environment and environmental control programs hold for the use and application of pesticides.

Let me say that I understand and appreciate the work by your association in promoting uniform state laws establishing standards for the use and application of pesticides. The legislature of my own state adopted such a law earlier this year.

At the same time I can understand your concern over a future action—especially administration action—by not only state governments but particularly by the federal government, now that full responsibility and power over pesticides has been placed under the Environmental Protection Agency. As you know, this Agency came into being only a few days ago. Until now, the Department of Agriculture had the legal authority to register agricultural pesticides, and while the Department will still have a research and recommending input, there is concern in the agriculture and agribusiness community that the new Agency make its decisions on the basis of adequate research and a meaningful cost-benefit approach, namely: the cost to the public from known or probable adverse human and environmental effects versus the benefit to the public from known or probable quality and quantity of agricultural production.

I emphasize the "probable" factor, along with the "known", because at this stage of our research it appears that action on the basis of mere possibilities would be premature in view of the serious consequences—either to our environment on the one hand, or to our food production on the other.

It will be some time before we know what the policies of the Environmental Protection Agency will be in the field of pesticides, but it would seem likely that it will take at least some of its guidance from the December 1969 Report of the HEW Commission on Pesticides and Their Relationship to Environmental Health. I would hope and expect that the Department of Agriculture and the Council on Economic Advisers would also have a strong voice, because the HEW Report, although very scholarly, is somewhat lacking in logic and consistency.

For example, the Commission Report found that, on the basis of present knowledge, the only unequivocal consequence to humans of long-term exposure to persistent pesticides, at the levels encountered by the general population, is the acquisition of residues in tissues and body fluids. And it added: "No reliable study has revealed a causal association between the presence of these residues and human disease . . . increasingly sophisticated studies of human residues of DDT and related compounds disclose how little we really know."

It also found that there are "formidable inherent difficulties in fully evaluating the risks to human health consequent upon the use of pesticides" because of the complex nature of the problems involved and the large number of human variables—age, sex, diet, state of health, etc.—all of which profoundly affect human responses to pesticides, that attempts to extrapolate from the results of animal experiments to man are beset with pitfalls; that information on human levels of pesticide residues in adequately detailed coverage of various groups within the general population does not exist and is seen as the single most immediate step towards a better understanding of the problem; that, to date, the most significant information relates mainly to the DDT and aldrin-dieldrin groups, but knowledge of the behavior of these two groups in the human body is far from complete; that present levels of exposure of these two groups among the general population have not produced any observable adverse effects in controlled studies on volunteers.

Nevertheless, the Commission concluded that the unrestricted use of persistent chlorinated hydrocarbons which have a broad spectrum of biological effects should be progressively removed from general use over the next two years and should be replaced by licensing or permits covering only specific circumstances. The logic of such a conclusion escapes me. Certainly it is not supported by the findings to which I have referred.

What is supposed to take the place of these pesticides? It didn't say. If the Environmental Protection Agency wonders what to do, it will find that the Department of Agriculture has stated that organochlorines are effective against a large number of pests, have a long residual life which reduces the number of applications needed for effective control, are relatively safe to handle, and are fairly cheap. It will also find that the "best alternatives," or substitutes, which the Department has recommended unfortunately bring new dangers. While they degrade more quickly in our environment and pose no serious long-term residue problems, some of them apparently are very toxic to man, animals, and non-target insects. Often they are higher priced and usually they must be more frequently applied to bring effective control. USDA cost studies show that a changeover to less persistent pesticides on four crops—corn, cotton, peanuts, and tobacco—would cost about $2 per acre or around $22 million a year. Also, it is possible that target insects would develop resistance to the substitutes and require going back to the persistent pesticides.

Confidence in the HEW Commission's conclusion isn't helped by the statement of Dr. Emil Mrak, the Chairman of the Commission: "A carefully enforced no-tolerance for DDT would certainly eliminate all dairy products, a number of marine products, and a great many other foods. . . . We have found it just about impossible to define the word 'persistence'." He also noted that in Australia the use of persistent chemicals is allowed; whereas some of the very short-lived but highly toxic chemicals are banned, and added: "I cannot help but wonder who is correct."

Indeed, another conclusion of the HEW Commission would appear to undercut the logic of its conclusion that general use of persistent pesticides should be phased out over a two-year period. It said: "Adequate methods should be developed and utilized for evaluation of the hidden costs of the uses of pesticides—such as losses of useful fish and wildlife, damage to other species, and any aesthetic effects, so that meaningful cost-benefit ratios for society can be estimated." Until such developments take place, it would seem that any designated time period for phasing out is premature and arbitrary.

This is not to say that no restrictions whatsoever should be placed on the use of pesticides—whether persistent or short-lived. The Congress was recently confronted with evidence of serious damage to bees from pesticides in some parts of the country, and we have provided a measure of indemnification to the owners. What is still needed, however, is a regulatory system which will enable the use of pesticides and bees to be harmonized.

Perhaps the basis for the Commission's two-year time-phasing and its prediction that the shift to nonpersistent pesticides will continue at an accelerated rate is a statement in its report that some pesticides, especially the persistent group, have reduced the reproduction and survival of nontarget species; that extensive field data and the results of controlled experiments demonstrate the special vulnerability of certain birds, fish, and insects, some of which are useful to man and some are essential to our biological system itself. It noted that DDT causes egg shell thinning in ducks and falcons, but not in pheasants and quail. And I, for one, certainly do not suggest there should be a lack of concern over these effects. What I do suggest, however, is that we take the Commission's word that there will be a continued need for use of persistent materials for the control of selected pest problems and that we maintain a responsible perspective of the problem.

For example, Doctor H. B. Petty, University of Illinois Extension entomologist, recently pointed out in a speech he made in my state that pesticides have had only a minor role in total pollution. And the HEW Commission, itself, states that the scarcity of information concerning the influences of pesticides on natural populations prevents adequate assessment of their total effects; that less than one percent (200) of the 200,000 species in the United States have been studied and very few of even these have been subjected to adequate observations.

Indeed, the Commission notes that the major source of public concern arises over residues of persistent pesticides resulting from what it called "legacy of their earlier excessive or injudicious use."

And here, it seems to me, is where the Environmental Protection Agency should start: prevention of excessive and injudicious use of pesticides. Then, step by step, as our research moves forward and provides us with the facts needed to make probable cost estimates of the adverse impact on non-target species, further restrictive regulations can be issued with confidence that the best interests of all the people—not just the farmers, not just the city dwellers, not just certain classes of consumers, not just those in agribusiness, but all the people—will be served.

Preventing "injudicious" use needs elaboration. It would mean, to use Dr. Petty's words requiring pesticide use at the recommended rate on the right crops, and in the right way at the right time. The HEW Commission suggested such an approach in its comments on aerial application of pesticides. It said that "given good meteorological conditions, the size of pesticide particles or drops determines the efficiency of application—that is, the actual amount of pesticides which impinges on the target organisms. If the application efficiency is high, contamination by particles which fall on non-target organisms, foliage, and soil is minimized. If, in addition to more efficient application, pesticides less toxic to non-target organisms and more selective to target organisms are used, then a reduction in environmental contamination will result." All of which seems to make sense—provided we have the information needed to make a determination regarding the effects of a pesticide on target and non-target organisms. For example, use of DDT in areas frequented by ducks and falcons might not be licensed; whereas its use in areas frequented by pheasants and quail might be—based on the difference in egg-shell-thinning effects to which I have earlier referred, and assuming, of course, these were the only environmental considerations of probability.

If, instead of regulatory action promised on adequate research, we experience an excessive and injudicious exercise of regulatory power by the Environmental Protection Agency, a great amount of prolonged and complex litigation is in prospect. Already the Department of Agriculture, three years after issuing a ban on some home-lawn crabgrass killers, finds itself under an injunction issued by a federal district court in Utah in an action brought by the manufacturer claiming that the Department acted arbitrarily without proof that the pesticides were unsafe. One can visualize even more difficult questions before the court if the issue is not over a complete ban, but over the limitations on use which the federal government seeks to enforce. Not only would the government's research findings be called into question; but, assuming the government prevailed on this point—validity of its research findings—the cost-benefit judgment of the Environmental Protection Agency would be subject to judicial inquiry. Not to be overlooked would be the deterrent effect on agricultural producers and pesticide producers. Farmers have been suffering under such a severe cost-price squeeze for so many years that a decline in productivity from increased pest damage would force even more of them out of business and discourage young people from going into farming. Many of the pesticides are highly sophisticated products representing the results of millions of dollars of research by teams of some of our nation's most competent scientists. Those now on the market have had to clear exacting provisions of the Federal Insecticide, Fungicide and Rodenticide Act, and the safety criteria of the Food and Drug Administration, the Public Health service, and the Department of the Interior. If new evidence is forthcoming which indicates known or probable adverse consequences not previously taken into consideration or, if considered, inadequately considered, then government action to ban or restrict the use of a pesticide should be expected, and I don't believe adversely affected farmers or pesticide manufacturers will complain. But arbitrary action, founded on questionable or inadequate research, will not be in the public interest.

Government regulation, based on a cost-benefit approach, should provide for some flexibility according the crop conditions and crop outlook. For example, when our carry-over supply of feed grains is adequate and the crop outlook is normal, certain restrictions might be indicated. But if the carry-over supply is abnormally low, or the crop outlook is low or uncertain, such as is the case with the corn blight problem, some of the restrictions might be temporarily lifted. This is where the input of the Department of Agriculture and the Council of Economic Advisers would seem to be particularly important to decisions of the Environmental Protection Agency. At the state level, it would seem that similar flexibility should exist, so that areas of a state abnormally affected by pest problems could be assured of effective control—or, at least, more effective control than would exist under rigid regulations drawn up with normal conditions in mind. The County Commissioner system of California under which a county commissioner is the regulatory agent for his county provides an opportunity for such flexibility.

From all that I have said, I hope you will conclude that the key role your industry plays, in our nation's great agriculture, demands that you become activists in the formulation of public opinion which will be informed on the three-cornered subject of pesticides, the environment, and agricultural production. In this undertaking, you should join with members of farm and agribusiness organizations sharing a common concern for a balanced approach to our environmental problems. Public opinion is what makes our system of government tick. It may sound anamolous but if public opinion is not informed, the public interest will not be served.

A long time ago, Thomas Jefferson wrote that the key to success of the great American experiment in self-government is not just the will of the majority. This, he said, is a necessary condition; but the necessary and sufficient condition is the will of the enlightened majority.

The environmental implications for agricultural aviation will assuredly be ultimately determined by public opinion. Just make sure that public opinion is enlightened, and not only will your own interest be well served, but so will that of us all.

NEW LEADERSHIP FOR VETERANS OF FOREIGN WARS

Mr. CRANSTON. Mr. President, each year the Veterans of Foreign Wars of the United States holds an annual national convention, which is climaxed by the election of its highest officer to serve the following year. His title is commander in chief, and I am proud and honored that a very distinguished citizen of my State is now the head of this organization of overseas veterans who have served their country during time of war and national emergency. I am referring to Herbert R. "Chief" Rainwater, of San Bernardino, Calif. A long-time citizen of our State, "Chief" Rainwater, as he is called, is presently serving as assistant city administrator of the city of San Bernardino. He has been an active member of the Veterans of Foreign Wars since he joined that organization while serving in the Armed Forces during World War II, and I have known him personally for many years.

Chief Rainwater takes command of the Veterans of Foreign Wars during a period of accelerated growth resulting in the highest membership in the VFW's history. The membership of the Veterans of Foreign Wars of the United States now exceeds 1,600,000.

I am confident that Chief Rainwater will not only continue in the footsteps of his distinguished predecessors by increasing the growth of the Veterans of Foreign Wars but will bring great credit and distinction not only to the Veterans of Foreign Wars but California and the Nation. He is an articulate spokesman, a dedicated patriot, a proven leader, and I am sure that when the next national convention of the VFW is held in Dallas, Tex., next year that all records will have been broken under the leadership of this great Californian and American, Herbert R. "Chief" Rainwater.

Upon the occasion of his election to commander in chief in Miami Beach, Fla., "Chief" Rainwater delivered a hard-hitting acceptance speech outlining his programs for this year. It is typical of Chief Rainwater that he did not hesitate in this address to wade into controversial issues in a controversial way. Not everyone, I include, can agree with all that he said, but everyone, I am sure, will respect the strength and the conviction that characterizes this leader. And, indeed, he brings into focus some

new views that deserves the most careful thought and consideration.

Mr. President, I ask unanimous consent that the text of his acceptance speech delivered to the assembled delegates in Miami Beach, Fla., on August 21, 1970, together with a biographical sketch, be printed in the RECORD.

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

OUR HERITAGE

"Our Heritage" is the theme we have chosen for the Veterans of Foreign Wars during the year which lies ahead.

Our American heritage is a great and noble monument to the constructive idealism of man. It is a legacy of freedom and opportunity for every American who respects it—and who is willing to accept his own responsibility under our law.

It is a legacy which has been protected, cherished, expanded, and handed down to us by the generations of loyal Americans who have gone before. It is one which we in turn have revitalized and defended on the battlefields of the world. For seventy years, the Veterans of Foreign Wars of the United States has been the guardian of that heritage. We shall continue to guard it—with our "lives, our fortunes, and our sacred honor."

Like the giant redwoods of my own California, our American Heritage has eternal attributes. It was brought to the bleak New England shores in the hearts and hopes of our Founding Fathers. It has survived the onslaughts of domestic intrigue and foreign aggression for nearly two hundred years. It has grown more precious to each of us in the holocaust of war.

But like the great redwoods to which I have compared it, it must always be protected from the elements which threaten to destroy it.

Today we must protect it from the flames of anarchy at home. We must continue to protect it from the destructive forces of totalitarianism abroad. We must guard it from the floods of disloyalty and selfishness and greed. We must shield it from the stormy winds of crime. And above all we must protect it from the decay which is brought about by all those silent Americans who take it for granted, and do nothing to preserve it.

This, my comrades and sisters, in this decade of the changing seventies, may indeed prove the greatest challenge we as a people will ever face.

Our traditional way of life, with all of its privileges and responsibilities; our individual liberties within the law; our reputation as a respectable and freedom-loving people; our national independence, and the future of this great nation, is at stake.

Only the strong and fearless voice of patriotism, tempered by the wisdom of experience and self-discipline, can quell the destructive forces whose cries of hysteria and rebellion now blow across this land.

The Veterans of Foreign Wars of the United States has long been the Voice of Patriotism—the strong, clear voice of patriotism in action—in the service of America in both peace and war. Let us resolve today to make that voice heard as it has never been heard before.

To do this effectively, we may find it essential to reappraise our own position from time to time, in the light of the challenges which lie ahead. We must always remain alert to the cold, clear light of changing facts—to the flickering moods of each new day.

What then of Vietnam? We have steadfastly supported three Administrations in the conduct and the purpose of that endless war. Yet there are those among us who have never approved of the "No-Victory" policies of each of those Administrations. Can we continue to support a policy of limited military conflict in which American men are handcuffed by such a policy—men who are called upon to bear the risks and burdens of political dissension and stalemate under enemy fire? I say that we cannot.

I say to you that this great veterans organization must from this day forward, demand that no American shall ever again be committed to the field of battle—anywhere in the world—with his hands tied by a "no-victory" policy which frustrates military strategy and prolongs war.

You may rest assured that I shall devote much of my time and energy during the coming year to the furtherance of this commitment.

The policy of "containment without military victory" which has been imposed upon our troops in Vietnam is directly responsible for thousands of unnecessary casualties and unbelievable costs. It has fed the furnaces of dissension and revolt among our youth.

This is no new or novel lesson in the governments of men. History has demonstrated over and over again that when war is thrust upon a nation, the quickest road to victory is the shortest and least costly road to peace. We in the Veterans of Foreign Wars know this simple fact of life full well.

In order that there be no misunderstanding, I repeat: It must be our position that if and when American troops are committed to actual combat—anywhere in the world—as a result of Congressional resolution, Presidential mandate, or an official declaration of war, there shall never again be any political restraints placed upon them which will deny them the opportunity, the unrestricted right, and the lawful duty, to win a military victory in the shortest possible time, consistent with the combined judgment of those who are charged with the specific responsibility of providing for the defense of this nation, and of carrying out its foreign policy throughout the world.

We therefore oppose the further subjugation of the Joint Chiefs of Staff which has been recently recommended by a Presidential Study Commission. The recommendation is that yet another civilian be appointed to substitute his judgment on military matters for that of the Joint Chiefs of Staff.

One more political amateur with authority to nullify the professional judgment of our military experts on the conduct of actual warfare would completely decimate our national defense.

The United States is committed by treaty to more than forty nations throughout the world—to assist them in the event of certain specified action by an alien power. In the light of our recent experience, and the attitudes of certain members of the Senate—as well as an overly-publicized segment of the American people—it is apparent that each of those treaties should be reviewed and reappraised.

Either we should all know and understand—and honor—our lawful and essential commitments to the nations of the free world—in the tradition of our American heritage and prestige—or we should cancel them forthwith.

I for one am weary of political hypocrisy and subterfuge—of disloyalty at home. I am sick of hearing my country maligned by foreign powers. I have grown intolerant of politicians who persist in pussyfooting on the international stage—to the detriment of American honor and prestige—and at the cost of American lives.

There is another subject which cries out for public expression on the part of the American people—and that is the subject of crime and anarchy and militant dissent.

I am not a lawyer, and I do not profess to speak as an authority on the technicalities of law. But many of the men who signed the Declaration of Independence, and adopted the Constitution of the United States, were not lawyers either. Yet all of those great men together, combined their thinking and their talents in the creation of our government, and our American Heritage. They purposely gave us a government of laws and not of men. They did it with painstaking care to protect us from the evils and the idiosyncrasies—the ulterior motives and vagrant whims—the dictatorial tendencies—of individuals who might attain positions of power.

It seems to me an insult to their common sense and their motives for certain individuals today—whose political connections have in many instances advanced them to the exalted status of our highest federal courts—to defile our American heritage by distorting our Constitution into a license for those who would destroy this nation, and flagrantly breach its laws.

More and more Americans who respect our laws and institutions are openly expressing this view. We as a great patriotic service organization—committed to the security of America and its people—both within and without—cannot remain silent on this vital issue.

Our heritage of law and order rests squarely upon the premise that the innocent shall be protected, and the guilty punished, within the laws of the various states and the federal government. It rests upon the principle that all powers not delegated to the federal government by the Constitution are reserved to the several states. The duty to protect law abiding citizens from the depredations of criminals and lawless elements of every description has always been one of those powers reserved to the states.

I cannot believe that our Constitution was ever intended to empower certain federal and state judges—according to their individual and strictly personal views—to place themselves between the forces of law and order and the hoodlums who engage in open warfare on our college campuses and in our public streets.

I therefore agree with the present Chief Justice of the United States Supreme Court, in his recent "State of the Judiciary Message," that a reorganization of our Judicial System is long overdue.

Beyond that, I believe that it is time for judges—in those matters which affect the security of this nation, and its law-abiding citizens—to become more responsive to the morality and the will of the people they represent. Their ever-growing tendency to sacrifice truth on the alter of mental gymnastics and rule-juggling has become a grave threat to the welfare of decent Americans.

Turning now to the so-called "Doves" on the subject of war—the people who have persisted in their vicious attacks upon the Commander-in-Chief of our Armed Forces—until he has been forced to bring our troops home from an unfinished war in Vietnam—it is glaringly apparent to every thinking American that they are not going to settle for simple withdrawal of American fighting men. Already they have turned their attention to the devious campaign of national disarmament. Their next goal is to strip the United States of America of every means of national defense.

Once shorn of the ability and the capacity to assist in the defense of other free nations, we shall find ourselves standing entirely alone against the Communist aggressor. Deprived of the armament with which to defend our own country, we shall at last be at the mercy of the aggressor here at home.

With the withdrawal of our men in Vietnam, we will have lost the war against Communism in Asia—unless we can effectively bolster our allies there with sufficient arms and materiel to enable them to survive until reason once again prevails.

We must, therefore, continue to call upon the government to supply them with arms, equipment, and materiel essential to their struggle for freedom. I shall pursue that goal on behalf of the V.F.W.

I shall also call upon Congress to leave all of the options of the President open—as Commander-in-Chief of the Armed Forces. Any other course can only reduce this great nation to the ashes of oblivion.

During the coming year we shall continue our long-standing campaign in behalf of American veterans. We shall remain the unrelenting advocate of all veterans—their widows, dependents, and parents.

We shall insist upon the increased utilization of all VA hospital beds for veteran patients. At this very moment, no less than 43,000 authorized beds are standing empty in VA hospitals—yet the rejection rate throughout America consistently averages 40% among veteran applicants. In some hospitals it runs as high as 60%. There can be no acceptable excuse for this deplorable condition.

We shall continue to resist with all of our energy, the incorporation of VA hospitals into any system of care for the non-veteran public.

We shall conduct a renewed program to establish more new medical services for our sick and disabled comrades—coronary and surgical intensive care units—kidney units—with a special emphasis on meeting the challenges of the disease of alcoholism and drug addiction.

We shall pursue our demands for a real in-depth analysis of all VA hospital needs—with primary attention to proper staffing and adequate funding—to meet all of those needs. The VA hospital system must be brought to the forefront—without further delay—in the rapid pace of medical progress.

Last but far from least, I wish to speak to you on the urgent dilemma of our Prisoners of War in Southeast Asia. To me this is the most urgent problem we in the Veterans of Foreign Wars face today.

In a very few days, every Post Commander will receive a letter from me which outlines a specific initial program on this subject.

Each Post Commander will be requested to circulate a petition throughout your community—demanding fair treatment for the release of every American serviceman who is being held as a prisoner of war in Southeast Asia—in North Vietnam, in Laos, or wherever they may be confined.

I shall personally take those petitions to the Paris Peace Talks for presentation to the North Vietnamese and Viet Cong representatives.

If they are not accepted at the so-called "Peace Table", I shall personally deliver them to U Thant at the United Nations—with a demand that positive immediate official action be taken to effect the release of those men.

If that fails, I shall review my options with qualified advisors in the Defense and State Departments—and I shall stand ready at all times to travel anywhere in the world—at any time—including Hanoi, if possible—to secure decent treatment for, and the release of every American military man in a North Vietnam prison.

These are but a few of the many important problems which demand our attention. Time does not permit me to discuss all of the issues which are vital to the nation and its veterans. But together, we shall work throughout the next twelve months to resolve them.

I am confident that with your continued support we shall make substantial progress in our fight to preserve our American Heritage. Thank you—and have a safe trip home.

CALIFORNIAN TO HEAD VFW FOR 1970–71

Herbert R. Rainwater of San Bernardino, Calif., will assume leadership of the 1,600,000 member Veterans of Foreign Wars of the United States during the organization's annual convention Aug. 14–21 at Miami Beach, Fla.

As Commander-in-Chief of the V.F.W. for 1970–71, Rainwater plans extensive travel on fact-finding missions throughout the world and has set as priority objectives the freeing of American prisoners of war and the internal security of the United States.

The new V.F.W. commander is presently on leave from the City of San Bernardino where he has served as assistant city administrator for the past year.

Rainwater was born of German parents on April 15, 1919 at Morrilton, Arkansas. He was nicknamed "Chief" by V.F.W. comrades because of intermingling of Cherokee Indian blood in his ancestory. Following graduation from high school, the new national commander attended special courses in business administration and management sponsored by the U.S. Office of Emergency Planning.

During World War II he served with the Army Field Artillery in the China-Burma-India campaign as a staff sergeant, aiding in the construction of the famed Burma Road.

Following discharge from the service, he owned and operated a public relations and marketing firm in Southern California, Arizona and Nevada which specialized in sales, promotions, merchandising and advertising.

From 1959 to 1960 he served as Regional Coordinator for the California Disaster Office and was appointed Special Consultant to the Legislature Finance, Banking and Insurance Committee by Governor Brown.

Prior to moving to San Bernardino in 1967, Rainwater was vice president of a large building company, and president of C.A.T.V. Television Cable Service.

The new Commander-in-Chief joined the ranks of the V.F.W. while serving with the Army overseas. He is currently a member of Ship No. 1774 in San Diego, Calif. He served as Department of California Commander in 1959–1960 and was named an "All-American Commander" by the National Headquarters for his efforts in organizing 32 new posts in his home state.

"Chief" Rainwater has held many offices on the V.F.W. national level including Inspector-General and Chairman of the National Community Activities and National Voice of Democracy Committees.

His wife Erma, who also has an intermingling of Cherokee Indian blood, has served as State President of the V.F.W. Ladies Auxiliary and National Council member from California and Oregon.

They have two children, Mrs. Walter Schneider of San Diego, whose husband is a member of the Scripps Institute of Oceanography; Jon Kevin, 11, a student at San Bernardino; and two grandchildren.

Following the national convention in Miami Beach, a gala "California Homecoming" for the new V.F.W. commander will be held Sept. 3, 4, 5 at the Grant Hotel in San Diego. More than 700 people, including nationally prominent figures are expected to attend.

The V.F.W. today has an all-time high membership with more than 350,000 Vietnam veterans listed on the membership rolls. It has shown an increase in membership for the past 17 consecutive years and is the only such organization to have done so.

The "grass roots" of the V.F.W. is comprised of approximately 10,000 individual posts located in each of the 50 states and overseas in such countries as Japan, Korea, Okinawa and France.

History of the veterans organization dates back before the turn of the century shortly after the close of the Spanish-American War in 1899. The three original state organizations in Ohio, Colorado and Pennsylvania joined in 1914 to form the Veterans of Foreign Wars of the United States.

Congress granted the V.F.W. a charter in 1936 as a "fraternal, patriotic, historical and educational" organization on a non-partisan, non-sectarian and non-profit basis. "Honor The Dead By Helping The Living" became the motto subscribed to by all V.F.W. members.

Founders of the organization were outstanding leaders in American military history, men like Lt. Gen. Arthur MacArthur, Gen. Francis V. Green, Gen. Irving Hale, Gen. Charles King, Gen. Wilder S. Metcalf and a former member of the U.S. Senate, Rice W. Means, who all devoted their talents to the establishment and progress of the V.F.W. during the early years.

Members through the years have included many U.S. Presidents and the majority of members in both the House of Representatives and Senate as well as many active federal, state and local judges.

The eligibility for membership in the Veterans of Foreign Wars is unique. Although millions of men served our country the Veterans of Foreign Wars admits only those who served in the military or naval service of the United States of America in any foreign war, insurrection, or expedition which service is recognized by the issuance of a campaign badge or medal by the military or naval service of the United States of America.

The organization, although limited to a section of our veteran population, maintains the greatest democratic system. Other than the requirement of overseas service, members from all walks of life and positions make up the membership.

The Veterans of Foreign Wars maintains its National Headquarters at Kansas City, Mo. To facilitate some of its programs, several of the services are located in the Nation's Capitol at Washington, D.C. The Veterans of Foreign Wars erected a Memorial Building in honor of its deceased members and furnishes office space to the Veterans of Foreign Wars services in Washington.

The Veterans of Foreign Wars sponsors nationwide programs and activites that reach into the small towns and communities. Through the local posts a comprehensive Americanism program is carried out. Under this program the members and the citizens of the country are kept aware of the activities of Communists and others who attempt to undermine the way of American life. A multi-facet program is conducted for the youth. This consists of baseball, basketball, rifle tournaments, marble tournaments, scouting and any other programs which help youngsters to become better citizens. The Loyalty Day program is carried out in hundreds of areas on May 1, consisting of parades, dinners, and speeches to keep our citizens aware of the evils of the Communists' May Day and to promote the American heritage. The Voice of Democracy is promoted in over 10,000 school systems and at the expense of the Veterans of Foreign Wars the winner from each state is awarded a trip to Valley Forge and the District of Columbia to vie for the top five scholarship prizes. First place winner receives a $10,000 scholarship.

One of the Veterans of Foreign Wars proudest accomplishments has been the establishment of the Orphan's Home at Eaton Rapids, Mich. Here the children of deceased members are provided an ideal and normal life in one of the many cottages erected in this area. The old-fashioned orphans' home has been discounted under the operation of the Veterans of Foreign Wars and the orphans live family style including the widows of the deceased members who act as house mothers for these orphans. The children are maintained and educated in a public school environment up through high school in one of the most modern type orphanages in the world.

Closely tied in with the Veterans of Foreign Wars organization is that of the Ladies Auxiliary to the Veterans of Foreign Wars of the United States made up of wives, sisters, and daughters of members who belong to the Veterans of Foreign Wars. Women who served in any of the female components of the Armed Services are also eligible to join the Auxiliary to the V.F.W. if they meet the overseas requirements. They participate in many of the community activities sponsored by the parent organization and through their own efforts have liberally donated funds for the maintenance of the orphans' home and have financed many community projects of their own. They have eased the loneliness and the discomfort of ailing veterans by visiting and entertaining those who are hospitalized. The Auxiliary also sponsors an essay contest for school children and awards winners financial help to further their education.

WASHINGTON AREA HIGHWAY POLICY

Mr. MATHIAS. Mr. President, I would like to reiterate today my belief that Congress should not try to dictate highway policy for the Washington metropolitan area.

I strongly support the provisions of S. 4418, the Senate version of the 1970 Federal-Aid Highway Act, relating to freeway construction in the District of Columbia. S. 4418 does not require the District government to build any particular freeways. On the contrary, the bill would repeal section 23 of the 1968 Federal-Aid Highway Act, the section which directed the District government to build the Three Sisters Bridge and to study the North Central Freeway and other proposed roads.

Section 23 represented the type of congressional intervention in local highway matters which would not be tolerated by the voters of any State. We cannot ever repair the damage this section has done to sensible planning and sound transportation development. Repeal of section 23, however, would be at least symbolically a step toward congressional self-restraint.

On the same grounds I am opposed to any new legislative efforts to direct, require or compel the District government to build the North Central Freeway or any other specific highways. The entire Federal-aid highway program has been based on the principle that decisions about specific roads and routes should be made by the individual States.

The District of Columbia should not be an exception to this rule.

I am particularly concerned about continuing efforts to hold the Metro system hostage to freeway construction. Metro is urgently needed. It is the first alternative to choking automobile congestion in the Washington area, and represents an unprecedented degree of regional cooperation and a massive regional financial commitment. Congress has repeatedly approved the Federal share of this vital project. I will continue to do everything I can to secure the local funds for the Metro system, free of any strings, ties, or conditions.

Mr. President, the transportation problems of the Washington area are very complex. Concerned citizens and elected officials in the Maryland suburbs are currently reevaluating their own transportation needs and priorities, and the future of the Maryland connector to the proposed North Central Freeway is now very much in doubt. Given this situation, the North Central Freeway—if constructed at all—could turn out to be useless to use.

Congress should not bulldoze any freeways through the Nation's Capital. Rather, we should give full support to the mass transit system which the people of the region so clearly need and want, and should encourage the kind of coordinated planning which can bring a regional resolution of the region's highway needs.

THE THREAT OF PROTECTIONISM TO THE AMERICAN WORKER

Mr. MONDALE. Mr. President, one of the most pernicious myths about protectionism is that it helps the American worker. As the story is told, the worker stands to gain by cutting out competition from abroad, making his job more secure or even recapturing some of the foreign employment which went into those imports.

In fact, protectionism has been and always will be, clearly against the best interests of the American worker. And the protectionist trade bill before us now, far from preserving jobs or "protecting the worker," will cost him dearly in higher unemployment, reduced income, and even further inflation.

One need only look back to the dark days of the 1930's and the treacherous Smoot-Hawley tariff to see what a worldwide trade war can bring about. In a trade war, like any other war, there are no winners—only losers. And a bill which would destroy the civilized rules of international trade and invite wholesale retaliation upon American exports cannot help but usher in such a war.

The American worker is the most productive—and competitive—in the world. Our total exports are now running at an annual rate of some $43 billion—up from $21 billion before the passage of the Trade Expansion Act of 1962.

Some 3 or 4 million American jobs depend upon this enormous volume of exports. The Department of Labor has estimated 2.7 million jobs attributable simply to the export of merchandise. Agriculture Secretary Hardin estimated some 730,000 jobs from agricultural exports alone. And a very recent study by Dr. Anne Kruger, a professor of economics at the University of Minnesota, has calculated over a million jobs just in manufacturing directly or indirectly attributable to exports.

Dr. Kruger's calculations, for example, show 87,000 export-generated jobs in the iron and steel industry; 134,000 in transport equipment; 79,000 in fabricated metal products; 53,000 in chemicals; 138,000 in electrical machinery; 149,000 in nonelectric machines; and so on—including 47,900 jobs generated by exports in the yarn, textile, and apparel industry.

In my own State of Minnesota, in fact, a 1967 chamber of commerce study estimated 38,000 jobs in manufacturing and 34,000 in agriculture attributable directly or indirectly to exports.

It is these workers—their jobs, their income, and their families—which we would jeopardize by overthrowing the international rules of trade and inviting a trade war with the rest of the world.

There is no way for other nations to buy from us if we do not also buy from them. There is no way for us to drastically cut back on their sales to us—in "what they do best"—without their having to cut back on our sales to them—of what we do best.

Perhaps we can rob Peter to pay Paul. We can, at a cost, close off foreign competition from industries which are becoming progressively less competitive on the world market. But let us look at the cost—to the American worker.

First of all, such a shortsighted approach jeopardizes the established procedures which we already have for dealing with dumping, foreign export subsidies, and other unfair and illegal acts of foreign competition. It goes around our procedures, consistent with the international rules of trade under the GATT, which have been set up to give protection or compensation in those cases where trade liberalization has resulted in proven injury to American workers or businesses. By rejecting such procedures, a trade barrier bill virtually precludes those legislative and administrative steps which are so necessary to improving and strengthening our antidumping, tariff adjustment, and other laws for the defense of the American worker.

We must aggressively defend our industries and our workers from unfair competition. We must do so better than we have in recent years. And there is room in such a defense for tariff and quota protection when other remedies have been exhausted. But to pass a bill in utter defiance of all existing procedures and of the international rules of trade is to throw away what chance we might now have for such progressive and responsive remedies.

Second, a preoccupation with protectionism ignores the fundamental structural problems which lie behind any industry losing its competitive edge in the world marketplace. It assumes that a trade barrier can maintain the industry for all time in the form it is today—or perhaps was 10 years ago. It even virtually discourages imaginative long-range steps to correct the problem through diversification, regional development, retraining, and other adjustments which are desperately needed to maintain the productivity of the industry and its workers.

As Victor Reuther, of the United Auto Workers, said:

> Protection is like heroin. The first few shots really lift your spirits. But when you begin to build up tolerance, you need more. Pretty soon you live for that fix. You're hooked—and probably out of work.

I do not think for a moment that we can ignore the deeply disturbing and very human problem of unemployment—in any industry and for whatever cause. We cannot place slogans such as "comparative advantage" or "free trade" above

the plight of our workers. But to assume that the solution to their problems lies simply in a wholesale erection of trade barriers is to do a profound injustice to the complexity of the problem and, I think as well, to the workers themselves.

Third, we must look at the inevitable unemployment in industries which in fact are competitive in world markets and for that very reason will stand to bear the brunt of foreign retaliation.

Are we somehow less moved by the specter of lost jobs and income in export manufacturing? Is the Congress or the President now to become the broker, playing off a quota here for a job there? The very thought of trading one man's job for another's is repugnant to me—and I think to anyone. But even in this frightful numbers game, the worker will lose.

In manufacturing alone, there are 144,000 more jobs dependent upon exports than there could possibly be if all manufactured imports were choked off and those goods now produced by American workers. By figures of Dr. Kruger, we put seven highly productive export-dependent jobs on the block for every six jobs we could possibly protect or recapture by choking off imports.

What is more, the potential loss in income through a trade war is even more devastating. The average wage in key exporting industries such as machinery, engines and turbines, transportation equipment, and chemicals is more than half again as high as the wages paid in those industries now seeking quota barriers. To penalize a worker for his productivity hardly seems like a fair approach to any trade problem—real or imagined. But that, in effect, is what a trade war does.

Finally, the American worker suffers as a consumer. Last month we saw inflation once again zoom up—to an annual rate of over 7 percent. I do not want to belabor the economic policy argument at this time. That the average worker just got another chunk robbed from his paycheck before he even got it out of the envelope is by now an old story. But how, then, can anyone talk of "protecting" the American worker with quotas which are going to put another $3 to $4 billion a year on his shoe and apparel bills alone? Who is really being protected by a bill which would "lock in" an oil quota system at estimated yearly cost to the consumer of $5 to $7 billion? This is, in fact, a viciously anticonsumer trade bill we have before us—one which will put a regressive tax of over $66 a year on the average American family, and probably even more on the lower-income worker who relies so heavily on imports to clothe his family.

The American worker is a consumer, perhaps above all else, and I fail to see the economic protection in a trade bill which can only fan the fires of inflation, rob the weekly paycheck, and fall most heavily upon those least able to pay.

I think it is absolutely clear that the interests of the American worker lie in fair, forward-looking trade policies which can meet the legitimate problems of import competition while continuing to reward the magnificent productivity of the American worker through ever-expanding export markets.

A protectionist trade bill will lead to a worldwide trade war which can only jeopardize the jobs of 3 or 4 million workers and farmers, cost billions of dollars to the consumer, and throw away whatever bargaining power we might have had in crucial trade negotiations with Europe and Japan over the next decade.

It is time, perhaps, to stop talking protection. The protection in the pending quota bill is more like extortion.

I believe that the proposed legislation would be disastrous to the American worker, and I only hope that this threat is realized before the floodgates are opened and a tragic and unnecessary war is underway.

SENATOR MILLER'S KEYNOTE ADDRESS AT WATER POLLUTION SYMPOSIUM

Mr. BOGGS. Mr. President, the distinguished Senator from Iowa (Mr. MILLER) gave the keynote address on December 1 at the water pollution symposium during the 63d annual meeting of the American Institute of Chemical Engineers, in Chicago.

In his address, Senator MILLER outlined the developments of our national policy on water pollution control and the actions the Federal Government is taking, especially in grants for construction of pollution control facilities and in research programs. He gave a good idea of the enormous problem of the disposal of both municipal and industrial waste.

He also called attention to the growing problem of the socioeconomic impact of cost sharing in water pollution control, especially the extent to which the cost should be borne by the people through taxes and to what extent by these people as consumers.

Those who are interested in the subject of water pollution control can obtain an up-to-date orientation by reading Senator MILLER's address. 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:

ADDRESS OF U.S. SENATOR JACK MILLER

First I wish to commend the American Institute of Chemical Engineers for sponsoring this Water Pollution Symposium.

A review of the various topics being considered here cannot help but reassure those of us in government and the general public that your profession is moving dynamically, if not glamorously, to help our national policy to be achieved.

That national policy was formulated in the Federal Water Pollution Control Act of 1948, in which it was stated that it is the "Policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in controlling water pollution, to support and aid technical research to devise and perfect methods of treatment of industrial wastes which are not susceptible to known effective methods of treatment, and to provide Federal technical services to State and interstate agencies and to municipalities, in the formulation and execution of their stream pollution abatement programs."

This policy rests on recognition by the Congress of the benefits resulting to the public health and welfare by the abatement of stream pollution.

The Water Pollution Control Act Amendments of 1956 made permanent the national water pollution control program begun in 1948.

The Water Quality Act 1965, which I participated in drafting as a member of the Subcommittee on Air and Water Pollution Control in 1963 and 1964, established the Water Pollution Control Administration and the procedures for determining and enforcing water quality standards. It also added another facet to our national policy. We made it clear that water quality standards to be developed should not be designed to merely lock in present uses of water or to exclude other uses; that they should not become a device to insure the lowest common denominator for water quality. Rather, the quality and productivity of our water resources are to be *enhanced*.

The Clean Waters Restoration Act of 1966 authorized $6 billion for federal sewage treatment construction grants running through the year 1972 plus $25 million annually for five years specifically for grants and contracts for research, development, and demonstration of advanced waste treatment and water purification methods; also, for development and demonstration of new or improved methods of joint treatment systems for municipal and industrial wastes.

Finally, the Water Quality Act of 1970 provides for research relating to the discharge of so-called "hazardous substances" into streams and enforcement procedures which extend to federal agencies and federal licensees, such as urban renewal projects, and power plants licensed by the Atomic Energy Commission and the Federal Power Commission. Any applicant for a Federal permit or license to construct or operate any facility which may result in any discharge into the navigable waters of the United States must now provide certification from the State in which the discharge originates that such facilities or related activities can be expected to comply with applicable water quality standards. Problems of acid and other mine drainage pollution are also covered by this new law, as is pollution by vessels and offshore facilities.

From this capsule review, you can see that the laws of the federal government have moved rapidly and comprehensively towards achievement of our national policy. And the laws and regulations of state and local governments have been moving too, I might add.

Inseparable to the success of our water pollution control programs is the financing. The Tax Reform Act of 1969 provides for writing off the cost of a certified pollution control facility acquired or constructed after December 31, 1968, over a period of 60 months. This, of course, will generally enable taxpayers to recoup the cost over a shorter period of time than through depreciation deductions. However, it does not mean a real tax cut in the long run—such as the investment tax credit did, for example.

The major financing problem concerns federal appropriations for grants to states and municipalities. The size of the problem is staggering. There are nearly 13,000 sewered communities containing nearly 70 percent of our nation's population. Seven percent of these have no sewage treatment at all, and only 40 percent of all treatment systems are currently adequate. Over 1,000 communities outgrow their treatment systems every year. These figures are based on an inventory of municipal waste facilities made in 1968.

The Secretary of Interior early in 1968, pursuant to a directive from the Congress,

made a detailed estimate of the costs of carrying out an optimum program under the provisions of the Federal Water Pollution Control Act, as amended, for the five-year period beginning July 1, 1968. The total came to over $3.3 billion, of which nearly $2.5 billion was for construction grants to municipalities; another half billion was proposed for research and development. Current cost studies indicate that a major investment of $10 billion will be necessary over the next five years to achieve adequate levels of treatment of the nation's municipal wastes alone. The Administration proposes that the Federal Government provide $4 billion of this, with the States and local governmental units underwriting the balance. The appropriation for the Water Quality Administration of $1 billion for grants for construction of facilities, which was signed by the President on October 7, carries forward this proposal. As you know, there has been some controversy over the adequacy of the $10 billion program, and the Administration has let it be known that it is amenable to revisions upward if hard evidence is forthcoming.

In addition to this, we have a bill pending which would authorize over $1 million over a 3-year period for air pollution control and a solid waste disposal program. Additional money will be spent on the agricultural chemicals pollution problem.

After that, significant annual investments will be necessary to expand and replace systems to keep pace with population growth. Waste loads from municipal systems are projected to quadruple over the next fifty years.

Treatment of wastes from Federal Government facilities will require federal expenditures of another quarter billion dollars.

At the same time, we must consider that the largest volume and most toxic of pollutants come from industrial waste. The Department of Interior's 1969 report on "The Cost of Clean Water and Its Economic Impact" listed fifty-one agents being introduced into the nation's waters as a result of industrial processes, and the list is considered partial rather than comprehensive. A 1968 report of the House Committee on Government Operations, entitled "The Critical Need for a National Inventory of Industrial Wastes," states that the enormous variety, complexity, and quantities of mineral and chemical wastes contained in industrial effluent are even more serious in their pollution effects than the vast quantities of organic wastes discharged into our waters. The Committee called attention to a 1962 estimate that by 1970 the organic waste loads alone from industrial discharges would be equivalent to the biological oxygen demand load of untreated domestic sewage from a population equivalent to 210 million people.

There are over 300,000 water-using factories in the United States. We do not yet have a detailed inventory of industrial wastes, but preliminary studies suggest that over half the volume of these wastes comes from four major groups of industries: paper manufacturing, petroleum refining, organic chemicals manufacturing, and blast furnaces and basic steel production. The Federal Water Quality Administration on November 12 announced the beginning of an inventory which will be based on a survey of 10,000 industrial plants across the country over the next six to eight months.

The volume of industrial wastes is growing several times as fast as that of sanitary sewage as a result of growing per capita output of goods and increasing degrees of processing per unit. A large percentage of this volume can be treated efficiently, much of it after pretreatment in municipal treatment systems. Moreover, most wastes from food-processing industries can be treated in public plants, and wastes from paper and pulp mills, chemical, pharmaceutical, plastics, textile and rubber plants have been successfully treated in municipal plants. Accordingy, increased use of joint municipal-industrial treatment systems is indicated.

The Federal Water Quality Administration's economic studies have estimated the annual investment need for manufacturing industries at $650 million for each of the next five years.

Turning now to the area of research, the Committee on Water Resources Research of the Federal Council for Science and Technology published "A Ten Year Program of Federal Water Resources Research" covering the decade 1967 to 1976. Fifty-eight categories of research and supporting activities were covered under fourteen major problem areas, coupled with various recommended priorities.

One of these major problem areas is, of course, research on water pollution control—or water quality management and protection. The Committee recommended that research in this area be rapidly accelerated, with special attention to waste treatment processes covering a broad spectrum, including water reclamation from sewage for repeated reuse. Although complete biological purification and removal of most of the oxidizable organic materials is possible with present-day methods, each reuse adds dissolved salts, so that after three or four uses these salts could be too high to permit further reuse as potable water. Accordingly, the Committee stated that there should be close coordination of desalting research, including removal of such specific ions as borates and sillicates, and waste water reclamation efforts.

It also observed that the treatment of concentrated wastes is only a part of the pollution control problem, listing other sources for research such as acid mine drainage, agricultural chemicals, sediment, street washings, snow melting chemicals, seepage from septic tanks, leachings from farm and municipal dumps, and salt accumulation in irrigation.

Another area of research recommended concerns cost allocation, cost-sharing, and the socio-economic impact of cost-sharing. In the coming years, this is going to be one of the most controversial areas for the people, through their elected representatives, to decide. To what extent will the people pay for a clean environment through taxes or, as consumers, through higher prices? Undoubtedly there will be a mix, but some very hard decisions are coming up over the specifics of that mix.

Finally, the Research Committee made the reassuring statement that the Nation does not face a critical water shortage. It noted that we use only forty-one percent of our total supply and consume only one-fiftieth of our annual stream and ground water replacement. It did recognize, however, that in arid and semi-arid regions of the country, we are approaching full utilization. It said that there are no obvious technical reasons which preclude us from so managing our water supplies as to have adequate water for the foreseeable future, but that there must be continued research effort to improve economy and find better ways to deal with water problems.

I am certain that the confidence expressed in such a statement, which most of us in the Congress assuredly share, rests on the capabilities for research, design and engineering which our scientific and engineering community have long demonstrated.

You, as chemical engineers, can be the leaders of team efforts in developing and applying the processes required all over the country to preserve and enhance the quality of our water, teams which include not only chemical engineers, but sanitary engineers, industrial engineers, mechanical and civil engineers, electronics engineers, chemists, physicists, biologists, pathologists, economists, and, never to be forgotten, lawyers—not only patent lawyers but others who are developing a specialty in laws pertaining to the environment.

For our young people, especially the students, who are concerned over our environment, the problem of water pollution control—preserving and enhancing the quality of our water—offers a meaningful, highly relevant and extremely interesting challenge. And I am confident there will be enough of them who will demonstrate that their concern is deep enough to expend the energy needed to acquire the professional knowledge and skills that will be needed to meet that challenge.

Others, equally well motivated, may prefer to direct their attention to cleaning up the air. Perhaps they can start on some of the political campaigns.

CALIFORNIAN HEADS AMERICAN LEGION

Mr. CRANSTON. Mr. President, for the sixth time in its long and distinguished history the American Legion has elected a resident of the State of California as its national commander. Alfred P. Chamie, of Los Angeles, Calif., was elected to that office by the delegates to the 52d National Convention of the American Legion on September 3, 1970, at Portland, Oreg.

I was delighted to attend that convention and address its legislative rehabilitation and economic commissions. I have been a member of the Legion for 12 years. I have known Al Chamie for many years and know the qualities of leadership he possesses. By every standard of measurement he is qualified to lead this great veterans organization and I am proud that this honor has come to him and to my State. It is a tribute to the membership of the American Legion that they recognized in this fine citizen the qualities of character and leadership which are so urgently needed in these trying times. With Al Chamie as commander the American Legion can look forward to a year of dedicated service and added achievement. In his acceptance speech after his election he discussed some of the current problems facing this Nation and pledged the resources of the American Legion toward their solution. I ask unanimous consent that National Commander Chamie's acceptance speech and his biography be printed in the RECORD.

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

ACCEPTANCE MESSAGE OF NEWLY ELECTED NATIONAL COMMANDER, THE AMERICAN LEGION, ALFRED P. CHAMIE

Delegates to this Fifty-Second National Convention of The American Legion, distinguished guests, ladies and gentlemen, I accept this high honor with a deep sense of humility—and I approach the duties of National Commander of The American Legion with sincere dedication and enthusiasm.

This is one of the important moments of my life. I appreciate the vote of confidence you have given to me. I am grateful to all of you who made this occasion possible. I accept the trust you have placed in me, with a deep sense of responsibility to America and The American Legion.

I am proud to be an American Legionnaire, proud of the outstanding record of service to God, Country, and Humanity which this great organization has compiled over the past 51 years. Proud, too, to stand shoulder to shoulder with the members of The American Legion in carrying out the Legion's principles

and programs, in the Community, State and Nation.

I salute retiring National Commander J. Milton Patrick for his outstanding achievements on behalf of The American Legion this past year. There were many great accomplishments during Commander Patrick's year. We pledge ourselves to build upon these achievements and to strive for equally significant results.

In the year ahead we shall be concerned with the important areas of Rehabilitation, National Defense, Americanism and community service.

In the field of Rehabilitation we shall continue and increase our efforts on behalf of Vietnam Veterans. We appreciate the dedicated service and contributions of the Veterans Administration to this program. By the same token, we must be vigilant to insure that these returning Veterans will continue to receive only the very best in medical care and hospitalization. They must be encouraged and assisted in utilizing to the fullest extent the G.I. Bill of Rights. Every effort must be made to secure for them appropriate economic opportunity, housing and Veterans job preference. They must be fully informed of their Veterans rights and benefits which we shall diligently protect, and where necessary improve.

The Legion wholeheartedly supported them while they were in service. We stand ready to assist them on their return to civilian life. We shall offer them a warm wholehearted welcome to join The American Legion. Some 300,000 Vietnam Veterans already have joined ranks with us. We need in ever increasing numbers their youth, their dedication and their leadership for the future.

Likewise we must "Reach Out" to the older veteran by protecting and, where necessary, improving upon the nation's program of veterans benefits.

In the areas of Americanism and National Security, we are concerned about anarchy and other forms of lawlessness as well as the need for impartial law enforcement. There are divisive forces about us attempting to foster disunity and disrespect for our country and its elected officials. On the other hand, we are encouraged by the many voices in our Nation evidencing a renewed appreciation of America and its symbol, our flag. I hope during the coming year to increase this appreciation by amplifying the highly successful "Show Your Colors" program of a few years ago.

It is significant that the Legion has always been in the forefront of the struggle against crime and subversive activities, because law and order has been the foundation of our strength and freedom. Without law and order we would cease to be a civilized Nation.

Freedom, as we know it, cannot prevail in a society that condones illegal riotous demonstrations, assaults, burning, looting and pillaging. The preservation of freedom demands that respect for law must prevail; that redress of grievances as well as individual and group conflicts be resolved in a legal, peaceful manner; that *ALL* Americans must shoulder the obligations of citizenship.

We cannot mistake license for liberty, confuse responsible freedom with irresponsible indulgence, nor turn respect for law into defiant disobedience.

To quote a distinguished Federal Judge from Montgomery, Alabama: "When those who frustrate the law, who undermine judicial decisions, run riot and provide uncurbed leadership for a return to nothing more than a medieval savagery, then for the responsible American citizen to remain silent is tantamount to cowardice; it is a grievous injustice to the proposition that in America the law is supreme."

We have faith in the young people of America and look to them as our hope for the future. In these critical times we need to "reach out" to them in every way possible, particularly through sportsmanship, citizenship and leadership training projects. These include, among others, the Americanism Programs of Boys State and Girls State, Sons of The American Legion, the Oratorical Contests, the Citizenship Awards. The Boy Scouts and Girl Scout Troops, Junior Baseball and the Child Welfare program. These programs are needed to provide constructive guidelines for the young people who will be the leaders of tomorrow.

In the field of National Security retiring National Commander Patrick has spoken forcefully and articulately in expressing the positive position of the Legion, particularly with regard to Vietnam, Cambodia and the Middle East. National Security has always been one of our important concerns.

Finally, we must "reach out" to the communities of America and to all her people by applying the resources and energies of this organization to find equitable, workable, solutions to the major problems of our society. In this regard we are concerned with the following points specified in the final report of The American Legion Task Force adopted by the National Convention in Atlanta, Georgia in 1969:

(1) The crises in our Education System;
(2) Poverty;
(3) Race relations and the discouragement of racial discrimination;
(4) Pollution and dissipation of Natural resources;
(5) The Spiral of inflation;
(6) The Search for a just Peace;
(7) Threats from Technocracy and our ability to live with it, and
(8) Urban disintegration and decline of rural stability.

BIOGRAPHICAL SKETCH OF ALFRED P. CHAMIE

Alfred P. Chamie, 60, of Los Angeles, Calif., was elected National Commander for 1970–71 at the closing session of The American Legion's 52nd Annual National Convention in Portland, Oreg., on Sept. 3, 1970.

Vice president and general counsel of the Association of Motion Picture and Television Producers, Inc., Commander Chamie is a World War II veteran. His service as an Army officer from 1942–46, was with the infantry and the Judge Advocate General's Department.

Commander Chamie, a member of the Legion's Downtown Post 336 in Los Angeles since 1946, has served the Legion in a number of important capacities at the local, state and national levels.

After service as commander of the 17th District, California's largest, he served as commander of the Los Angeles County Council of The American Legion, and was California Department Commander (1957–58). At the national level his service includes: California's National Executive Committeeman (1958–60); chairman, National Labor Relations Committee; vice-chairman, National Public Relations Commission, vice-chairman, National Group Insurance Committee and member of the 50th Anniversary Executive Committee, National Commander's Advisory Committee and National Finance Commission.

A trustee of The American Legion Hollywood Canteen Fund which serves members of the Armed Forces and their dependents in Southern California, he was a member of the California Veterans Board and served as its chairman in 1955.

Commander Chamie has been honored for his work with veterans by his state and by the City and County of Los Angeles.

Besides his executive position with the movie industry trade association, he is secretary of the Central Casting Corp. He also is a member of the board of directors of the Motion Picture Relief Fund and seven motion picture industry pension and welfare trust funds.

During the Truman Administration for two years (1946–48), he was assistant United States Attorney for the Southern District of California. He is currently serving as a member of the President's National Defense Executive Reserve of the Office of Emergency Planning.

Mr. Chamie is admitted to practice before all the courts in California, the Federal courts and the United States Supreme Court. He is a member of the California, Los Angeles County, Beverly Hills and American Bar Association. He is also a member of the American Arbitration Society.

A Mason and an Elk, Commander Chamie has been active in the Boy Scouts of America, serving as a scoutmaster for three years and as a member of a neighborhood council in suburban Los Angeles. He also serves on the Permanent Charities Committee, the equivalent of the Community Chest, and on the Los Angeles District Attorney's Advisory Council. He helped established the U.S.O. in Southern California in 1940.

Both Commander and Mrs. Chamie have been active in the Los Angeles Music Center, an organization devoted to the performing arts.

An avid sportsman, Mr. Chamie skis and plays tennis, and until recently played the tournaments in the latter sport. During his college days, he played center field on the UCLA baseball team and was selected for the all-conference team in baseball 1930 and 1931 and, in 1931 was voted UCLA's most valuable baseball player.

Born in Brooklyn, N.Y., on June 1, 1910, he moved to California with his family when he was five years old. He is a graduate of the University of California at Los Angeles (UCLA) and the Harvard Law School. At the latter university, he was marshal of his graduating class.

Commander Chamie and his wife, the former Elizabeth Donnelly, are the parents of a daughter, Denise, and a son, Peter, a student at the University of Southern California.

Mr. Chamie once told a reporter his reasons for seeking the interesting office of National Commander of The American Legion as follows:

"I think the opportunity for further service to the men and women who were in the armed forces is the main reason. Veterans rehabilitation has been a primary interest of mine since I first joined the Legion. Bringing the new veteran of the Vietnam Period back into the mainstream of civilian life gives this area of service compelling currency both for our organization and our nation.

"Further, I have reached the point in life where I feel I should be doing more. And The American Legion is foremost in sound civic service.

"When I was campaigning for this office, I said many times that the future of The American Legion cannot be distinguished from the destiny of the American people. I believe our organization can help to provide the very necessary moral leadership in the difficult days ahead in which this nation seeks to fulfill its mandate of history."

SENATOR MILLER ADDRESSES THE NATIONAL CONFERENCE ON FARM PROGRAMS

Mr. HANSEN. Mr. President, on November 30, the distinguished Senator from Iowa (Mr. MILLER) addressed the National Conference on Farm Programs for the 1970's, sponsored by the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture, and held at the Sheraton Park Hotel in Washington.

As a member of the Committee on Agriculture and Forestry and also as a member of the conference committee

of the Senate and the House which produced the final version of the bill which has now become law, Senator MILLER'S observations are of particular interest.

I ask unanimous consent that his address be printed in the RECORD.

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

ADDRESS OF U.S. SENATOR JACK MILLER

The new farm bill, which, of course, you people will have to administer, represents a compromise. And as in any compromise, there are some items that we do not necessarily like. It is impossible to get any farm legislation that is going to be generally acceptable to all farmers in a particular commodity classification, let alone to have all Members of Congress completely satisfied with all the provisions.

What is important, however, is whether the programs set forth in this legislation represent an improvement over what we now have. This, I believe, is the case.

Most of us believe that farm programs are necessary and will continue to be necessary for quite some time. An in-depth study by the Iowa State University research center two years ago provides ample testimony to the disaster which would befall the farm sector of our Nation if farm programs were discontinued. It is true that these programs cost the taxpayers a great amount of money every year, but, in exchange for this cost, the consumers of our Nation have long benefitted from the highest quality, lowest cost food and fiber of any nation in the world. If farm programs were done away with, this benefit would not be assured for the future, because many reasonably efficient producers would be forced out of agriculture, and their production would be lost. Greater reliance would have to rest on production from other countries—and such reliance would be fraught with deep risk to the Nation's security. Additionally, the social consequences to affected agricultural producers and their families, local communities, and the giant agribusiness industry would be catastrophic; and the cost to the taxpayers to even partially relieve these social problems would be tremendous.

So the question that was before the Congress and the people was really not whether or not there will be farm programs, but rather what kind of programs we should have. The kind of programs is terribly important and goes far beyond the matter of dollar-and-cents income to producers. The economic system of this Nation is capitalism—"peoples capitalism," it is often referred to, because, unlike the laissez faire capitalism of a hundred years ago, our federal and state governments have developed laws and regulations calculated to make this system work for the common good—what is good for not only those who risk their capital, but for those who supply their labor and for those who consume the goods. A study of history will show that where a basic industry, such as agriculture, moves away from capitalism, it is only a question of time when other segments of industry follow. What happened in Germany under Adolf Hitler serves as a particularly dramatic example. Farm programs which tend to move agriculture away from the capitalistic system should be avoided—except in the case of genuine emergency. Farm programs which tend to strengthen the market economy for agriculture should be preferred.

What concerned me so much about the farm programs we have had in recent years has been that they have tended to make farmers increasingly dependent on the Federal Government for their income. Government payments amounted to $693 million in 1960. They climbed to $3.3 billion by 1969. National net farm income in 1960 was $11.7 billion; and, in terms of 1960 dollars, it was $18 billion in 1969. Without the increase in Government payments, 1969 income—in terms of 1960 dollars—would have been only $10 billion. This is why farm programs in recent years have tended to make farmers more dependent on the Federal Government for their income.

This is not to say, however, that the taxpayers who have footed the bill for those payments have not benefitted. They have. In 1960, as most of you well know, 20 cents per consumer dollar went for food. In 1969, only 16½ cents per consumer dollar went for food. The savings to consumers represented by that difference greatly exceeds the cost in taxes needed to make farm program payments to farmers.

During a period of inflation, it might be news to consumers that if they were paying 20 cents of each consumer dollar for food, prices in the grocery stores would be far higher than they are. But actually, food prices have not gone up as much relative to other things consumers buy, and this is basically why farmers have not shared fairly in the national net income—*even with increased Government payments*. Another, point to be made is that a considerable amount of the increases in food prices have not gone into the farmers' pocketbooks, but into someone else's pocketbooks.

If we really believe in "people capitalism," and most of us do, then we should look forward to the day when farmers can rely, with confidence, on fair prices in the market—rather than having to rely on payments from taxes paid by consumers to supplement depressed market prices. But the movement toward that goal is going to have to be gradual if undesirable social consequences are to be avoided. The new farm bill is a step in that direction, because it will encourage broader markets through export trade and will permit farmers to shift production to meet market needs.

This legislation is a truly bipartisan effort. The Secretary laid down a basic premise for it, namely: that the budgetary cost to the federal government should not be any less than is now the case, so that the agricultural segment of our economy would not suffer a drop in income. Another premise was that the legislation should be constructed so that opportunities for improved income outside of government money would be opened up—especially in exports. This is where the Administration's set aside idea came into play. Under the set aside, farmers could grow what they thought best on the non-set aside and non-conserving base acres; and payments for participating in the program would not only assure consumers of lower prices, but perhaps more importantly would assure us of being competitive in overseas markets.

These principles were bought by the respective Agriculture Committees of the House and Senate. The arguments developed over the specifics of how they were to be implemented. How much set aside was there to be, for example?

No limitation was put on the Secretary's discretion on the amount of set aside for feed grains. If the set aside was too great, market prices would inevitably go up enough to make up the difference in income. If the set aside was too little and market prices were weak, the feed grains producers still had their payments and a $1 floor loan under their crops.

The wheat spokesmen didn't feel the same way about it, and the result was that we wrote into the law a limitation. The wheat set aside, in addition to the conserving base, is not to be in excess of 13.3 million acres for 1971, and not in excess of 15 million acres for 1972 and 1973. Because the wheat people had already been assured of 100 percent of parity on their domestic allotment, they didn't have the same degree of concern that the feed grains people had of better market prices if the wheat set aside was too great. They were, of course, concerned over the domestic allotment, and the new law provides for not less than 535 million bushels, or, for 1971 only, 19.7 million acres.

Perhaps the most controversial point in the entire conference arose over the cotton set aside. Naturally, the smaller the set aside, the more acres left over for planting to other crops, such as feed grains and soybeans. In turn, this would require the Department to increase the set aside for feed grains, and the Department estimated this would be considerably more costly than to have cotton acreage set aside. Finally, the figure of not in excess of 28 percent set aside for cotton was written into the bill, along with price support of 90 percent of average world market price during the preceding two marketing years and a payment formula—the payments plus the average market price must equal 35 cents or 65 percent of parity, whichever is higher, and be not less than 15 cents per pound—on the acreage planted, and at least 90 percent of the allotment must be planted.

Another cotton hangup was over the allotment. This was finally set at 11.5 million acres for 1971, with discretion in the Secretary for 1972 and 1973. However, the government costs for the 11.5 million acres are not to be less than for the present year's allotment (12.5 million acres).

Two controversial points came up over feed grains. As the bill came over from the House, the loan support was set at not in excess of 90 percent of parity. There was no floor. Although the work sheets provided by the Department for analysis of our Senate Agriculture Committee showed planning figures of $1 loan, there had been some indication that a 90¢ loan was being considered. We decided that the $1 floor should be written into the law, and the Department agreed that this would not cause any particular problem.

The main controversy was over the payment formula. The House bill provided for 32¢ per bushel payment on one-half the feed grain base, or a higher amount if necessary to bring the market price plus the payment up to $1.35 per bushel. If the market price is such that the 32¢ payment brings the total per bushel over $1.35, the payment still remains at 32¢ per bushel. But outside of the 90 percent of parity maximum loan rate, no other reference was made to parity.

The Senate adopted an amendment providing that the 32¢ payment is to be increased if necessary to bring the market price plus the payment up to $1.35 per bushel *or 75 percent of parity*, whichever is higher. During the Conference, the budget people firmly opposed the 75 percent of parity figure, projecting a greatly increased cost of the program for 1972 and 1973 on the basis of projected increases in inflation and in parity. They said they would go for no more than 68 percent of parity. We finally compromised on 70 percent of parity for 1971 and 1972, and it is doubtful that this will be over the $1.35 figure anyhow for those years. The problem was for 1973, and a 70 percent of parity figure could well be higher than $1.35. So we said that the total payments for 1973 would not exceed what the total would be on a basis of 68 percent of parity, except that the total *would*—not could as Farmers Union interpreted it—be higher if a slippage in the market was the reason. Thus, if the market price for the 1973 crop was $1.01, the payments would be 34¢ even if 68 percent of parity was $1.35.

Some of you, perhaps, have been wondering how this bill could cost farmers $1.2 billion over the next three years ($400 million per year) as the Farmers Union President claimed. What he really meant to say was that the 75 percent of parity formula

passed by the Senate would have increased payments by that amount. Actually, the bill doesn't cost farmers anything, and the projections of the Department show that it will improve income over present levels.

Gross income from cotton, wheat, and feed grains was projected at $13.316 billion—compared to $13.248 billion (as of last August, before changes due to the corn blight situation); and overall budget expenditures slightly above those for the current year at $3.838.

There was some talk, you know, after the recess of sending the bill back to conference and simply enacting a one-year extension of the present law. If this had been done, it would have cost our feed grains producers $55 million for next year—compared to the new bill. At worst, this could have resulted in no bill at all, and that would have been truly disastrous. It would have cost feed grain producers $1.6 billion for next year; and similar adverse consequences would have resulted to wheat producers. I do not know the precise consequences to cotton producers, but a build up of surpluses would almost certainly have resulted.

There was no controversy over the dairy and wool titles.

Present law on dairy is continued; and authority is continued for the Dairyman's Class I Base Plan in Federal Milk Market Order Areas and any area coming into such Plan during the next three years can continue to have it in effect until December 31, 1976.

The National Wool Act is continued for three years, along with present incentive payments.

And P.L. 480 is extended for three years—largely unchanged.

I could extend my remarks to run all morning, but, perhaps, what I have had to say will be helpful to you in your vital role of carrying out the law—and the intent of the Congress.

20 TONS OF MILK A WORLD RECORD

Mr. MATHIAS. Mr. President, this morning I had the unique opportunity of milking the world's champion milk producer—a Maryland Holstein cow named Ballad. She is a true Maryland champion and has produced more milk than any other cow in recorded history.

But the recognition given Ballad today is not only a tribute to her, but also a blue ribbon award for the entire Maryland dairy community, which includes Glen Morrow, her owner, and other dairymen, the agricultural faculty and extension agents at the University of Maryland, county agents, feedmen, and all the others who are a part of Maryland's progressive farm economy.

I am proud to ask unanimous consent to have printed in the RECORD the announcement of Ballad's remarkable achievement.

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

BALLAD'S REMARKABLE ACHIEVEMENT

Ballad, a coy five-year-old Holstein cow with big brown eyes is so happy about breaking the World's milk producing record that she is to have a swinging party Wednesday to celebrate the occasion.

For the first time in history the World's Championship came to Maryland Monday when Ballad squeezed out the last of 40,981 pounds of milk for a 365 day record, or more than 4,765 gallons during the year. To put it another way, Ballad could put 49 quarts of milk on the table every day for 365 days and to dairymen, that's a lot of milk.

She beat the previous record established by Mowry Leader, another Holstein, in Roaring Springs, Pennsylvania, in 1967, by 807 pounds.

Dairymen from all over the country will gather at Glen E. Morrow's Glen-Lu-Knoll Farm in Frederick, Maryland, to pay homage to the new Queen who will be in personal attendance at the luncheon celebration in a big blue and white tent erected especially for the occasion.

Her proud owner, Mr. Morrow, is a business consultant with offices at 1026 17th Street in Washington, and lives in Bethesda, Md. He bought the 140-acres Glen-Lu-Knoll farm just six years ago and acquired "Ballad" as a two-year-old at a Pennsylvania sale because "I liked her looks."

"Ballad" is a member of high bovine society on her mother's side, but her father was a disappointment on the bull market and ended his short and undistinguished career probably as hamburger, according to Mr. Morrow.

"Ballad" started her world's record run on December 7, 1969 under strict supervision of experts from the University of Maryland checking her production for the Holstein-Friesian Association of America, with headquarters in Brattleboro, Vermont.

It was apparent that the Holstein would be a winner when she producted 17,000 pounds in her second year, 23,000 pounds in her third year, and 33,000 pounds last year.

As the Pearl Mesta of the Holstein set, BALLAD will be hostess to more than 200 dairyland dignitaries Wednesday including officials from the U.S. Department of Agriculture, the University of Maryland, the Holstein-Friesian Association of America, the Delaware, Maryland Virginia Milk Producers Association, the Maryland State Dairy Queen, and other celebrities with lots of pull in milking circles.

Master of Ceremonies at the Wednesday luncheon is Robert M. McKown, Associate Editor of the Holstein-Friesian World of Lacona, N.Y., will be introduced by Doty Remsburg, President of the Maryland Holstein-Friesian Association of Jefferson, Maryland.

Mr. Morrow is a native of Wisconsin where he was brought up on his family's dairy farm, educated at the University of Wisconsin and taught physical education in the State's public school system until he went into the farm equipment business. He was national sales promotion manager for Massey-Ferguson from 1945 to 1958 and came to Washington in 1954.

His wife, Marylou, takes an active interest in the Glen-Lu-Knoll farm that they acquired in 1954. The Morrow's have three married daughters and three grandchildren.

When the Morrows bought the 140 acre farm it supported 73 head of cattle, but only three of the original herd remain on the farm and on two other farms that Mr. Morrow operated in the area.

He travels around the county showing some of the prize winning cattle from the herd which now numbers 132.

Among the favorites is his "political bull", the 3,000 pound Rendezvous who posed with Maryland Governor Marvin Mandel at the Montgomery County Fair in Gaithersburg last August.

The Morrow herd has had prize winners at Gaithersburg, the Maryland State Fair in Timonium, the All-American Show in Harrisburg, Pa., and the North American Dairy Show at Columbus, Ohio among others.

Much of his success in the dairy industry, Mr. Morrow said, is due to the efforts of his farm manager, Clyde Anders, who he imported from West Virginia five years ago, and his herdsman, former GI and Frederick area native, Bobby Stephan.

CRISIS IN POWER AND ENERGY

Mr. MOSS. Mr. President, for months past, we have been talking about the crisis in power and energy approaching in this country. Earlier this year, as chairman of the Subcommittee on Minerals, Materials, and Fuels, I held hearings touching on this problem. Our committee also considered a bill to create a joint congressional committee on problems of energy. It is my hope that next year we will be able to proceed with full-scale hearings and then fashion recommendations on how to meet the voracious demand for energy in this country and at the same time preserve the integrity of our environment. This poses a difficult problem, but one that must be solved. America demands and must have more energy. At the same time, we must halt the pollution of our skies and our waters and our open spaces.

The December 11 issue of Life contains an interesting article entitled "The Crisis in Power." I ask unanimous consent that the article be printed in the RECORD.

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

THE CRISIS IN POWER

The amount of electricity produced in the United States this year—over 1.6 trillion kilowatt-hours—could satisfy the needs of a city of 20,000 for 10,000 years at present consumption rates. Yet it is barely enough to satisfy the needs of the whole country for even one year. For the first time since the invention of the steam-electric generator 88 years ago, the demand for power is running dangerously close to the supply. Blackouts and brownouts (deliberate emergency cuts) are already commonplace. Peak-load reserves, particularly in the East, are shrinking to the danger point. Even the Pacific Northwest, which has always been oversupplied with hydroelectric power, no longer has enough. Within a decade we will be consuming twice the power we consume now—provided we can produce that much.

In retrospect, the present crisis is the result of poor planning. Ten years ago the power industry was advertising heavily for more business, but they got more than they prepared for. When demand doubled, the electricity just wasn't there. Nuclear power was supposed to help but for various reasons (see page 30) failed to. Producers had to fall back on fossil fuels: coal, oil and natural gas. Labor, money and technical difficulties tightened the squeeze. Growing sensitivity to environmental factors compounded the problem still more. Public protests stopped plant construction in some cases, delayed it in others and caused new fuel and operating regulations to be imposed on an already harried industry.

The answer to the power crisis, as far as there is one, lies again in planning, not for the next five or 10 years but for the rest of the century and beyond. Technological advances may help too, though at the moment neither government nor industry is spending nearly enough to encourage much optimism. In the end Americans may be forced to choose between power and environment—if we are lucky enough to have a choice. Power pools capable of shifting wattage from one system to another exist all over the U.S. In the Northeast, where there is little or no electricity to spare, pool operations have become crucial in preventing shortages and—at least potentially—blackouts. At the center of the New York Power Pool, seated in a somewhat Strangelovian control room, dispatchers calmly act

as brokers, buying and selling vast quantities of power for members and neighboring pools.

At 1:45 on a weekday afternoon, for example, Rochester Gas and Electric called dispatcher Pete Young to announce the shutdown for repairs of the Ginna nuclear generating station.

"Up to the 20 hour (8 p.m.) we'll have 200 (megawatts), for the 21 hour it'll be 50 and for 22, 23 and 2400 it'll be zero."

Other companies in the pool regularly buy extra power from Rochester, but dispatcher Young waits until his hourly check to spread the word. The man at Con Edison in New York City groans at the news. There have been problems with the Astoria No. 4 plant that day, and he might need extra power if it goes out again.

"As it is, I need 100 cap and energy from 4 p to 7 p," says Con Ed. (That is, 100 megawatts of energy for the peak load time of 4 p.m. to 7 p.m. Because the Ravenswood No. 3 unit has been out of service for five months, the city always requests extra power as it gets dark.)

Not wanting to dip into his own pool reserves, Young calls the Pennsylvania, New Jersey and Maryland pool, and they agree to supply the energy. But, they say, that is the limit of their excess.

Later, as the shift is changing, Con Ed calls back to ask for another 100 megawatts. "Astoria 4 just tripped out again. It got up to 50 and then died." Young hands the problem over to his replacement, who may turn to pools in Canada or New England. Then Young and his two fellow dispatchers walk out of the control room, chuckling over a standing joke. Somewhere down at Con Ed, the joke goes, there is a man with a bicycle who could make that generator run.

THERE IS FUEL TO BURN, BUT NOT FOR POWER

Almost every power plant using coal, natural gas or oil will be short of fuel reserves this winter. In about half the cases the shortage is coal. There is still plenty of coal underground, so much, in fact, that at present consumption rates it could last another 1,500 years. But in the early 1960s many utilities, eager to invest in nuclear power, refused to sign or renew long-term, low-rate contracts with miners. The miners, in turn, stopped opening new mines. In many cases they signed contracts to export part of what they were mining, usually to Japan and its expanding steel industry. Even now mining companies aren't rushing to open mines because of tight money, new safety regulations and a growing demand for fuels that are less polluting. Combined with a shortage of coal cars, these factors have already driven prices up.

Natural gas, which produces about a quarter of our electric power, is in even greater demand because it pollutes less than coal does. But existing pipelines are already being used to capacity, and many producers feel that rates and returns are too low to encourage large expenditures in searching for new fields.

Oil produces about 10% of our electric power. Because many American firms prefer to refine their own crude oil into more expensive fuels, most of the oil burned to generate power has to come from overseas. The closure of the Suez Canal, a worldwide shortage of tankers and last spring's break in the Trans-Abrabian pipeline all served to reduce the supply—and raise the price—of oil for power production.

WHY NUCLEAR PLANTS HAVE NOT PAID OFF

Back when the nation's first commercial nuclear power plant went on line in 1957, the Atomic Energy Commission issued rosy predictions that by the year 2000, half the nation's power would be atomic. This could still come true, but so far the record is disappointing. The 19 plants now in operation account for only 2% of the power we use. Right from the start the projects ran into rising construction costs, technical difficulties and labor problems. Then protests stemming from fears of radiation and explosion blocked construction altogether in several localities. Actually, nuclear generators create not one but four kinds of pollution problems. They release tiny amounts of radiation; they produce waste heat in the form of hot-water discharges; they produce radioactive wastes that must ultimately be disposed of; and, in case of an accident, they could unleash clouds of deadly radiation. The chances of such an accident are theoretical—and infinitely small. The effects of radiation, thermal pollution and radioactive waste disposal on the environment are also debatable, but—as many utility companies have found out—they are real enough to arouse constant controversy.

Yet as shortages of fossil fuels have developed, nuclear plants are looking better again. Fifty-two plants are now under construction and 46 in the planning stage. For the first time since 1967, orders for new plants are up. Even with nuclear power, however, power companies may eventually face fuel shortages. Though reactors have been in use for only two decades, one percent of our uranium fuel supply has already been used up. Two things could help: fusion power, a still theoretical process designed to make use of the energy of fusing atoms (page 34), and breeder reactors, which will actually make more fuel than they consume. One experimental system is already being tested, and within 15 years, some experts feel, breeder reactors may be in general use. If so, it will mean a power potential greater than all of our fossil fuel reserves.

STAGGERING PROBLEMS OF LIGHTING A CITY

New York's Consolidated Edison is one of the largest investor-owned utilities in the country—and one of the most maligned by those who use its electricity, breathe its effluents and pick their way around its endless excavations. It operates 12 generating stations and 72,000 miles of underground conduits topped with 165,750 manhole covers. It has a $157 million annual fuel bill, 2,901,000 customers and more problems than any other utility company in the country.

Much of its equipment is old and some decrepit. When Con Ed tries to build new plants or put up transmission lines linking it with the reserves of other power systems, it must fight dozens of individual battles to get the necessary permits. On top of this it must provide over seven million kilowatts of power at peak periods and then be prepared to operate at half speed part of the remaining time. Yet peak-period demands keep going up. New York's new World Trade Center, a 110-story office complex, will add the equivalent of 44,000 homes to the city's load. Con Ed's power supply problems are so acute that this year the company bought 48 jet-engine gas turbines with a capacity of about two million kilowatts. It will operate some of them on four barges docked in the East River to help meet peak loads.

MEANWHILE, GADGETS NEVER STOP COMING

Few people realize just how many ways there are to use up electricity in the home, and more new devices are coming on the market every day. There are now more than 200 different kinds of electric appliances available. Most families have 20 or so, some as many as 50. Though all told they consume about 30% of the electricity generated nationally, few of us would be willing to give them up to protect and preserve the environment. The monthly winter cost to a family operating 20 basic appliances in an all-electric Midwestern ranch-type home is about $55 for 4,328 kilowatt-hours (or about 1.4 cents per hour, a figure very close to the average residential rate). Heating accounts for about three quarters of the bill (3,348 kilowatt-hours) with heavy appliances such as the refrigerator (101), the water heater (401), the stove (98) and the black-and-white TV set (30) adding some 20%. Among the small ones, the frying pan (15) and hand iron (12) use the most electricity, the carving knife (1), toothbrush (1) and trash masher (3) the least.

Air conditioners and central air-conditioning units have raised the home load in the last five years, with retail sales doubling. When a window unit starts up, it gobbles about as much electricity as four color TV sets going on simultaneously. In the offing are even more kilowatt-costly devices. If you really want to, it is already possible to wire up your lawn so that it stays green in the winter, and a Texas store recently advertised an inflatable "environment dome" costing $300,000 for your whole house and lot. It will control temperature and moisture for roughly 200,000 kilowatt-hours a month. In view of such developments it is hard to realize that 2% of American homes are still without electricity at all, though that figure is dropping. Just last month in Maine, 26 residents on an offshore island lit up for the first time—and promptly went out shopping for appliances.

STORING POWER IN A RESERVOIR

As the need for power soars, the battle between energy producers and environmental protectors will undoubtedly escalate. To meet power demands 20 years from now, according to one estimate, we will need 90 new fossil-fuel plants, 165 nuclear generators and so many transmission lines that their rights-of-way will occupy thousands of square miles of land. None of these projects will be built without controversy. One of the biggest arguments now raging, however, concerns a type of power project that emits neither smoke nor radiation: the pump-storage system of stockpiling electricity. Normally, since power can't be stored, utility companies must be able to produce enough electricity to meet peak-period demands.

Pump-storage is an intriguing hybrid that uses gravity as a kind of battery. During slow periods when generators have more capacity than is needed, excess power is used to pump water up a hill into a mountaintop reservoir. Then, when peak-period power is required, the water is allowed to run back through the pump-generators, thus producing electric current. Though only two units of power are returned for every three put in, the peak-load advantages are such that more and more utility companies are trying to build pump-storage systems. The problem is that the plants require space for reservoirs and pumping stations. To some extent, they invariably damage the natural environment of the area, inundating land and disrupting wildlife. In northern Massachusetts, Northeast Utilities will start up a huge "battery in a mountain" next year, supplying power reserves for the New England area. In New York State Con Ed has been trying for eight years to build a pump-storage plant at Storm King Mountain on the Hudson River—and is still trying. More than a dozen other sites are under consideration by other power companies, particularly in New England, and citizens' groups are fighting to defend them.

NEW SOURCES—IN THEORY AND IN THE EARTH'S HOT DEPTHS

The demand for new and nonpolluting power sources is leading scientists to reexamine the earth's natural energy systems. Waterpower already produces about 4% of our electricity, but there is little room for expansion: almost all the best hydroelectric sites have been used. The tides and the sun are energy sources, but so far they have not been employed successfully on a large scale. One recent plan for producing 10 million kilowatts of solar power would have required placing in space a 25-mile-square dish covered with solar cells, and a 34-square-mile receiver on the ground. One source that is

actually being tapped in California (above) is the geothermal energy generated by underground volcanic activity.

In the realm of theory, a process called magnetohydrodynamics (MHD) has considerable promise. Already tested in prototype form, MHD uses coal in a way that is twice as efficient as conventional systems, by converting the coal to a gas, seeding it with millions of tiny particles to make it more conductive and forcing it through a stationary magnetic field. Electric current is produced directly, pollution is less because combustion is more complete, and exhausts are recycled to recover the seeding material.

Finally, if only it could be controlled, the atomic process known as fusion might be able to supply the world with an unlimited amount of power. The sun's energy is produced by fusion, and scientists have made fusion work in the explosion of the hydrogen bomb. The technology does not yet exist that can contain a fusion reaction for power-producing purposes, and perhaps it never will. But there is hope, which is more than can be said about most aspects of our power crisis.

MIDDLE MANAGEMENT TYRANNY

Mr. GOLDWATER. Mr. President, not long ago I spoke in this Chamber of my concern about the suffocating growth of the Federal bureaucracy. I warned that the uncontrolled activities of this monstrous force would sooner or later crush the average American. In particular, I singled out the serious danger posed by the "middle management" bureaucrat who works his own will on the intent of Congress and the wants of the people.

Mr. President, today I am going to disclose one of the most outrageous examples of insensitive bureaucratic abuse which this country has ever seen. The example will demonstrate the incredible extent of power held by middle level administrators and the terrible injury which the misuse of this power can inflict upon the needy citizen. Furthermore, the incident fits the classic case of bureaucratic neglect of the intent of Congress and indeed of constitutional requirements of fair play.

Unfortunately, the scenario is occurring right now in my home State of Arizona where, as incredible as it may seem, the Federal Government is seriously threatening to cut off the welfare payments of 81,543 Arizonans who are blind, totally disabled, aged, or dependent children.

This is the club which the Federal Government is holding over the head of the people of my State because of a disagreement between the Department of Health, Education, and Welfare, and the State of Arizona concerning three minor regulations issued by HEW. I have examined this confrontation from top to bottom and know I am accurate in stating that the difference caused by the implementation of the State regulations instead of the Federal ones does not involve the welfare status of more than 100 or 200 people, and nearly all of this small group of individuals are either eligible for benefits in another State or are already employed. In other words, they are not without some means of support. Compare this, if you will, with the massive threat of the Government to shut off the welfare checks of over 80,000 citizens.

What is even more shocking is the fact that the formal hearing at which the State was supposedly entitled to defend the right of its citizens to receive continued assistance was not conducted in conformity with the procedural rules of fairness required by Federal law as well as the U.S. Constitution.

Compounding the tragedy was the complete failure of the hearing officer to apply the intent of Congress as spelled out in the welfare sections of the Social Security Act.

Mr. President, this horrible infraction of the democratic process is the result of errors committed by a Federal hearing examiner who recently considered Arizona's compliance with Federal welfare law. The examiner released his report only 8 days ago and recommended that Arizona be found out of compliance with three minor HEW requirements.

One issue relates to the validity of an Arizona statute under which welfare assistance is withheld from recipients who leave the State for 3 consecutive months. Another involves the test for calculating the need of welfare applicants. And the third concerns the refusal of Arizona to set up an advisory committee including welfare recipients and welfare representatives.

There was a fourth issue relating to whether or not Arizona could properly seek to unite families by requiring relatives of children whose natural parents are alive to obtain legal custody of the children before the relatives can receive welfare grants for the children. However, the hearing officer ruled in favor of Arizona on this issue. The reason appears to lie in the fact that there was no Government regulation covering the custody problem whereas there were HEW regulations outstanding in each of the other three matters.

This brings us to one crucial aspect of the hearing. Wherever HEW had issued a regulation, the examiner refused to question it. In fact, he expressly decided:

> It is beyond his authority to rule upon the validity of regulations of the Department of Health, Education, and Welfare, and . . . for present purposes the validity of such regulations must be assumed.

Here is the most unbelievable ruling of the whole hearing. Why in the world was the State even given a hearing if questions of the legality of HEW's regulation could not be considered?

This tops them all. Arizona is provided a hearing and then after it is over the examiner decides not to consider whether or not the regulations issued by HEW are valid and proper under the Social Security Act. The fact was well known Arizona has not conformed to the HEW regulations because it claims—and with good cause I might add—they violate the intent of Congress as spelled out in the Social Security Act. But instead of deciding this all-important legal question and stating his reasons for his decisions, the examiner announced he will assume the regulations are valid. Therefore, presto, Arizona is automatically out of compliance with the HEW regulations.

Mr. President, this is the most trumped-up hearing I have ever encountered. Why, the State was wasting its time going before this fellow. His findings were rigged against the State from the start. Once he decided not to consider the legal issues, Arizona had lost the case.

But, Mr. President, I need not tell you such an agency hearing is invalid on its face. Whether through ignorance or design, the hearing officer has clearly violated one of the most elementary principles of due process and fairness which is laid down by Congress and the Constitution. If the examiner would familiarize himself with the Administrative Procedure Act, he would see Congress has required every agency decision, whether it is a final one or a recommended one, to include a statement of findings and conclusions upon all the material issues of fact and law, as well as the reasons or basis therefor.

This is spelled out as clearly as possible in section 8 of the Administrative Procedure Act, which governs all agency hearings unless there are other rules expressly prescribed. As the Social Security Act does not set forth any other code of procedures, Congress has definitely intended for the APA to apply in State-Federal welfare contests.

Even if the APA did not exist, it is obvious the Federal Constitution would guarantee the application of similar rules of procedure to all cases involving the magnitude of a possible loss of millions of dollars.

Accordingly, I charge that the HEW hearing is illegal and unconstitutional. It violates the will of Congress and denies the procedural due process guaranteed by the Constitution.

What makes the conduct of this hearing especially atrocious is the fact I am informed high legal officers at HEW claim the Department assumes the APA applies to all State conformity hearings. If this is true, the hearing officer has committed the additional sin of thwarting the will of his own superiors.

Mr. President, this procedural omission is not the only one which occurred at the HEW conformity hearing. I also am convinced the threat of withholding welfare funds across the board was used in an improper way. Make no mistake about it. The question of Arizona's eligibility to continue to receive Federal funds for its blind, disabled, aged, and child welfare recipients was a preeminent issue at every stage of the State compliance proceedings.

By letter dated July 8, 1970, Mr. John Twiname, who is Administrator of HEW's Social and Rehabilitation Service, informed the Arizona officials there were serious questions as to the eligibility of the State to receive continued welfare grants under titles, I, IV, X, and XIV of the Social Security Act. Mr. Twiname further notified the State it would have a hearing on the specific question of whether further Federal grants may be made to the State pursuant to these programs.

Now that the hearing has concluded, Mr. Twiname has again advised Arizona he may decide to withhold funds for all aspects of these programs. In addition, the HEW News release on the compliance hearing states that—

Mr. Twiname has 60 days to decide whether to withhold applicable Federal funds from Arizona.

So let no one avoid the major issue. At stake in this crisis is the welfare money of all Arizona welfare recipients. The Federal bureaucracy has clearly spoken. The question of withholding funds for "all aspects" of the welfare system is very much a real menace.

What would this mean? What harm would the denial of these funds cause to thousands of unfortunate citizens and their families? You can search high and low through the hearing examiner's record without finding the answer. Arizona was promised a hearing on this question, but the examiner has failed to set out even one fact touching on the cutoff issue. What does the Administrator, Mr. Twiname, have to go on in deciding whether or not to end further Federal payments? Nothing. Absolutely nothing.

The record is a blank on this vital point. Has the hearing officer inquired as to how many people will be denied welfare payments if HEW ends its grants? No.

Has he advised the Administrator as to the number of people who may be found ineligible under the State regulations but not under the Federal regulations? Has he determined what the difference in grant amounts to individual recipients will be if the Federal guidelines are used instead of the State ones? Again, the answer is no.

In short, the bureaucratic system has failed dismally to produce a fair and complete record on which an intelligent decision can be made. Incredible as it seems, a Federal Administrator will be making his decision about whether or not to terminate several millions of dollars in welfare grants on the basis of a patently barren record. Once again, I believe this kind of unthinking disregard for the fundamental rules of fairness destroys the legality of the entire proceeding.

Mr. President, having just completed a thorough review of the welfare crisis, I can report the impact of the State regulations is surprisingly slight in comparison with the bludgeon wielded by HEW. Let us examine the facts.

There are four welfare programs at issue. One is old-age assistance, the second is aid to the blind, the third is aid to the permanently and totally disabled, and the fourth is aid to dependent children. Now, taking the latest statistics available—which are for September 1970—we can see there are 13,755 aged recipients, 8350 disabled persons, 534 blind recipients, and 58,904 needy children. This makes a total of 81,543 welfare recipients in Arizona who are the target of HEW's threatened cutoff decree.

And directly at stake is $43.2 million which these individual citizens collectively receive in welfare grants. This is the combined amount of Federal and State payments going to welfare persons. Three-fourths of it is Federal money and, of course, the remaining State portion is fully dependent upon payment of the Federal share. Therefore, the entire amount is involved should HEW withhold its funds.

On the other hand, my study has revealed there are less than 200 persons whose welfare payments would be in jeopardy over the entire next fiscal year if the State regulations prevail. In other words, HEW is seriously warning it will go so far as to deny 81,543 needy people of their welfare aid in order to force Arizona to add perhaps 100 or 200 additional persons to its welfare rolls. The welfare of over 80,000 human beings is being put on the block by HEW as a hostage to its concern for 100 or 200 individuals, nearly all of whom we shall see are either eligible to receive benefits in another State or are earning an outside income.

Mr. President, this is nothing short of administrative blackmail. If private citizens would threaten each other with such illogical and disproportionate action, they would likely become liable to charges of extortion and blackmail.

There are kinder words applied to administrative differences, however, and they have to do with the denial of due process. Whenever a governmental unit abuses its authority by enforcing or threatening to enforce its edicts in an arbitrary manner, the courts have overturned such behavior as a violation of substantive due process. Where the means are not reasonably related to the end, the courts have always striken down the administrative action as a denial of essential justice.

When, as here, the living rights of thousands of individuals are at stake, the judiciary will scrutinize governmental action especially carefully.

Thus, in the present conflict, I must ask: "Can anyone honestly tell me HEW would not unreasonably interfere with the rights of nearly 82,000 needy citizens to receive the substance of their lives if it withheld the welfare checks of such people in order to force the State to its will?"

Once again, I must charge that the hearing examiner and certain middle management employees at HEW have displayed a callous disregard for the constitutional requirements laid down for agency activities. A threat to coerce State compliance by denying many thousands of unfortunate people of their only source of subsistence is cruel, irrational, and just plain stupid.

Where the agency gets off in thinking Congress would allow any such thing to happen is beyond me. Not only would such a drastic step be unconstitutional, but Congress has never authorized the use of this kind of pressure. It reveals monstrous disdain for Congress if anyone thinks so.

The only sensible remedy to consider in the event Arizona has misconstrued the Federal law is to extract a pledge from her to treat all those persons affected by the decision as hereafter eligible for benefits and to grant each of them the proper amount of assistance to which they are thereby entitled. And, even then, no order should be forthcoming until the State has been given a fair and complete hearing to determine the validity of its arguments.

If the State has erred in denying anyone his entitlement to welfare payments, then direct the State to pay those people what is coming to them, including possible back payments. If the State has shortchanged any recipient what is due him, then make the State pay these people the full amount to which they are and were entitled.

But, for Lord's sake, let us keep away from the idea of taking away the welfare grants of any innocent, deserving persons. Pay the additional ones what it is their right to receive. But do not remove anybody from the rolls solely out of a capricious administrative whim.

In the event the State still would not comply with this directive, arrived at after a fair hearing, then the route remains open to the courts and all the powers for imposing a fine that go with contempt of court. Again, there would be absolutely no need to terminate the welfare aid of one person. Put the emphasis on extending assistance to new and needy citizens. Let there be no talk of denying innocent citizens their basic needs for survival.

Mr. President, it would be well for me at this point to analyze further the effect of the differences between the application of the State and Federal regulations.

Remember, there are only three regulations still in controversy. The one which the welfare people say means the most to them would not directly add one person to the welfare rolls. This is the policy of HEW to set up an advisory committee in each State consisting of members from the welfare community and social workers themselves. I will not get into the merits of this requirement other than to suggest it is advisory only and will not of itself bring higher welfare payments or grant eligibility to any additional persons.

So we must move to the second regulation, which involves the test of need. This practice in turn might determine the entitlement of a person to receive welfare assistance. In layman's language, the issue revolves around how you calculate a person's earned income or lack of income after deducting work expenses and certain Federal allowances.

Rather than attempt to explain the different formulas, I will merely note that less than 100 persons are cut off from their welfare payments in any one year because of the State test who would not also be excluded by the Federal test. The important thing to observe is that no one is cut off who is blind, or disabled, or unemployed. We are talking solely about people who are able to earn a wage or income.

Insofar as the difference in the size of payments, again there would only be a slight increase resulting from use of the Federal requirement. For example, if we apply the State test to a typical individual with a wife and two children who earns a monthly salary equal to the Federal minimum wage, he would be entitled to receive a welfare payment of $76 a month. The same persons would be given $84 a month in welfare assistance should the Federal rule apply.

Therefore, we have a difference of $8 a month. It is true even this sum is important to a lower-income family, but I must ask, Is it a difference great enough to justify denying everyone in the State,

whether blind, disabled, or unemployed, of his right to receive welfare help? Of course it is not, and for the life of me I cannot see how anyone at HEW ever conceived of this malicious fear tactic.

Mr. President, the impact of the State regulation is equally minor when one looks at the State residency rule. What the State does is to end payments to applicants who are no longer within Arizona after an absence of 3 consecutive months.

The restriction does not apply to persons who depart from Arizona if they return in less than 3 full months. Nor does it impose a 3-month waiting period on persons newly arriving in Arizona. It only applies to individuals who choose to stay outside of Arizona's borders for in excess of 3 consecutive months.

Once we have the group clearly in mind we can see it does not number a very large one. The best figure anyone has given me is 100 or less yearly.

And I should add that simply because 100 or fewer applicants are disqualified from getting continued assistance from Arizona does not mean they are suspended in limbo without any right to aid. Oh no, their ability to receive welfare money is not at question. Most likely all these same individuals are entitled to apply for and receive welfare assistance at the new place where they are residing. So truly what is at issue is not whether these people can continue to receive welfare grants, but whether they will be allowed to become eligible for welfare in more than one State at the same time.

Accordingly, it is my conclusion the welfare conflict between Arizona and the Federal Government actually involves the ability of one, and certainly not more than 200 persons to receive continued welfare aid. To my mind, any effort by the Government to push for this end by endangering the welfare rights of nearly 82,000 other individuals smacks of dictatorial practices. I am certain such an abuse of public trust could never stand up in the courts.

In fact, the punishment is so ridiculous on its face I wonder if someone along the bureaucratic line is attempting to embarrass the President and the newly appointed Secretary of Health, Education, and Welfare. Can it be that a long-entrenched middle level bureaucrat has misguidedly or perhaps intentionally worked his own will, his own wishes for a particular outcome, onto the policy of his own administrator or chief?

It is curious in the Arizona case that the hearing officer who proposed such a ludicrous decision and ignored several legal and constitutional mandates is reported to have been employed as a Federal welfare worker since 1945. Could his long years of doing things according to his own policy, acquired in his early practice, have caused him to be oblivious to the changed policies of a new administration? Might the long period of his employment in the welfare field have developed an attitude of self-assurance so that he felt no compulsion to follow or find out about the Administrative Procedure Act or the fundamental requirements of constitutional due process? I hope not. But I must point out, Mr. President, these are the classic symptoms of bureaucratic fever.

Whatever its cause, the Arizona welfare proceeding is a terrible example of bureaucracy run wild. The hearing was not guided in conformity with the Administrative Procedure Act. It was devoid of the most basic rules of procedure guaranteed by the Constitution. The State was intimidated by the threat of a penalty so severe and irrational it violated the bounds of due process. And the record sent up to the Administrator fails to set out any findings at all on certain key issues which are vital to the outcome of the controversy.

In these circumstances, I have felt compelled to send a letter today to Mr. Twiname, the HEW Administrator, protesting the illegal and unconstitutional manner in which the hearing was conducted. His only recourse, as I see it, is to declare the first hearing a false start and to begin over.

Therefore, I have today urged Mr. Twiname to either drop the matter entirely or to call a new hearing limited to the same three or four regulations considered at the first hearing. And, most importantly, if a new hearing is held, I have asked the Administrator to issue firm guidelines for its fair operation. Specifically, I propose the session be held in strict adherence to the fundamental concepts of fairness laid down in the Administrative Procedure Act. The examiner must be told to consider questions involving the validity of HEW regulations and he must be ordered to rule on all matters of law. In addition, he should fully set out the reasons for his conclusion on issues of law, as well as issues of fact.

Furthermore, the examiner must be directed to take testimony and render findings on the factual question of exactly how many persons and how much money is involved in the differences between the State and Federal regulation.

And, without delay, the Administrator should announce that HEW is dropping its threat to withhold all or any welfare moneys. If he is not resourceful enough to frame a sensible and related means of enforcement which will not put the whole State welfare system in jeopardy, then someone else with more imagination should take over the job.

In summary, Mr. President, I must deplore this outrageous incident of middle management tyranny. In these few minutes I have listed several instances of flagrant neglect of the laws of Congress and the true needs of the people. I have not even gotten into the merits of the disagreements between the State and HEW relative to their conflicting interpretations of the Federal welfare law. This is a matter which I intend to explore in a second speech on this subject in the near future. It will suffice for now to assure my colleagues Arizona's claims are not trumped up or devious, but are quite sound and serious. Rather, I think the major point of my speech today should be the poignant reminder it gives to all Senators that this example of dictatorial abuse might happen in your State as well as in Arizona. Sure as the sun rises it will unless we begin to clamp on reasonable controls over the Federal bureaucracy.

Mr. President, in order that readers can obtain a clearer picture of the issues at question, I ask unanimous consent to have printed in the RECORD the HEW news release announcing the findings of the hearing examiner, the abrupt notice given to Arizona of the examiner's proposed decision, the complete text of the findings and report of the examiner, Arizona's reply brief and proposed findings which were submitted to the examiner, the text of relevant sections of the Administrative Procedure Act, as codified in title 5 of the United States Code, and the text of my letter mailed today to John D. Twiname, Administrator of HEW's Social and Rehabilitation Service.

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

HEW NEWS RELEASE

A Federal hearing examiner has recommended that Arizona be found out of compliance with Federal welfare law, HEW's Social and Rehabilitation Service announced today.

Examiner Edward K. Adelsheim made the recommendation in a November 27, 1970, report to Social and Rehabilitation Administrator John D. Twiname, who have final authority under HEW regulations in issues involving State compliance with Federal welfare law.

Mr. Twiname has 60 days to decide whether to withhold applicable Federal funds from Arizona until it comes into compliance with Federal requirements.

Examiner Adelsheim proposed these findings:

—Contrary to Federal law, Arizona terminates payments to recipients who are temporarily absent from the State for over 90 days, in effect imposing a residence requirement.

—In disregarding certain earned income of welfare recipients as required by Federal law in the Aid to Families with Dependent Children (AFDC) program, the State disregards the first $30 of such income plus one-third of the remainder from a net amount rather than the gross income as required.

—The State plan makes no provision for a State-level advisory committee of recipients and representatives of public and private groups for the AFDC and Child Welfare Services programs.

The Examiner held a hearing on the issues August 18–19, 1970, in San Francisco, California.

In releasing the examiner's report, Mr. Twiname advised all the parties that they may within 20 days file exceptions to the recommended findings and proposed decision, and supporting briefs or statements.

He also invited the parties "to include in a separate brief or statement their comments as to whether, in event I decide to uphold the Examiner's proposed decision, funds shall be withheld for all aspects of the program . . . or whether only certain categories of funds shall be withheld."

His decision may be appealed in the U.S. Appeals Court.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE SOCIAL AND REHABILITATION SERVICE, IN THE MATTER OF THE ARIZONA CONFORMITY HEARING

TO ALL PARTIES

Attached is a copy of the Hearing Examiner's proposed decision, dated November 27, 1970. Please be advised that as allowed by 45 CFR 213.32(b)(2) you "may, within 20 days, file with the Administrator exceptions to the recommended findings and proposed decision and a supporting brief or statement."

Also be advised that in accordance with 45 CFR 213.32(c), all parties are invited to include in a separate brief or statement their

comments as to whether, in the event I decide to uphold the Examiner's proposed decision, funds should be withheld for all aspects of the program under titles I, IV-A, X and XIV of the Social Security Act, or whether only certain categories of funds should be withheld.

All briefs must be postmarked no later than December 17, 1970.

JOHN D. TWINAME,
Administrator.

HEARING EXAMINER'S RECOMMENDED FINDINGS AND PROPOSED DECISION

(In the matter of the continuance of grants to the State of Arizona under titles I, IV, X, and XIV of the social security act)

This case was heard before the undersigned Hearing Examiner, pursuant to a Notice of Hearing published on July 10, 1970 in the Federal Register, Volume 35, No. 133, page 11150, on August 18 and 19, 1970 in San Francisco, California.

The parties in this proceeding are:

Social and Rehabilitation Service of the United States Department of Health, Education, and Welfare (DHEW), John D. Twiname, Administrator, represented by Stephanie W. Naidoff, Assistant Regional Attorney, DHEW, San Francisco, R. T. Manuel, Jr., Deputy Regional Attorney, DHEW, San Francisco, and Borge Varmer, Office of the General Council, DHEW, Washington, D.C.;

Arizona State Department of Public Welfare, John O. Graham, Commissioner, represented by Peter Sownie, Assistant Attorney General, Michael S. Flam, Assistant Attorney General, and Fred W. Stork, Assistant Attorney General, Phoenix, Arizona.

National Welfare Rights Organization represented by Jerry Levine, Director of Litigation, Maricopa County Legal Aid Society, Tempe, Arizona, and Mark B. Raven, Staff Attorney, Legal Aid Society of the Pima County Bar Association, Tucson, Arizona;

Arizona Affiliates of the National Welfare Rights Organization represented by Mr. Raven;

Maricopa County Legal Aid Clients represented by Mr. Levine, Peter Nussbaum, Staff Attorney, Center on Social Welfare Policy and Law, New York, New York, and Oscar C. Rauch, Attorney-at-Law, Phoenix;

Welfare Rights Organization of Arizona, Inc., represented by Mr. Levine; and

Dinebeiina Nahiilna Be Agaditahe, Inc. (DNA) Clients represented by Martha Ward, Attorney, and Roy Ward, Attorney, Tuba City, Arizona.

Participating as *amici curiae* are:

Center on Social Welfare Policy and Law represented by Mr. Nussbaum and

Papago Legal Service represented by Lindsay Brew, Sells, Arizona.

By letter dated July 8, 1970 (quoted in the Notice of Hearing), Mr. Twiname notified Mr. Graham that it appeared that there were serious questions as to whether the Arizona State plan met requirements of Federal law and regulations and, therefore, as to eligibility of Arizona to continue to receive Federal funds under Titles I, IV (Parts A or B), X, or XIV of the Social Security Act for operation of programs under such titles. Accordingly, pursuant to his authority and responsibility for the administration of such titles, Mr. Twiname notified the Arizona State Department of Public Welfare that it would have an opportunity for a hearing, as provided for in sections 4, 404(a), 1004, and 1404 of the Act and 45 CFR 201.5, on the question of whether further Federal grants may be made to the State under Titles I, IV (Part A), X, and XIV of the Act, and that it would have an opportunity for a hearing on the question of whether further Federal grants may be made to the State under Title IV (Part B) of the Act.

In his letter dated July 8, 1970, to Mr. Graham, Mr. Twiname set forth four issues which, he anticipated, would be involved in the hearing. The four issues specified by Mr. Twiname were the issues, and the only issues, concerning which documentary and oral evidence was introduced at the hearing.

ISSUE NO. 1—RESIDENCY REQUIREMENT

This issue is whether the State plans for the OAA, AFDC, AB, and APTD programs, which provide for termination of aid payments at the end of 90 days to recipients who are residents of the State but have been temporarily absent for such period, are in compliance with section 202.3 of the DHEW regulations, 34 F.R. 8715, June 3, 1969.

The sections of the Social Security Act bearing on this issue are, in pertinent part, as follows:

Section 2(b):

"The Secretary * * * shall not approve any plan which imposes, as a condition of eligibility for assistance under the plan—

* * * * *

(2) any residence requirement which (A) in the case of applicants for old-age assistance excludes any resident of the State who has resided therein five years during the nine years immediately preceding the application for old-age assistance and has resided therein continuously for one year immediately preceding the application, * * * "

Section 402(b):

"The Secretary * * * shall not approve any plan which imposes as a condition of eligibility for aid to families with dependent children, a residence requirement which denies aid with respect to any child residing in the State (1) who has resided in the State for one year immediately preceding the application for such aid, or (2) who was born within one year immediately preceding the application, if the parent or other relative with whom the child is living has resided in the State for one year immediately preceding the birth."

Section 1002(b):

"The Secretary * * * shall not approve any plan which imposes, as a condition of eligibility for aid to the blind under the plan—

(1) Any residence requirement which excludes any resident of the State who has resided therein five years during the nine years immediately preceding the application for aid and has resided therein continuously for one year immediately preceding the application; * * * "

Section 1402(b):

"The Secretary * * * shall not approve any plan which imposes, as a condition of eligibility for aid to the permanently and totally disabled under the plan—

(1) Any residence requirement which excludes any resident of the State who has resided therein five years during the nine years immediately preceding the application for aid to the permanently and totally disabled and has resided therein continuously for one year immediately preceding the application; * * * "

The above-quoted statutory provisions have been implemented by regulations, 45 CFR 202.3, as follows:

"SEC. 202.3 *Condition of plan approval; prohibition against exclusion of residents.*

(a) A State plan for OAA, AFDC, AB, APTD, or AABD, to be approved under section 2, 402, 1002, 1402, or 1602, as the case may be, of the Social Security Act (42 U.S.C. 302, 602, 1202, 1352, 1382) may not impose, as a condition of eligibility for such aid or assistance, any residence requirement which excludes any individual who resides in the State.

(b) A State plan which conditions eligibility upon residence in the State may not exclude from eligibility and individual who resides in the State under the following definition:

A resident of a State is one who is living in the State voluntarily and not for a temporary purpose, that is, with no intention of presently removing therefrom. A child is 'residing in the State' if he is making his home in the State. Temporary absence from the State, with subsequent returns to the State, or intent to return when the purposes of the absence have been accomplished, shall not interrupt continuity of residence. Residence as defined for eligibility purposes under a State plan may not depend upon the reason for which the individual entered the State, except insofar as it may bear upon whether he is there for a 'temporary purpose.'

(c) A State must determine eligibility for aid or assistance with respect to a person's status as a resident of that State in accordance with the general Federal policies on acceptance of applications and determination of eligibility, including the requirement that prompt action will be taken on each application.

(d) Any State which has imposed, as a condition of eligibility, a requirement which is inconsistent with the provisions in paragraph (a) or (b) of this section must provide effectively methods for giving notice of its present erquirement to former potential applicants for OAA, AFDC, AB, APTD, or AABD and to other interested persons. The methods which the State agency proposes to meet this notice requirement must be submitted to and be approved by the Regional Commissioner, SRS, DHEW. In addition, where the records of the State agency permit identification of persons whose applications have been denied at any time within the past year by reason of such an inconsistent requirement, the State agency must give prompt written notification to such persons concerning the change in that requirement. Such notification must be given within 90 days of publication of these regulations and must clearly explain the rights which such persons have under these regulations."

Section 46-209.B of the Arizona Revised Statutes provides:

"A recipient of any assistance granted under this title shall not be continued on assistance after he has been absent from the state for three consecutive months."

It is stipulated that this provision has been adopted in the State plans for OAA, AFDC, AB and APTD by section 8-303.2 of the Arizona APA Manual which provides:

"Assistance Payments Out of State: Recipients who leave the State with the intention of returning will file a statement of intention of Residence, DPW-317, at the County Welfare Department prior to leaving the State in order to establish continued eligibility during their absence, or for a maximum period of 90 days.

"Recipients who leave the State of Arizona with the intention of establishing residence elsewhere will also complete the form DPW-317. The recipient will be advised that assistance from the State of Arizona will be continued only until his eligibility for assistance can be established in the other state and he must make application there immediately after arrival. The County Worker will also write to the County Welfare Office nearest the place of the recipient's new residence informing them of his presence in that state, his intent to estabilsh residence, and that the State of Arizona will discontinue assistance immediately after approval of the application or at the end of 90 days, whichever date comes first."

The regulations in 45 CFR 202.3 are responsive to the decision of the United States Supreme Court in *Shapiro* v. *Thompson*, 394 U.S. (1969), holding that durational residence requirements in public assistance programs are unconstitutional.

Thus, under this decision the Department of Health, Education, and Welfare is barred from approving any State plan for OAA, AFDC, AB, and APTD which imposes as a condition of eligibility for assistance under the plan any residence requirement which excludes any resident of the State. Section 46-209.B of the Arizona Revised Statutes and section 3-303.2 of the Arizona APA Manual provides for automatic termination of public assistance under the four assistance programs when a recipient has been absent from the State for three consecutive months (or over 90 days) without regard to the circumstances surrounding his absence or his intention with respect to returning to the State. In effect, the State's plan provisions establish a conclusive presumption that the recipient is no longer a resident of the State by reason of his absence of 90 days. The result of such conclusive presumption is the automatic termination of assistance after a recipient's absence of 90 days, and this creates, as a condition of eligibility for assistance, a residence requirement which excludes a resident of the State in contravention of the above-quoted provisions of the Social Security Act, as read in light of the decision in *Shapiro* v. *Thompson*, and in contravention of 45 CFR 202.3.

The State argues that 45 CFR 202.3 is invalid. The Hearing Examiner's response to this argument must be that it is beyond his authority to rule upon the validity of regulations of the Department of Health, Education, and Welfare, and that for present purposes the validity of such regulations must be assumed. The State also argues that the statutory authority of the Secretary of Health, Education, and Welfare is limited to rejecting State plans which contain residence requirements which do not comport with the Act, and that the Secretary is without authority to reject a State plan which terminates assistance to individuals who are absent from the State for more than three consecutive months. The State is drawing a distinction between the determination of initial eligibility of an applicant for public assistance and the determination of his continuing eligibility. The applicable provisions of the Social Security Act and the regulations thereunder make no such distinction. The termination of assistance to a resident who leaves the State without losing his residence is as much an "exclusion" of that resident of the State as an "exclusion" of a resident in an initial determination of ineligibility.

ISSUE NO. 2—DISREGARD OF EARNED INCOME IN AFDC

This issue is whether the State plan provision for the AFDC program with respect to the method of disregarding earned income, which provides for application of the amounts of such income to be disregarded first against the net income instead of the gross income, is in compliance with 45 CFR 233.20(a)(7)(i).

The section of the Social Security Act bearing on this issue is 402(a)(8)(A)(ii) which provides that the State agency shall with respect to any month disregard—

* * * * *

"(ii) in the case of earned income of a dependent child not included under clause (i), a relative receiving such aid, and any other individual (living in the same home as such relative and child) whose needs are taken into account in making such determination, the first $30 of the total of such earned income for such month plus one-third of the remainder of such income for such month (except that the provisions of this clause (ii) shall not apply to earned income derived from participation on a project maintained under the programs established by section 432(b)(2) and (3));"

This provision was enacted with the Social Security Amendments of 1967, and, although it was optional for any period beginning after December 31, 1967 and ending prior to July 1, 1969, it became mandatory effective July 1, 1969 (section 202(c) of P.L. 90-248).

Section 402(a)(8)(A)(ii) has been implemented by regulations, 45 CFR 233.20(a)(7)(i), which provide that a State plan for AFDC must:

"Provide that the following method will be used for disregarding earned income: The applicable amounts of earned income to be disregarded will be deducted from the gross amount of 'earned income,' and all work expenses, personal and non-personal, will then be deducted. Only the net amount remaining will be applied in determining need and the amount of the assistance payment."

It is stipulated by all parties that the Arizona State plan for AFDC provides that the earnings exemption of $30 per month plus one-third of the remainder must be applied to net earnings, that is, gross earnings minus the cost of employment allowances, and that this method is set forth in item 2.B.3 of the Instructions accompanying form DPW-324. Stipulation No. 12 and HEW Exhibit No. 2 establish that item 2.B.3 of Instructions for DPW-324 includes, with respect to budget computation, the following method of disregarding earned income:

"(11) Enter the Gross Earnings from Employment of all adult recipients; and of any child recipient whose earnings are not totally disregarded.

"(12) Enter the cost of employment allowance(s). (See 3-1120.5D).

"(13) Subtract line (12) from line (11) and enter difference.

"(14) Enter amount of earnings disregarded by law or policy (i.e., ADC: '$30+⅓;' AB '$85+½')

"(15) Subtract line (14) from line (13) and enter difference. *Note:* In lines (16) and (17), DO NOT INCLUDE amounts set aside for the future identifiable needs of ADC Children. Note the amount and purpose of the 'set aside' in the case record."

The State does not dispute that 45 CFR 233.20(a)(7)(i) requires that the State plan for AFDC must provide that the disregarding of earned income be calculated on the basis of gross earned income, that is, the individual's earnings before any deduction for work expenses, whereas the State plan for AFDC provides that work expenses (the cost of employment allowances) are deducted from gross earnings, and that the disregarding of earned income is then calculated on the basis of the remaining net earnings. It is the State's position with respect to the obvious conflict between the DHEW regulations and the State's plan provisions that the regulations are invalid. As stated above, the Hearing Examiner considers it beyond his province to rule upon the validity of regulations of DHEW and, instead, must assume their validity for present purposes.

ISSUE NO. 3—ELIGIBILITY FOR AFDC—LEGAL CUSTODY

This issue is whether the State plan provision for the AFDC program that the caretaker-relative or the welfare department must have legal custody of a child whose siblings are also receiving AFDC in the home of their natural parent(s) in order for such child to be eligible for AFDC is in compliance with section 402(a)(10) of the Act and whether such exclusion from eligibility for AFDC of similarly situated children on a basis unrelated to need is a reasonable classification consistent with the provisions and purposes of title IV-A of the Social Security Act.

It is stipulated that the Arizona State plan for AFDC now in effect includes the following provisions in section 3-401.3 of the State Assistance Manual:

"A relative of a natural parent who is an Aid for Dependent Children recipient cannot be approved for an Aid for Dependent Children grant on behalf of any of the children of said parent unless said relative or the Department of Public Welfare has legal custody of the child or children named in the application. *The custody order will be waived in cases where due to the illness of the parent it is the medical recommendation that responsibility for all of the children not be undertaken by the parent for a given period of time.*"

Section 402(a)(10) of the Social Security Act requires that the State plan provide "that all individuals wishing to make application for aid to families with dependent children shall have the opportunity to do so, and that aid to families with dependent children shall be furnished with reasonable promptness to all eligible individuals."

The Hearing Examiner has given careful consideration to the Exhibits introduced in the record with respect to Issue No. 3, to the testimony at the hearing, and to those portions of the briefs and the reply briefs of the parties devoted to Issue No. 3. The Hearing Examiner accepts that it has been and is the long standing policy of the Department of Health, Education, and Welfare and of all predecessor agencies responsible for the administration of the public assistance programs that a State plan must contain only those eligibility conditions which result in an equitable treatment of individuals in similar circumstances and, further, that exclusions, or differences in treatment, of individuals which bear no reasonable relationship to the purposes and intent of the public assistance programs have been rejected. Because of his recommended finding No. 6 (see below) the Hearing Examiner is of the opinion that no useful purpose would be served by here reciting or summarizing the evidence and arguments with respect to Issue No. 3.

ISSUE NO. 4—ADVISORY COMMITTEE, AFDC-CWS

This issue is whether the State plans for the AFDC and CWS programs pursuant to Title IV, Part A or Part B of the Act, with respect to an AFDC-CWS advisory committee in the administration of the service programs for families and children, are in compliance with the requirements in 45 CFR 220.4.

The section of the Social Security Act bearing on this issue is, in pertinent part, as follows:

"SEC. 402(a) A State plan for aid and services to needy families with children must

* * * * *

(5) provide * * * such methods of administration * * * as are found by the Secretary to be necessary for the proper and efficient operation of the plan, * * *"

Regulations of the Department of Health, Education, and Welfare, 45 CFR 220.4, provide, in pertinent part, as follows:

"(a) An advisory committee on AFDC and CWS programs must be established at the State level and at local levels where the programs are locally administered, except that in local jurisdictions with small caseloads alternate procedures for securing similar participation may be established. The State plan must show that the advisory committee will:

"(1) Advise the principal policy setting and administrative officials of the agency and have adequate opportunity for meaningful participation in policy development and program administration, including the furtherance of recipient participation in the program of the agency.

"(2) Include representatives of other State agencies concerned with services, representatives of professional, civic or other public or private organizations, private citizens interested and experienced in service programs, and recipients of assistance or services or their representatives who shall constitute at least one-third of the membership. Such recipients or their representatives must be selected in a manner that will assure the participation of the recipients in the

selection process and that they are representative of recipients of assistance or services.

"(3) Be provided such staff assistance from within the agency and such independent technical assistance as are needed to enable it to make effective recommendations.

"(4) Be provided with financial arrangements, where necessary, to make possible the participation of recipients in the work of the committee structure."

The record abundantly establishes that the Arizona State plan contains no provision complying with the above-quoted regulations, and that the State has purposefully omitted any such provisions from its plan for services to needy families and children. In its brief and reply brief the State takes the position that it is under no obligation to comply with 45 CFR 2220.4 for the reason that it is invalid. The Hearing Examiner reiterates that he must assume the validity of regulations of DHEW.

Recommended findings

Upon consideration of the entire record, the Hearing Examiner recommends the following findings:

With regard to Issue No. 1,

1. Under the Arizona plans for OAA, AFDC, AB, and APTD assistance is automatically terminated when a recipient has been absent from the State for over 90 days without regard to the circumstances of his absence.

2. The provision in the Arizona plans for OAA, AFDC, AB, and APTD for the termination of assistance when a recipient has been absent from the State for over 90 days imposes, as a condition of eligibility for such assistance, a residence requirement which excludes some residents of the State and does not comply with provisions of sections 2(b), 402(b), 002(b), and 1402(b) of the Social Security Act and 45 CFR 202.3.

With regard to issue No. 2,

3. For the purpose of calculating the amount of income to be applied in determining need, the Arizona AFDC plan prescribes the following method with respect to earned income and work expenses: All work expenses allowed under the plan are deducted from gross earnings; the $30 plus one-third of the remainder of earned income is then calculated on the basis of, and deducted from, the reduced amount; subject to other disregards not at issue here, the remaining amount is applied in determining need and the amount of assistance.

4. Under the mandatory requirement of 45 CFR 233.20(a)(7)(i), a State plan must provide that applicable amounts of earned income to be disregarded will be deducted from the gross amount of earned income, and that all work expenses will then be deducted in arriving at the amount to be applied in determining need and the amount of assistance.

5. The Arizona plan for AFDC is not in compliance with the requirement set forth in 45 CFR 233.20(a)(7)(i).

With regard to Issue No. 3,

6. The Government, which is the moving party herein, has not sustained its burden of proof that the exclusion provided for in section 3-401.3 of the State Assistance Manual is not in compliance with section 402(a)(10) of the Social Security Act and is an unreasonable and therefore invalid classification under the provisions and purposes of Title IV-A of the Act.

With regard to Issue No. 4,

7. The Arizona plan for AFDC-CWS omits any provision for a State-level Advisory Committee on AFDC and CWS programs.

8. The Arizona plan for AFDC-CWS is not in compliance with the requirement set forth in 45 CFR 220.4.

Proposed decision

The Hearing Examiner proposes that the Administrator of the Social and Rehabilitation Service of the Department of Health, Education, and Welfare conclude that the Arizona State plans for OAA, AFDC, CWS, AB, and APTD do not comply with Federal requirements.

EDWARD K. ADELSHEIM,
Hearing Examiner.

PORTLAND, OREG., *November 27, 1970.*

ARIZONA'S REPLY BRIEF

(In the matter of conformity of public assistance plan of the State of Arizona with the Social Security Act)

REPLY BRIEF

In replying to the briefs filed by all parties, including Amicus, one point should be made crystal clear. The testimony presented by the parties, except the Department of Health, Education, and Welfare, was not within the framework relevancy. The testimony bore no relationship to "policy" but went directly to that of "practice." The Department of Health, Education, and Welfare objected to this kind of testimony at the Hearing (see T.44 and 45), however, the Department of Health, Education, and Welfare relied upon it in their brief.

Using the testimony regarding practice, and their conclusive presumption that their regulations are law, the Department of Health, Education, and Welfare bootstrapped themselves into a position of bureaucratic diety.

The Department of Health, Education, and Welfare boldly contends the rule of "substantial failure" as set forth in the Act is not in issue. This position is offered without any authority. Congress does not pass statutes for the sake of an administrative Agency to give lip service to their enforcement. Neither the Department of Health, Education, and Welfare, nor any other party, proved Arizona's plan "fails to substantially comply with the Act" or that there were a "significant number of cases" which demonstrated a failure to comply.

ISSUE NO. 1

The Department of Health, Education, and Welfare grotesquely interprets the Act by stating the statutes call for "residency per se" and "durational residency." This construction has no foundation in the law. Also, reliance upon *Shapiro* v. *Thompson*, 394 U.S. 618 (1969) does not support this construction. *Shapiro* never held any portion of the Social Security Act to be invalid or unconstitutional. Consequently, reliance upon the severability clause of the Act (§ 1103) is not applicable. The Department of Health, Education, and Welfare cannot declare a statute of Congress invalid or unconstitutional.

Further, the Department of Health, Education, and Welfare relies upon evidentiary matters not presented at the Hearing. Such a tactic violates all notions of fair play. (Department of Health, Education, and Welfare Exhibit "C" attached to their Opening Brief). Exhibit "C" should be stricken from the record.

In conclusion, Arizona has conclusively demonstrated through legal argument in their Opening Brief the validity of its policy as being in conformity with the Social Security Act.

ISSUE NO. 2

The Social and Rehabilitation Service is wrong in its statement that there was only an interim policy as to deduction of work expenses when in fact such work expenses were deducted all along. The regulation 45 C.F.R. 233.20(a)(7)(i) is an unauthorized regulation that is not in conformity with the Social Security Act.

Arguments of all the parties are only attempts to receive the issue piecemeal. Clauses (7) and (8) must be taken in their entirety to arrive at the proper method of computing the deductions. (The brief of Center on Social Welfare Policy and Law as Amicus Curiae used the figure of $50.00 for work expenses in the Federal method and $40.00 for work expenses in the Arizona method, thus distorting the figures of the final amounts of grant in the example.

The features of clause (8) are given effect after clause (7) as shown by the following:

"(8) provide that, in making the determination under clause (7), the State agency—

"Except that, with respect to any month the State agency shall not disregard any earned income (other than income referred to in subparagraph (B)) of—

"(D) any of such persons specified in clause (ii) of subparagraph (A) if with respect to such month the income of the persons so specified (within the meaning of clause (7)) was in excess of their need as determined by the State agency pursuant to clause (7) (without regard to clause (8))—

Therefore, any expenses reasonably attributable to the earning of any such income must be deducted without taking into consideration income to be disregarded in clause (ii) of subparagraph (A).

For the first month the income exemptions or the disregards cannot be taken into account because the needs of such persons were not met by the furnishing of aid under the plan for any one (1) of the four (4) months preceding such month:

Unless, for any one of the four months preceding such month, the needs of such person were met by the furnishing of aid under the plan; . . .

This is the clause that authorizes the use of the disregards specified in clause (ii) of subparagraph (A). However, the sequence of the use of any expenses reasonably attributable to the earning of any such income must be followed, as stated in clause (7). Otherwise, in the cases of self-employment, if such person had been on the welfare rolls for any one (1) of the four(4) months preceding such month at any time that the expenses reasonably attributable to the earning of any such income are two-thirds (⅔) of the gross income, such person will always be eligible for a welfare grant. This is not in accord with the intent of Congress to provide an incentive for employment so that such persons may be able to get off the welfare rolls. The idea has been to get people off the welfare rolls and not perpetuate them on welfare.

To carry out the intent of the Department of Health, Education, and Welfare's regulation, the following is shown to demonstrate how ridiculous the situation could get to be.

HEW

Monthly gross income	$3,030.00
Disregard	30.00
	3,000.00
Disregard one-third	1,000.00
	2,000.00
Expenses	2,000.00
Income	0

STATE

Monthly gross income	$3,030.00
Expenses	2,000.00
	1,030.00
Disregard	30.00
	1,000.00
Disregard one-third	333.33
Income	666.67

The Department of Health, Education, and Welfare's regulation clearly does not follow the legal meaning of the Social Security Act § 402(a)(7) and (8) 42 U.S.C. § 602(a)(7) and (8) and, therefore, the Department of Health, Education, and Welfare exceeded its

authority in promulgating the said regulation.

ISSUE NO. 3

In the Arizona Conformity Hearing transcript p. 214. Mr. Varmer makes an entirely illogical assumption as to equitable treatment in that a child of a deceased husband could not get welfare benefits without a custody order when living with a sister of the widow but could get welfare benefits without a custody order if the child was living with the deceased husband's sister even though the child's other siblings remained with the widow. The Social and Rehabilitation Service expanded on this illogical assumption in its Memorandum. There is no basis to express such an assumption from the Government's Department of Health, Education, and Welfare Exhibit "3". However, the Department of Health, Education and Welfare used this assumption to bring their Exhibits "4", "5", "6", and "7" to show their policy as to equitable treatment.

It appears the parties miss the point of the regulation. It is only when there is a child it its own original family with a parent and there is an attempt made to place such a child in another family environment is such a custody order required. This is not inequitable treatment.

ISSUE NO. 4

The Department of Health, Education, and Welfare bases its authority to establish the advisory council in question on 42 U.S.C. 602(a)(5) which provides:

"Provides (A) such methods of administration. . . . as are found by the Secretary to be 'necessary for the proper and efficient operation of the plan. . . .'"

In their Opening Brief, the Department of Health, Education, and Welfare then points out that the administrator believed the advisory council requirement would be of "considerable assistance" to the State agency administering the public assistance titles in carrying out its functions.

Such contention is self-evident of its fallacy. Nowhere in the Social Security Act does it provide authority for the administrator to promulgate rules and regulations. The Secretary has authority to do so only when "necessary for the proper and efficient operation of the plan." As pointed out in Arizona's Opening Brief, a regulation must be "necessary" to the operation of the Act. Neither the Secretary nor the administrator has the authority to promulgate a regulation pursuant to § 602(a)(5) because they feel it may be of "considerable assistance" in the administration of the Act.

Nowhere in the transcript has the Department of Health, Education, and Welfare shown the advisory council requirement to be necessary. Testimony has indicated people are willing to serve on such a committee, that such a committee might be a good idea but nowhere is such a requirement shown to be necessary.

It has been pointed out in the Department of Health, Education, and Welfare's Opening Brief that Arizona has chosen to ignore this alleged federal requirement. It requires no authority to establish that States are under no obligation to comply with an invalid federal regulation.

CONCLUSION

The Department of Health, Education, and Welfare has questioned whether Arizona's State plans in issues 1, 2 and 4 are in compliance with regulations enacted by the administrator. Also, the Department of Health, Education, and Welfare has questioned whether in issue 3 Arizona's State plan is in compliance with § 402(a)(10) of the Social Security Act and whether there is a reasonable classification.

The spirit of cooperative federalism enunciated by the U.S. Supreme Court in *King* v. *Smith*, 392 U.S. 618 (1968) does not mean that the Department of Health, Education, and Welfare is empowered to set up policies, rules and regulations that the Department of Health, Education, and Welfare believes are carrying out the intent of the Social Security Act in complete disregard of whether a state is right in its conception of the intent of the Social Security Act.

There have been numerous instances wherein the Department of Health, Education, and Welfare has recanted on some of its policies, rules and regulations. Whatever pressures the Department of Health, Education, and Welfare is under in promulgating certain policies, rules and regulations should not mean that a state must bow in deference to such policies, rules and regulations, especially when the state feels its position is right and proper and is carrying out the intent of the Social Security Act.

Arizona has done its best to point out that its State plans are in conformity with the Social Security Act even though the Department of Health, Education, and Welfare has set up policies, rules and regulations that would purport Arizona is out of conformity with the said Department of Health, Education, and Welfare's policies, rules and regulations.

Arizona has undisputed power to set the level of benefits and has considerable latitude in allocating its resources to meet the demands of its citizens. *Dandridge* v. *Williams*, 397 U.S. 471 (1970).

Arizona has clearly demonstrated in its briefs that its plans conform to the requirements of the Social Security Act.

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE STATE OF ARIZONA

ISSUE NO. 1

Residency requirements—OAA, AFDC, AB, APTD

A. Proposed Findings of Fact:

1. Under the Arizona plans for OAA, AFDC, AB and APTD assistance is terminated when a recipient has been absent from the state for three (3) consecutive months. Arizona Revised Statutes § 46-209.B.; Arizona APA manual § 3-303.2.

B. Proposed Conclusions of Law:

1. The Department of Health, Education, and Welfare regulation 45 C.F.R. 202.3 is inconsistent with the Social Security Act §§ 2(b), 402(b), 1002(b) and 1402(b); amends the Social Security Act §§ 2(b), 402(b), 1002(b) and 1402(b) administratively; violates and is contrary to the Tenth Amendment to the U.S. Constitution; and is thereby null and void.

2. Arizona Revised Statutes § 46-209.B. and Arizona APA Manual § 3-303.2 are consistent with the Social Security Act §§ 2(b), 402(b), 1002(b) and 1402(b).

ISSUE NO. 2

Method of disregarding earned income—AFDC

A. Proposed Findings of Fact:

For the purpose of determining the amount of assistance, if any, the Arizona AFDC plan prescribes the following method with respect to earned income and work expenses: All work expenses allowed under the plan will be deducted from gross earnings; the $30 plus one-third is then calculated on the basis of, and deducted from, the reduced amount; subject to other disregards not at issue here, the remaining amount is applied in determining the amount of assistance.

B. Proposed Conclusions of Law:

1. The Arizona plan for computing the amount of assistance for AFDC follows the law laid down in Social Security Act § 402(a)(7) and (8), 42 U.S.C. § 602(a)(7) and (8).

2. Arizona has undisputed power to set the level of benefits and has considerable latitude in allocating its AFDC resources to meet the demands of its citizens. *Dandridge* v. *Williams*, 397 U.S. 471 (1970).

3. Regulation 45 C.F.R. 233.20(a)(7)(i) does not carry out the legal provision of Social Security Act § 402(a)(7) and (8), 42 U.S.C. § 602(a)(7) and (8) and therefore is invalid.

ISSUE NO. 3

Eligibility for assistance—legal custody—AFDC

A. Proposed Findings of Fact:

1. The Arizona AFDC plan contains a provision that unless the relative or the Arizona State Department of Public Welfare has legal custody of a child the relative of a natural parent who is an AFDC recipient is precluded from receiving AFDC on behalf of any of the children of such parent.

B. Proposed Conclusions of Law:

1. The Arizona AFDC plan complies with the requirement of the Social Security Act § 402(a)(10).

2. Arizona's highest objective is "to help maintain and strengthen family life and to help such parents or relatives to attain or retain capability for the maximum self-support and personal independence consistent with the maintenance of continuing parental care and protection" under Social Security Act § 401, 42 U.S.C. 601.

3. There is no unreasonable classification of persons similarly situated.

ISSUE NO. 4

Establishment of State level advisory committee—AFDC/CWS

A. Proposed Findings of Fact:

1. The Arizona State plan for AFDC/CWS omits any provision for establishment of a state level advisory council imposed on the states by 45 C.F.R. 220.4.

B. Proposed Conclusions of Law:

1. Regulation 45 C.F.R. 220.4 is invalid because it has not been shown to be necessary to the administration of the Social Security Act.

2. It is beyond the authority of the administrator to enact such a regulation. 45 C.F.R. 220.4.

3. 45 C.F.R. 220.4 is violative of the Tenth Amendment to the United States Constitution.

4. 45 C.F.R. 220.4 violates the single state agency concept provided for in 42 U.S.C. § 602(a)(3) and expanded in Part II § 2200 of the Federal Handbook of Public Assistance Administration.

5. Congress has expressed the extent it deems advisory councils necessary in 42 U.S.C. §§ 622, 907 and 1314. 45 C.F.R. 220.4 amends a federal law by administrative regulation. Such action is void.

6. The reasons stated in the foregoing necessitates a finding that 45 C.F.R. 220.4 is void and not binding on the states.

ADMINISTRATIVE PROCEDURE ACT, AS CODIFIED IN TITLE 5, UNITED STATES CODE

§ 554. Adjudications

(a) This section applies, according to the provisions thereof, in every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing, except to the extent that there is involved—

(1) a matter subject to a subsequent trial of the law and the facts de novo in a court;

(2) the selection or tenure of an employee, except a hearing examiner appointed under section 3105 of this title;

(3) proceedings in which decisions rest solely on inspections, tests, or elections;

(4) the conduct of military or foreign affairs functions;

(5) cases in which an agency is acting as an agent for a court; or

(6) the certification of worker representatives.

• • • • •

§ 557. Initial decisions; conclusiveness; review by agency; submissions by parties; contents of decisions; record

(a) This section applies, according to the provisions thereof, when a hearing is required to be conducted in accordance with section 556 of this title.

(b) When the agency did not preside at the reception of the evidence, the presiding employee or, in cases not subject to section 554(d) of this title, an employee qualified to preside at hearings pursuant to section 556 of this title, shall initially decide the case unless the agency requires, either in specific cases or by general rule, the entire record to be certified to it for decision. When the presiding employee makes an initial decision, that decision then becomes the decision of the agency without further proceedings unless there is an appeal to, or review on motion of, the agency within time provided by rule. On appeal from or review of the initial decision, the agency has all the powers which it would have in making the initial decision except as it may limit the issues on notice or by rule. When the agency makes the decision without having presided at the reception of the evidence, the presiding employee or an employee qualified to preside at hearings pursuant to section 556 of this title shall first recommend a decision, except that in rule making or determining applications for initial licenses—

(1) instead thereof the agency may issue a tentative decision or one of its responsible employees may recommend a decision; or

(2) this procedure may be omitted in a case in which the agency finds on the record that due and timely execution of its functions imperatively and unavoidably so requires.

(c) Before a recommended, initial, or tentative decision, or a decision on agency review of the decision of subordinate employees, the parties are entitled to a reasonable opportunity to submit for the consideration of the employees participating in the decisions—

(1) proposed findings and conclusions; or

(2) exceptions to the decisions or recommended decisions of subordinate employees or to tentative agency decision; and

(3) supporting reasons for the exceptions or proposed findings or conclusions.

The record shall show the ruling on each finding, conclusion, or exception presented. All decisions, including initial, recommended, and tentative decisions, are a part of the record and shall include a statement of—

(A) findings and conclusions, and the reasons or basis therefor, on all the material issues of fact, law, or discretion presented on the record; and

(B) the appropriate rule, order, sanction, relief, or denial thereof.

U.S. SENATE,
Washington, D.C., December 9, 1970.

Mr. JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. TWINAME: As the elected representative of all the people of Arizona, I consider myself very much an interested party to any agency proceeding which involves the threatened denial of Federal assistance to each and every welfare recipient in Arizona. Accordingly, I must advise you of my strong view that the HEW compliance hearing was conducted in an illegal and unconstitutional manner and should be reopened in strict adherence to the rules of essential justice.

Specifically, the hearing examiner failed to consider and rule upon all material issues of law as required in the Administrative Procedure Act (5 U.S.C. 557) and guaranteed under the due process clause of the Constitution. There are serious legal grounds on which the three HEW regulations under review might be challenged and each of these points should have been considered and decided by the examiner, together with a statement of the reasons for his decisions.

Furthermore, the examiner did not make findings and conclusions on all material issues of fact. He should have examined, and made decisions on, all relevant questions concerning the differences in effect between the application of the State regulations and the Federal ones. For example, he should have reported to you as to how many people may be found ineligible under the State regulations but not the Federal regulations, and as to what the difference in grant amounts to individual recipients will be if the Federal guidelines are used instead of the State ones. Again, I must conclude the examiner's failure to record these matters violates the APA as well as Constitutional due process.

Next, it is my belief the examiner did not follow the mandate of the APA which requires his decision to include a statement of the appropriate "sanction." To the contrary, I observe your notice to the parties calls upon them for comments on this crucial issue. I would refer you to section 557(c)(B) which expressly imposes this responsibility upon the hearing officer, and not upon the parties themselves.

Finally, the procedure was conducted under an unconstitutional threat of withholding all Federal welfare monies. This threat is irrational and disproportionate to the issues at hand. My investigation indicates not over two hundred people, and more likely one hundred, would be denied welfare eligibility as a result of the State regulations. To intimidate the State by warning of a possible termination of assistance funds to all 81,543 Arizona welfare recipients is nothing short of cruel administrative blackmail, and most certainly constitutes a violation of substantive due process.

For the above reasons, I urgently request that you hold the first hearing null and void and either drop the matter entirely or set a date for a new hearing de novo limited to the same three or four regulations involved at the first hearing. In calling for any new hearing, I trust you will lay down strict orders for the proceedings to be conducted in conformity with the Administrative Procedure Act and the rules of fundamental fairness guaranteed by the Due Process Clause.

Above all else, I suggest you announce the agency has dropped the threat of withholding Federal welfare monies as an enforcement measure. To my mind any such step would be unconscionable as well as unconstitutional. Rather, it would be reasonable for you to study alternative sanctions such as seeking a promise by the State to treat all persons affected by any decision as being hereafter eligible for benefits and providing for back payments where appropriate. Similarly, if the State is found to have paid any recipient less than what is legally determined to be due him, then the State could be directed to pay these persons the full amount to which they are and were entitled. I need not remind you judicial remedies, including contempt of court powers, are available to correct any alleged continued violations. In no case, however, should the termination of welfare payments to needy citizens be considered.

Sincerely,

BARRY GOLDWATER.

THE CRISIS IN THE MIDDLE EAST

Mr. MONDALE. Mr. President, the chronic crisis in the Middle East remains one of the most dangerous and baffling problems facing the international community.

Wise policy demands a clear appraisal of the forces at work in the region. Yet too often the divisions between Arab and Israeli, or between Arab and Arab, have seemed to defy even understanding by outsiders, let alone solution.

That is why I have been very much impressed with a recent series of dispatches from Charles W. Bailey, Washington bureau chief of the Minneapolis Tribune.

Mr. Bailey was on an extensive trip through the Middle East during the recent hijacking crisis and Jordanian civil strife. His reports are a perceptive analysis of those events as well as a sensitive and provocative picture of the larger crisis. Hopefully, his observations will be pondered by everyone in our Government responsible for U.S. policy in the area.

I recommend Mr. Bailey's thoughtful articles to all Members of Congress and ask unanimous consent that they be printed in the RECORD.

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

MANY CONFLICTS INFLAME MIDEAST

(By Charles W. Bailey)

JERUSALEM.—The Israeli Cabinet minister sat talking with a group of foreign journalists about the chances of negotiating peace with Egypt's President Gamal Nasser.

The telephone rang in the next room. The man who stepped out to answer it came back quickly, his face white.

"Nasser's dead," he said. "A heart attack."

For one long moment the room was silent. Then one of the newspapermen turned again to the official.

"Okay, now tell us how you're going to deal with Egypt without Nasser," he said.

The minister thought for a minute, then did just that for the next half-hour—almost as if the death of the dominant figure in the Arab world had changed nothing.

That incident illustrates, as well as anything could, the numbing, cumulative impact of the events that swept the Middle East last month.

A sudden cease-fire after years of war . . . the mass hijacking of four big airliners by Palestinian terrorists . . . the detention of hundreds of passengers as hostages . . . the convulsions of civil war in Jordan . . . the intervention by Syrian tanks . . . the resulting threat of wider war, perhaps even of a U.S.-Soviet military clash.

After all this, Nasser's death seemed simply one more incident in a story already overburdened with melodrama.

Of course it was more than that; the sudden removal of so strong a figure as Nasser will have a profound impact. But in a larger sense, the Israeli official's reaction was probably accurate—for while the drama of September seemed to change everything, in the long run it may change nothing.

For most Americans, the Middle East has seemed dominated by two conflicts, one local and one global, Arabs against Israelis and the United States against the Soviet Union.

But even a few weeks of investigation reveals a bewildering mixture of other conflicts. It is not just Arab against Jew, American against Russian.

It is also Arab against Arab . . . Israeli against Israeli . . . Arab against American . . . American against Israeli . . . Israeli against Russian . . . Russian against Chinese . . . father against son . . . old against new . . . reactionary against radical . . . rich against poor . . . word against deed . . . emo-

tion against reason . . . right against wrong—and even right against right.

Indeed, perhaps the only single thread that runs all the way through the complex fabric of the Middle East is "conflict"—conflict so overlapping, and often so contradictory, that an outside observer wonders how the contending forces can ever find the way to real peace.

Even the word "peace" means less than it seems when applied to the Middle East. For both Arabs and Israelis interviewed in the past month, peace today—and in the foreseeable future—generally means only the absence of open war, rather than the resolution of the basic conflicts that have led to so much war.

Behind the shaky cease-fire negotiated with so much effort by the United States this summer, preparations for war go on. The men who lead both sides talk publicly about peace—but privately about victory. They have stopped shooting for three months—but they are thinking about how they can win in three decades.

The words they use are harsh, bitter, absolute:

"The Jews say they have had their land for 22 years," growls a wealthy Palestinian businessman flying from the United Arab Republic to his home in Lebanon. "Well, we had it for 3,000 years. If they kill all the Palestinians, then they will have to kill all the Arabs, then all the Muslims in the world—all the Pakistanis and all the Albanians and even all the Muslims in Russia."

"Supposing we can't make peace?" asks a ranking Israeli political leader. "So what's wrong with a stalemate?"

"The Palestinian commandos want to regain their land," an elderly, dignified Lebanese Cabinet minister says. "It is their property, their right, and no Arab could oppose this idea, because to sacrifice one's blood to regain the land which is essential for his living, his dignity, his national pride, is something you cannot oppose."

"It is quite clear what they want," a high official of the Israeli Defense Ministry says. "They want to take over Israel. Well, they can't have it; we won't oblige. The moment they realize that the question becomes simply where the border will be."

Behind such oversimplified arguments are people—people often overlooked and sometimes completely ignored by the leaders and the governments who fight or argue over the Middle East.

Who are the people?

At the center, in the eye of the storm, live almost three million Israelis. Just over 2.5 million are Jews Almost all of the 435,000 non-Jews are Palestinian Arabs who stayed on after the establishment of Israel in 1948.

In Israeli-occupied territory—captured during the 1967 six-day war—there are over one million more Palestinian Arabs. About 700,000 of these live on the west bank of the Jordan River, or in the eastern section of Jerusalem. Another 350,000 are packed into the tiny Gaza Strip on the Egypt-Israel border.

Four Arab nations touch Israel's borders.

Egypt, with a rapidly-growing population now estimated at 33 million, is the largest of all Arab nations. It is also the strongest in military terms, thanks to massive Soviet aid which, since 1967, has replaced its smashed air force, equipped its decimated tank forces and provided a surface-to-air missile defense greater than the one built up in North Vietnam.

Lebanon, Israel's northern neighbor, is unique among Arab countries. Nearly half of its 2.6 million citizens are Christians. It has a tiny army—too small either to fight Israel or to keep out the Palestinian terrorist forces whose activity provokes periodic Isareli reprisal raids into Lebanese territory.

Jordan, on Israel's eastern border, has a population of about 2.1 million, nearly two-thirds of them of Palestinian origin. The rest are Bedouin tribesmen—the primary source of political and military strength for King Hussein. It was Bedouins in the Jordanian army who forced the bloody showdown with Palestinian guerrillas last month.

Syria, with a population of over 5.8 million, has a short but strategic frontier with Israel—the Golan Heights. Overlooking and dominating the rich Israeli farmland of Upper Galilee. Israel seized Golan Heights in 1967—and isn't about to give them back.

There are other Arab nations in the anti-Israel line-up, though their involvement has been less direct. Among these are Iraq, with nearly nine million population; Saudi Arabia, with four million people and tremendous oil wealth to help finance the anti-Israel fight; and Libya, with two million people, a zealously revolutionary government and rapidly developing oil resources.

PALESTINIANS—KEY TO MIDEAST PEACE

(By Charles W. Bailey)

BEIRUT, LEBANON.—"There is no Palestine—but there is a Palestinian society. They have an army and a people—but no land."

That definition, from a sympathetic Lebanese educator, is like almost every other judgment on the Middle East: oversimplified and incomplete. But it sums up the plight of a group that more than any other holds the key to eventual peace—and at the same time is the biggest single obstacle to achieving it.

Until very recently, neither the world at large nor the governments of their own region paid much attention to the two-and-one-half million Palestinians.

Now, however, after 22 years of such neglect, the world has suddenly become very much aware of the Palestinians—mostly because a group representing no more than a tiny fraction of them hijacked four big commercial airliners and held nearly 300 passengers hostage for three weeks.

The group that grabbed the airplanes—the Popular Front for the Liberation of Palestine (PLEP)—is hardly typical of Palestinians as a whole. But its feats have succeeded in spotlighting the plight of this unhappy group as never before.

Who are the Palestinians? What do they want? Who speaks for them? Who supports them? What are their prospects?

The answers are all complicated—and often contradictory.

Figures are inexact and become obsolete almost overnight, since the Palestinian birth rate is one of the highest in the world. But the best current estimates set the total number of Arabs of Palestinian origin at about 2.5 million.

Less than half this number—about one million—were actually involved in the first major exodus of Palestinians after the 1948 war that established Israel as a sovereign state. The rest are either children or grandchildren of the original emigrants—half of the Palestinians are under 18—or were part of the new wave of emigration that followed the second big Arab-Israeli war in 1967.

About 400,000 Palestinians still live in Israel, where they hold Israeli citizenship and are part of that country's economic and social fabric. Another one million live either as longtime residents or as refugees—in two pieces of territory occupied by Israel in the 1967 war: the Gaza Strip and the "West Bank," the part of Jordan west of the Jordan River.

Then there are about 1.1 million Palestinians who live elsewhere in the Arab world. The great majority of these are officially classified as "refugees" by the United Nations Relief and Works Administrtaion (UNRWA), which runs the refugee camps.

Not all of those who left Palestine—which in modern times was not a political entity until it was carved out of the old Turkish Empire and put under a British mandate after World War I—became refugees. The well-to-do, talented or lucky were able to enter the mainstream of other Arab states; today, Palestinians hold important positions in every Middle East country from Lebanon to the Persian Gulf.

But the great mass of displaced Palestinians—the peasants, the poor, the uneducated—did become refugees in the most agonizing sense of the word. And most of them have lived in camps for over two decades.

As of the end of 1969, a total of 1.25 million Palestinians were listed on UNRWA's refugee rolls. This made them eligible for one or more of UNRWA's services—a monthly food ration, shelter, health services, and schooling.

(The UNRWA budget is so skimpy—about 10 cents per day for each person aided—that thousands of eligible refugees can't be helped. Because of a budget squeeze, UNRWA this year has had to stop distributing soap to families living in often-squalid camps.)

REFUGEES HELD AS POLITICAL HOSTAGES

For the most part, the refugees are effectively trapped in the camps. The Arab governments allow the camps on their territory, but are reluctant (except for Jordan) to let the Palestinians become citizens or enter their economies. Instead, the refugees have in effect been held as political hostages by their supposed allies in the continuing struggle against Israel.

That ironic twist is only one example of the complexities of the Palestinian issue. Even if you can locate and count and classify the Palestinians—which isn't easy—you can't always tell who's on which side of the argument.

The Palestinian issue is a classic example of the general rule that there are as many inner tensions as outward conflicts in the Middle East.

To begin with the Palestinians themselves: They lack unified leadership or even unity of purpose. They are torn by differing economic and political goals; they are split by differences in age and education.

There are a dozen or more political groups—call them fedayeen, commandos, guerrillas, or terrorists, depending on your point of view—and they have never been able to unite as an effective single force.

Al Fatah, headed by Yasser Arafat, is the oldest and largest of the Palestinian guerrilla groups. With nearly 10,000 armed men—at least before the Jordanian civil war—Fatah has been responsible for most of the terrorist activity against Israel.

But Arafat is not particularly interested in ideology, and this has led to splits in the guerrilla movement. One splinter group became the PFLP, under Dr. George Habash; in its political theology, "reactionary" Arab regimes are almost as bad as the Israelis.

Even Habash's group, for all its Marxist-Maoist doctrine, has suffered from defections on the left. Nayef Hawatmeh, once a Habash lieutenant, split off to form the Popular Democratic Front, a far-out Marxist group that attacks "the Palestinian right wing" for joining "reactionary Arab governments" to squelch "movements of national liberation."

ARAFAT WANTS TO FIGHT, NOT REFORM

Arafat thinks the Palestinians ought to fight the Israelis first and leave reform of Arab governments until later. Habash thinks both should be pursued at once. Hawatmeh argues that the Arab "masses" need to be politically motivated now—and that fighting ought to come later.

One result of all this internal bickering has been to prevent the building of any strong, unified Palestinian military force. Despite the formation of a joint central committee and a smaller presidium of leaders,

no effective unity has been achieved—even under such pressures as the Jordanian army's all-out military attack on the guerrillas last month.

Another result of the internal guerrilla bickering is the apparent reluctance of many Palestinians to support the extremists. Such spectacular feats as the airplane hijacking give all Palestinians a morale boost—this was clearly evident in Beirut the week of the mass hijacking—but they also make many older and more established Palestinians extremely nervous.

This in turn produces other divisions among Palestinians—particularly between older and younger generations.

The Young Palestinians are truly a new breed in the Arab world. There are, first, a great many of them; more than half of all Palestinians have been born since the 1948 war. They are also, as one UNRWA official here puts it, "the best-educated Arab group ever"—thanks to refugee schools, which provide nine years of free education, and UNRWA financial aid for those who wish to go on through high school and college.

The Palestinian youth is also impatient with the traditional family and authority patterns of Arab society. Education has sharpened his frustration over the failure of his elders to preserve what he regards as his homeland.

"You have no right to say what we should do," one Palestinian youth told his father last month when the older man criticized the guerrillas' hijacking spree. "You failed us in 1948. You should have stayed and died."

YOUNG PALESTINIANS HAVE SOME DOUBTS

But if the young Palestinians believe that their parents, and the established Arab governments, have let them down—in 1948 and especially in 1967, when the Israelis chewed up every Arab army in sight—they also seem to have some doubts about their own strength.

The lament of an Arab poet in the occupied West Bank—"our echo is louder than our voice; our soul is higher than our body"—typifies such doubts. The inability of the terrorists either to seriously inconvenience the Israelis or to stand up to unfriendly Arab governments and armies has been demonstrated repeatedly; the most galling example was the willingness of the late President Gamal Nasser of the United Arab Republic to make a cease-fire agreement with Israel despite the violent opposition of the guerrilla leadership.

Beyond all these divisions and doubts, there is disagreement among Palestinians over ultimate objectives. For many—the older, the relatively well off, and especially those who have found that life under Israeli occupation can offer some distinct economic advantages—the prospect of more war is far from appealing.

Thus, at the very moment the world is finally beginning to pay more attention to them, the Palestinians find themselves divided—and therefore in no position to present the kind of united front that would enable them to capitalize on outside sympathy.

Their problems, however, are not unique. Indeed the entire Arab world is subject to the same kind of varied aims and inner conflicts.

ARAB NATIONS SPLIT MANY WAYS

(By Charles W. Bailey)

BEIRUT, LEBANON.—"Our experience is that in the Middle East nothing is ever quite as it looks—and even then, it is not as it appears."

This statement, by a veteran Middle East diplomat, applies with special force to any attempt to describe and define the Arabs—that self-proclaimed "nation" which really isn't one at all, and which indeed often seems a collection of feuding cousins united only by mutual dislike for Israel.

"Arab consciousness is growing," one leading Lebanese scholar said. "Things are moving faster all the time. What has happened here in the last 20 years couldn't have happened in 100 without Israel being here."

There is no doubt that opposition to Israel has plastered over a great many cracks in the fractious Arab community. But even intense anti-Israel sentiment has not been enough to truly cement the basic inter-Arab splits. Among these are:

"Revolutionary" against "reactionary." This kind of division finds "revolutionary" governments like Egypt, Libya and Syria lined up against "reactionary" regimes like those in Saudi Arabia, Kuwait or Morocco.

To some Arab politicians—including many of the Palestinian guerrilla leaders—the struggle against "reactionary" Arab rule is almost as urgent as the war against Israel.

"Rich" against "poor." To a marked degree, the reactionary-revolutionary split is paralleled by a rich-poor division, since the "reactionary" states tend to be those with big oil reserves. There are exceptions. Libya and Iraq, both "revolutionary" regimes, have oil—while Jordan, a "reactionary" one, has none.

This parallel produces one of the major ironies of the Arab world today—the fact that two "reactionary" regimes, Saudi Arabia and Kuwait, have been providing the "revolutionary" Egyptian government with an annual subsidy of about $200 million, despite the fact that Egypt's President Gamal Abdel Nasser was their sworn enemy.

Nasser needed the money because the closing of the Suez Canal in 1967 deprived Egypt of substantial toll revenues; the Saudis and Kuwaitis needed a way to prove their support for the anti-Israel effort without actually getting involved militarily.

There are also a number of long-standing, deeply rooted conflicts which tend to undermine current efforts to promote Arab political unity. The feud between Iraq and Syria, for example, is not just a modern dispute between two wings of the same Ba'athist political party. It also goes back more than a thousand years to the time when the Syrian and Iraqi tribes were the first to fall into fraternal conflict after the prophet Mohammed united the Arabs.

There is a similar, if not so long, history of conflict between the Bedouin tribesmen of the desert and their city-dwelling counterparts—a conflict which found renewed and bloody expression in last month's Jordanian fighting between the Bedouins of King Hussein's army and the largely urban forces of the Palestinian guerrillas.

Even though Israel offers a common target, such cross-currents often lead to weird results. When Nasser accepted the U.S. cease-fire plan this summer, for example, he did so over the strong protests of the Palestinian guerrillas.

PERILOUS BALANCE FOR HUSSEIN

The Libyan government—one of Nasser's close allies, and also a strong backer of the guerrillas—reacted with a statement which combined an endorsement of Nasser's action, praise for the guerrillas and denunciation of any peaceful settlement with Israel as "impossible"—all in one communique.

Another system of Arab political splintering can be found every day on the newsstands of Beirut. In this city, which is a kind of listening post for the whole Arab world, there are no less than 48 daily newspapers published—each of them sponsored by and speaking for a different Arab government, opposition party, Palestinian group of other political force.

"The Arabs will always unite against a common enemy, but they will never unite politically," the Lebanese scholar said. "The differences between an Iraqi Arab and an Egyptian Arab are perhaps greater than between black and white in the United States."

His judgment is echoed, in more pragmatic terms, by a Lebanese Cabinet minister who said:

"In trying to approach the Arab world we have not been practical. We have been too theoretical and sentimental, too enthusiastic. Instead of trying to make a confederation among those nations that were willing, we tried to make a unity between countries that were not united."

But if the strains and differences prevent Arab political unity, there is still very much of an "Arab nation" in the emotional, religious and cultural sense.

"The concept of the Arab nation is first of all religious," said Dr. George Hakim, vice-president of the American University of Beirut, a century-old institution which has become a center of Palestinian political theory and activity.

"It goes back to the Koran. The words of God, as recorded in the Koran, include the phase 'the Arab nation.'

"Second, the concept is based on history—on the glory of the Arab conquests in the century after Mohammed first united the Arabs.

"And finally, it is based on poetry and literature—on the unifying force of a common language."

These manifestations of "Arab nationalism," however, have not yet been enough to produce a parallel political reaction.

ARABS NEVER ALL AGREE ON ANYTHING

Egypt's Nasser tried hard to turn the trick—and came closer than anyone before him and probably closer than anyone who will follow him. But despite his towering stature among Arabs, he never could dictate to all the Arab nations all of the time, and indeed never managed to get all of them to agree with him on any one issue.

One reason for his failure is a rise of traditional nationalistic sentiment in the Arab countries. This is especially true in nations like Lebanon and Egypt, where obvious economic opportunities would exist if only peace could be arranged.

In Lebanon, for example, the Arab-Israeli war has meant the almost complete shutdown of a once-rich tourist industry; serious strains on an economy that is heavily Western-oriented; and severe difficulties for its big shipping business, which depends on open borders, peaceful conditions and free movement of goods throughout the whole Middle East.

Other Arab nations may not feel such pressures as strongly as the Lebanese—who are derided by other Arabs as so money-minded that "They fight Israel all the way to the casino"—but they are there, and in an area where economic underdevelopment and poverty are chronic they must have some force.

The differing political outlooks—and varying motivations—of the Arab government show up clearly in the different treatment they give the Palestinian guerrillas. All of them, of course, proclaim support for the Palestinians, but what they do about it is another matter.

The Egyptians began by encouraging and arming the guerrillas (at a time when Egyptian forces were in a shambles after the 1967 war). But the guerrillas were not allowed to operate from Egyptian soil. They were kept under close watch by security police, and when Nasser accepted the cease-fire this summer he had over 100 Palestinians rounded up and expelled from Egypt.

In Lebanon, the guerrillas have been given an empty corner of the country—"Fatahland," a mountainous area on the Syrian and Israeli borders. But their military forces have in effect been barred from the rest of Lebanese territory—and the Lebanese don't

want them attacking Israel from inside Lebanon.

The Syrians use a similar approach: They arm and support terrorist groups, and even provide Syrian manpower for them.

But they do not let the terrorists attack Israel from Syrian soil—presumably because they want to keep the inevitable Israeli reprisal raids at a minimum. So the Syrians send the terrorists to Lebanon or Jordan to do their stuff.

LIBYA STRADDLES ALL FENCES

As for Jordan—the country under the greatest pressure of numbers in dealing with the guerrillas—King Hussein sought for years to tread a narrow line between the Palestians, who now make up a majority of his population, and the Bedouins, on whom he depends for support.

As long as Hussein could persuade the terrorists to stay on the Israeli border and occupy themselves with the common enemy, his balancing act worked. But when the guerrilas moved in force into Amman and other cities, it failed—with tragic results.

The Jordanian civil war and the death of Nasser are the two new factors which could have far-reaching impact on relations among the Arab countries. Indeed, war-torn Jordan typifies—in political, military and human terms—the international crisis of the Arab world.

WAR LEAVES ITS MARK ON JORDAN

(By Charles W. Bailey)

BEIRUT, LEBANON.—"I was supposed to lecture at the University of Jordan this month, but they postponed it until December," the Lebanese professor said. "By then, it may be the University of Palestine."

The remark was meant half-humorously when it was made in early September. Within a fortnight, however, the future of Jordan was no longer a joking matter.

In two terror-filled weeks of killing, the passions and politics of the Middle East had torn Jordan apart—and had cast the gravest doubts over the future of that small country and its ruler, King Hussein.

Hussein's struggle to keep control of his country in the face of rising and militant Palestinian challenge epitomizes the problems of the entire Arab world.

His ability to stay alive and in power through the past 17 years won him the admiring nickname of "Byk"—for "Brave Young King"—in Washington, D.C. But last month time and events finally caught up with him, and his country was thrown into a civil war from which neither he nor his enemies seem likely to recover.

Ten years of attempted coexistence and compromise dissolved into 10 days of bitter, no-quarter combat. Hussein's army seems to have come out on top for the moment; but no one anywhere in the area—Arab or Jew, public official or private citizen—believes things will ever be the same again in Hussein's kingdom.

"You may have some kind of very uneasy status quo for the foreseeable future—which may be very short," says one top Israeli diplomat. "There are too many facts in Jordan that you can't wish away," says another. "The terrorists can't wish away the army. The army can't wish away the terrorists. Hussein can't compromise too much—he almost did."

Basically, two forces produced the Jordan civil war.

On one side was the most pro-Western Arab leader—Hussein, supported by an army whose hard core was made up of Bedouin tribesmen, fiercely loyal to his person and throne, trained by British officers, equipped by both Britain and the United States.

On the other side were the most anti-Western Arabs—the guerrillas, recruited from the thousands of Palestinian refugees who by now make up a majority of the Jordanian population, mobilized by a handful of extremist leaders, armed for the most part with Soviet weapons, and forced into at least temporary unity by the Jordanian army attack.

It was no sudden confrontation. Relations between the two sides have been uneasy, at best, since the first wave of refugees fled the new state of Israel in 1948.

Jordan absorbed the heaviest impact of the refugee exodus, and Hussein—alone among Arab rulers—allowed the Palestinians to become citizens of his country. Today almost two-thirds of Jordan's 2.1 million people are Palestinian by birth or descent.

The Palestinian influx put added strain on a nation that had little historical strength in the first place. Until 50 years ago, the territory that is now Jordan was merely another desert province in the Turkish empire; the British installed Hussein's grandfather as king while they controlled the area under a post-World War I League of Nations mandate.

Still, for nearly 20 years—from 1948 to 1967—things went reasonably well. But when the 1967 Israel-Arab war resulted in Israeli occupation of Jordanian territory west of the Jordan River, sending another surge of refugees into east Jordan, the real trouble began.

The pressure of numbers was now greater, thanks to the loss to Israel of the "West Bank" area where thousands of displaced Palestinians had lived since 1948. Now, too, the painfully obvious inability of Arab governments to inflict military defeat on Israel helped the new "fedayeen"—guerrilla—groups to gain recruits and support from Palestinians.

Hussein's strategy was to encourage the guerrillas in their war against Israel, but at the same time to discourage their attempts to build up strength inside Jordan. For example, he let his army provide supporting artillery fire for terrorist raids into Israel—but also used the army to hinder guerrilla build-ups in Amman and other Jordanian cities.

But Hussein was never fully consistent in enforcing his policy. He allowed the guerrillas to open political and propaganda offices in Amman, and even let his own government public-relations officers make appointments for foreign newspapermen with guerrilla leaders—all of which made it that much harder for Hussein to crack down on the terrorists when he finally decided to do so.

Through 1968, 1969 and 1970, Hussein repeatedly negotiated agreements with Yasser Arafat, leader of the strongest guerrilla group, and other terrorist chiefs. Each agreement gave the guerrillas a little more status; each in turn collapsed; each time the guerrillas came out stronger.

By early 1970 the cycles of conflict and compromise were almost continuous. The most extreme terrorist groups—like the Popular Front for the Liberation of Palestine (PFLP), which specializes in airplane hijackings—were flexing their muscles in Amman: collecting money at gunpoint, roughing up police, showing off weapons in public places, ignoring army roadblocks. Refugee camps had become virtually independent armed camps that Jordanian authorities could not enter without guerrilla permission.

In June, after five days of skirmishing during which the PFLP seized two Amman hotels and held some 60 Westerners hostage, Hussein was forced to dismiss two top army officers whom the guerrillas regarded as particularly hostile to them.

It all fell apart in August and September. The last straw for the guerrillas, was acceptance by Hussein and Egypt's President Nasser of the U.S.-sponsored ceasefire and peace initiative, which the guerrillas saw as a sellout of their cause. They began to fortify their positions in Amman in preparation for a showdown with the army; the army, already frustrated by repeated compromises, put rising pressure on Hussein to let it go after the guerrillas.

When the PFLP hijacked four airliners—and showed up the army by landing three of them 40 miles from Amman and forcing Hussein's troops to leave them alone—the fuse was lit.

The fighting shook—and divided—the whole Arab world. Nasser, who had been Hussein's staunch backer, turned against him when his troops began killing the Palestinians who symbolize Arab hostility to Israel. Syrian tanks attacked into Jordan; even the "reactionary" regimes that had backed Hussein now broke with him, cutting off their subsidy payments to him.

Hussein won the battle, but in the process he isolated himself from the other Arab nations, and he may yet lose the larger war. Many observers think that now the "Palestinization" of Jordan is inevitable in the long run; that Hussein, having finally turned his troops loose, will not be able to rein them in; that the king will stay in power, if he does, only because the guerrillas don't want to assume responsibility for running a country.

Such views are not universal.

"If Hussein can last two or three weeks, they'll all come flocking back to him," says Teddy Kollek, the Israeli mayor of Jerusalem. "And then we'll be back as the only scapegoat in the Arab world."

Some observers argue that whatever the cost has been for Hussein, it has also been high for the guerrillas—in both political and military terms.

"If they had been as strong as they thought they were, there would be no government today in Jordan," said one diplomat after the fighting died down.

"The Palestinians showed they were not a real force at all," said another. "They are not a real military force—the Syrians had to come in to help them. They are not a real political force—Nasser was able to ignore them completely on the cease-fire issue."

Whatever the current estimates, however, they can be more than guesswork. No experienced observer of the Middle East is willing to predict what will happen more than two or three weeks from now.

Jordan, however, is not the only source of uncertainty in the Middle East today. The Jordanian fighting focused attention on the heart of the Arab-Israeli conflict—the Palestinians. The death of President Nasser raised equally vital questions about the biggest and strongest of the Arab participants in that conflict—Egypt.

ARABS KEEP OLD FEUDS ALIVE

(By Charles W. Bailey)

CAIRO, U.A.R.—Egypt is the largest and most important Arab nation—and in many ways it is not an Arab nation at all.

Egypt, the strongest Arab military power, is Israel's most menacing enemy—and the one Arab nation with which Israel might most easily make peace.

Egypt's late President Gamal Abdel Nasser was the undisputed leader of the Arab world—an even Nasser could never impose his leadership on all of the other Arabs on any given issue.

All these statements, however contradictory, are true. They are indeed only a few of the many contradictions that together make up the picture of Egypt today.

For the past 18 years, "Egypt" has been synonymous with Gamal Abdel Nasser, the mail clerk's son who came out of the army to seize power—and to turn an unbroken string of military defeats into a succession of political victories that made him, at his death last month, one of the world's leading figures.

Now he is dead of a heart attack, and every calculation by every friend and foe should therefore be instantly out-of-date. Yet even if this is so in the short run—

and it probably is—the basic truths about Egypt stand unchanged.

Those facts, indeed, have changed little in centuries. The visitor has only to look out his hotel window to see how little: The feluccas sail slowly past on the Nile as they have for thousands of years, pushed upstream by the never-changing north wind, carried down by the river's constant current.

The Nile remains, as always, the bloodstream of Egypt. Nearly all the country's people live along its banks or in its coastal delta. The rest of Egypt is, as the official U.S. description puts it, "a nearly rainless block of desert."

In fact, nearly half of all the Arabs are crammed into the thin green strip along the great river. Five million people live in Cairo alone, making it by far the biggest city of the Arab world.

(The term "Arab" is used here, and elsewhere in this series, to cover all the Middle-Eastern peoples who share Arabic as a common language and the Moslem faith as a common religion. Strictly speaking, however, most Egyptians are not Arabs, for they do not trace their ethnic ancestry to the Arabian Peninsula. The same is true of most Lebanese, Sudanese and North African "Arabs".)

Cairo is also the closest thing there is to a "capital" of all the Arabs, Egypt is at the geographic center of the Arab world, and has been a nation for five thousand years; the other Arab states are scattered and are political inventions for only a few decades.

Cairo has been the intellectual, commercial and political center of the Middle East for centuries.

"Egypt is the bridge, geopolitically, between Africa and the Arab world," said one top Israeli official. "It is the linchpin between Algiers and Baghdad."

So Nasser found a ready-made stage on which to play the role he chose for himself as leader of all the Arabs—"A role," he said in 1953, "wandering about aimlessly seeking an actor to play it."

OLD PROBLEMS STILL NOT SOLVED

But Nasser also found another, less romantic, role awaiting him when he took power. That of trying to cope with Egypt's own long-standing, almost overwhelming and steadily increasing problems. The attempt to play both roles at once—despite the built-in conflicts between the two—was the central dilemma of his regime.

Nasser's successors will have to wrestle with the same set of problems. Although none of them seems to have even a fraction of the personal magnetism, charm and eloquence that allowed Nasser to make so much more of himself than the facts ever warranted, the basic situation is unchanged.

Egypt's size and strength—its army is the biggest of all Arab forces and has not only been lavishly equipped by the Russians but is also staffed from top to bottom by Soviet military advisers—make it far and away the dominant Arab power.

But even Nasser, for all his undoubted hold on the Arab masses, could never command the obedience of other Arab states. His only attempt to build pan-Arab political unity, a short-lived union with Syria, fell apart in less than four years.

And the inter-Arab crisis that led to his fatal heart attack—the bloody struggle between the Jordanian army and the Palestinian guerrillas—showed once more that opposition to Israel was not a strong enough cement to patch up Arab feuds.

For the moment, the group leadership that has taken Nasser's place seems intent on maintaining his policies. The new president, Anwar Sadat, has pledged to continue the struggle to liberate all Arab lands seized by Israel in 1967 and to support the cause of the Palestinian refugees.

But the new Egyptian leaders, lacking Nasser's prestige and unsure of their own position, may be less willing to take the kind of chances that he did last summer when he accepted the U.S.-sponsored cease-fire and peace initiative.

"It is strange," an Israeli Cabinet minister mused only hours before Nasser died, "while Nasser is our key enemy, the easiest settlement one can envision is with Egypt."

There was ample indication, before Nasser died, that he was prepared to make peace with Israel. Egyptians who had good reason to know Nasser's private intentions thought so, and their view was shared—though cautiously—by Western diplomats in Cairo, by Arab analysts in other Mideast countries, and even by the habitually skeptical Israelis.

Nasser's close friend and colleague, Mohammed Heykal, dropped a number of hints in the Cairo newspaper Al Ahram, which Heykal edits and which has become a semi-official mouthpiece for Nasser's views.

LIBERATION CALLED UNREALISTIC

For example, Heykal warned in August that it was unrealistic to speak—as the guerrillas do—of "liberating" Palestine completely, which would require the destruction of Israel.

Heykal also scorned criticism of Nasser for accepting the cease-fire, noting that the chief critics—Syria, Algeria and Iraq—had never done any actual fighting against Israel.

He also said in print what Nasser had been telling some other Arab leaders, that most Palestinians would prefer peace, even with continued Israeli control of some occupied territory, to continuation of the 22-year war.

These views must have some continued weight with Nasser's successors in power, though they may be too unsure of themselves to do anything for the time being.

Another factor that influenced Nasser and must also weigh on his heirs is more simple and more urgent: The cost of renewed war with Israel. In the last three months of heavy fighting on the Suez Canal—May, June and July—the Egyptians were by all accounts taking a bad beating.

While the Israelis averaged only about one casualty per day along the canal, according to informed Western military observers, the Egyptians were losing upwards of 100 men each day. In three months, that added up to 10,000 dead and wounded Egyptians.

At the same time, the Egyptian air force was virtually grounded by the Israelis. "They weren't up there at all," one Western military attache in Cairo said. "The Egyptians flew just three missions in June and July—while the Israelis flew hundreds."

These military pressures are thought by most Western observers—and some Egyptians as well—to have been a substantial factor in Nasser's decision to agree to a cease-fire at the canal. The halt in military action obviously stopped the Egyptian casualties; the cease-fire coupled with the subsequent build-up of Soviet missiles near the canal, might also make possible some change in the air-power balance.

EGYPTIAN STRENGTH INCREASES

Nasser's proclaimed military strategy of a "war of attrition" against Israel probably will be continued by his successors. But they may seek—as he apparently was seeking—a less expensive way to wage such a long-range struggle with Israel.

Certainly Egypt has military muscle. The antiaircraft missile belt near the canal, Western military experts say, is now even stronger than the air defenses which gave U.S. pilots so much trouble over North Vietnam.

In addition, the Soviets are still moving more missiles in—there were eyewitness reports of new shipments near the canal this week—and they are reliably reported to be providing a new, bigger 203-MM cannon which would stretch the range of Egyptian artillery and give it markedly more power to hit the deeply-dug-in Israeli defenses on the canal's east bank.

But most military observers believe that the Egyptians still don't have the strength to attack across the canal and seize any of the Israeli-held territory. So the Egyptian leaders probably will be seeking, as Nasser was, to get it back by diplomatic means.

In summary, Nasser's successors probably will follow his general policy lines as they take up the burden of dealing with Israel:

To give strong verbal backing to the Palestinian guerrilla forces—but at the same time to explore the possibility of at least "no-war" settlement with Israel even if the guerrillas don't like it.

To keep on building up the Egyptian forces against a possible renewal of fighting and in an attempt to increase Egyptian diplomatic leverage in any future negotiations, but to avoid for now any major clash that would produce another flow of casualties like that suffered last summer.

Meanwhile the new Egyptian leadership must also deal with the unfinished business of Egypt itself. Here again, they will find themselves wrestling with the same problems that Nasser could never solve.

EGYPT'S HOME GROWN—AND GROWING—PROBLEMS

(By Charles W. Bailey)

CAIRO, U.A.R.—Start with a country where only three acres out of every 100 will support life.

Cram those few acres with a population that is already too big, is growing at the rate of one million a year, and is overwhelmingly poor and undernourished.

Add the strength of debilitating intestinal disease that saps the strength and will of than half the population. Compound the problem with an underdeveloped economy. Multiply your troubles with the economic strain of a 20-year war.

Put them all together and they spell Egypt—as it was under Gamal Abdel Nasser and as it is today for the uncertain group of leaders who took over last month after his unexpected death.

If Nasser's best-publicized aim was to make himself the world's No. 1 Arab, he had another: To transform Egypt into a strong, self-reliant and prosperous nation in its own right. In many ways the second challenge was—and still is—the more difficult.

For much of the world, Nasser may have seemed preoccupied with outside affairs. But in fact he also undertook to start a fundamental social and economic revolution inside his nation.

"A revolution cannot achieve its aims for the people unless it goes beyond the goal of mere political independence and tackles the roots of economic and social problems," he said.

Nasser did "tackle" those problems: With sweeping land reform, nationalization of huge chunks of the Egyptian economy and of the Suez Canal, massive development projects, tax reforms designed to equalize the nation's wealth, and a fourfold increase in public health and education outlays.

Despite all these efforts, however, the problems today remain staggering. The biggest of all is population.

"The problem is that the economy has to grow at a good rate just to keep even with the population increase," one Western diplomat here explained. "The population is going up 3 percent a year, and the economy isn't keeping up."

There were 23 million Egyptians when Nasser took over in 1952. Today there are 33 million. By 1980, only 10 years from now, there will be more than 40 million.

Egypt has no prospect of being able to grow enough food for this mushrooming population. Though there are 386,000 square miles of land in Egypt, most of it is desert; only

10,000 square miles are now cultivated—along the banks of the Nile, in the river's lush delta, and at a few desert oases.

Even the irrigation water from the big Aswan Dam project will only raise the total to about 12,500 square miles—still less than 4 percent of the nation's total land.

The government hopes to cut the rate of population growth to a level between 1.2 and 2 percent per year. So far, however, the government's birth-control programs aren't taking hold.

Western experts say it isn't a matter of religious or other opposition, but simply that government officials aren't putting enough time and effort into the task.

"It's a long-range program, and they tend to keep pushing it aside while they try to deal with immediate problems," one diplomat explained.

In addition to food-supply problems, there is disease. By most estimates, 60 percent of the *Fellahin*—the peasants and workers—suffer from chronic bilharzia, a debilitating disease caused by water-borne parasites that attack intestinal organs.

Millions of Egyptians—10 percent of the children, many more of the older people—suffer from the eye diseases that have also plagued Egypt for centuries.

TOO MANY COLLEGE GRADUATES

Some of the country's economic problems, ironically, are by-products of the very programs designed to cure them.

An example is the situation of university graduates. In an attempt to raise the level of the country, Nasser made a college education available to any student, rich or poor, who could pass the entrance examinations. To provide added incentive for students, he also guaranteed every graduate a job.

The combination produced a new problem: University enrollment soared—there are some 200,000 university students in Egypt today, which means about 40,000 new graduates each year.

Because the economy is growing too slowly to provide that many new jobs, the government has had to redeem its pledge by putting graduates into the civil service.

There are more than 1.1 million public employees (in the civil service or state-owned industrial posts), according to the best estimates. Government offices are already overflowing—and they are getting more so with each year's crop of graduates.

Many offices are so overstaffed that employees simply don't bother to go to work. At one point this year the government, embarrassed by the mass absenteeism, ordered Cairo movie theaters not to open in the morning—to keep public employees from attending them during working hours. The order was rescinded, however, after the employees pointed out that there wasn't anything for them to do at the office anyway.

Much of Egypt's continuing economic trouble, of course, is caused by the continuing war with Israel. The forced closing of the Suez Canal, for example, has caused major dislocations.

Although lost canal revenues have been replaced by subsidies from oil-rich Arab neighbors, the fighting along the canal has forced nearly 700,000 Egyptians to flee homes in the area, and has destroyed the substantial part of Egypt's industrial base located near the waterway.

TOURIST BUSINESS DRIES UP

Another casualty of the continuing conflict, and of the canal closing in particular, is Egypt's once-lucrative tourist business. With no cruise ships sailing through the canal, there are no more of the tourists who used to disembark for a few days of sightseeing—and spending—in Cairo or at the magnificent ancient monuments of the Nile Valley.

The economic drain was probably one factor in Nasser's decision in August to go along with the American cease-fire proposal. A Lebanese Cabinet minister—an admirer and a friend of Nasser—put it bluntly:

"He is spending all the money of his country on war, which delays development. He cannot live off the bullets fired at him by the Zionists."

The picture is not all dark, of course. No competent observer in Cairo would deny that Nasser made a lot of progress with his "social revolution."

The trouble is that the problems are so immense that the efforts made so far, undercut by the drain of military spending and the effects of war, have left domestic programs hard-pressed to keep up with the growth of the basic problems, let alone solve them.

But Egyptians are, above all else, patient. They have been so poor for so long that a few more years, for the fellahin, is only a moment.

"There is no political problem so long as there is war," a Western diplomat suggested. "People accept the difficulties. Much more compelling in the public mind are questions of national honor, such as the occupation of Egyptian territory by the Israelis."

The Egyptians, in their 5,000-year history as a nation, have seen all kinds of enemies come and go—Alexander the Great, Julius Caesar and his Roman legions, Napoleon, the Turks, the Mamelukes, the British.

Now the enemy is, to the mass of Egyptians, "the Zionists"—the Israeli arm which sits at the Suez Canal and sends its planes over Egypt.

For the time being, and apparently for the foreseeable future, Egyptians seem quite ready to support their government in its war against Israel—a struggle being waged on the basis of a "war of attrition" in which vastly larger Arab forces, supported by Soviet arms and aid, will in the long run force Israel to give up its 1967 territorial conquests and make peace with the Palestinians.

ISRAEL HOLDS TERRITORY TO BOLSTER SECURITY

(By Charles W. Bailey)

JERUSALEM.—"Those who think we will abandon our security positions for illusory peace promises are indulging in idle dreams. Peace without security means nothing to us."

"There is no security in territory. You need neighbors you can live with. You can't have a policeman outside your door all the time."

These two statements—one by the top official of the country's major political party, the other by the leader of a small left-wing opposition group—typify Israel's dilemma and debate over the Arab lands it has held since the six-day war three years ago.

The occupied territories include Egypt's Sinai Desert and adjacent Gaza Strip; the west bank of the Jordan River and the old city of Jerusalem, both taken from Jordan; and the Golan Heights in Syria. Since 1967 Israel has held these areas as military and political hostages in the continuing dispute over a permanent Middle East settlement.

For Israel, the occupied territories have one very special value: They give the little country, for the first time in its brief history, frontiers that are reasonably secure and defensible—and that put Israel's major population centers beyond the reach of artillery fired from outside the country.

For the first time, Tel Aviv—the country's biggest city—is beyond the reach of long-range Jordanian guns. For the first time, Egyptian air bases are more than five minutes' flying time from Tel Aviv. Israel's farms in Upper Galilee are finally freed from constant shelling by Syrian cannon and mortars on the commanding escarpment of the Golan Heights.

Some of the occupied land, like the Golan Heights, is regarded as so strategically important that the Israelis won't even talk about giving it up under any circumstances. Jerusalem means so much, in emotional and religious terms, that they won't seriously consider either returning or internationalizing it. The rest is regarded as negotiable—but only as part of a peace settlement solid enough to justify giving up some military advantage.

The Arabs say Israel must give up the occupied areas as a first step toward peace. Israel insists that negotiations must come first. There is debate within Israel over how much land might eventually be returned to the Arabs—but little or no disagreement with the government's insistence that none can be given up until a peace treaty is signed.

The current disarray in the Arab world stiffens this stand.

"They ask Israel to make concessions," a high official says. "To whom? Who can deliver the goods? They ask us to give back the West Bank. To whom?"

Indeed, Israel's government and people seem ready to hold on indefinitely with things as they are. Their skepticism about the U.S.-sponsored peace initiative last summer was reinforced by Egypt's violation of the cease-fire terms, by the civil war in Jordan and by Egyptian President Gamal Abdel Nasser's death.

The Israelis have already said they are willing to extend the Suez cease-fire past its present Nov. 5 expiration date, even if there are no immediate peace talks. There are diplomatic reasons: With the Arabs in political disarray, the Israelis are content to let things simmer.

"I don't see that we have to unite the Arabs," one top official says. "We are not complete fools."

From a military point of view, there are also good reasons for the Israelis to keep the cease-fire going. Even the relatively low casualties on the Suez line loom large in a country of less than three million people, and Israeli military men can use the time to figure out the answers to Egypt's beefed-up antiaircraft defenses.

Israeli planes knocked out Egyptian high-altitude SAM2 antiaircraft missiles repeatedly through 1969 and early 1970, destroying them as fast as they appeared and thus allowing Israel to maintain the air superiority it needed to neutralize Egyptian artillery bombardment of Israeli canal defense positions.

But when the Soviet Union took over the missile defenses last spring, the picture changed. According to Israeli defense sources, the Russians "unrolled a carpet" of SAM2 missiles toward the canal, putting them closer together to increase their massed firepower and protecting them against low-level air attack by installing an additional shield of SAM3 missiles.

By early summer, Israeli planes found they could not penetrate this new "carpet" although it was far enough back from the canal so they still had control of the air immediately over the waterway.

Now even this is threatened by the missile build-up which both U.S. and Israeli intelligence units say has taken place near the canal since the cease-fire and in violation of its terms. It is this new threat that Israel's defense planners hope to counter—with the help of U.S.-supplied electronic devices to "jam" the radar that aims the missiles.

The other current Israeli military preoccupation—the threat of increased terrorist attacks against Israeli Kibbutzes (collective farms) and towns in the Jordan Valley—is an outgrowth of the Jordanian civil war.

The agreement that ended the fighting between King Hussein's troops and the Palestinian guerrillas calls for moving all guerrillas out of Jordanian cities and into areas along the Israeli border.

Israeli commanders expect this will lead to more terrorist activity on the border, and

they have stepped up the alert along their defense lines on the west bank of the Jordan River, especially in the 25-mile stretch south of the Sea of Galilee.

Tanks and half-tracks patrol border roads every morning at dawn, looking for signs of infiltration and sweeping for mines that might have been planted overnight. The electric border fences have been supplemented with tell-tale plowed strips that reveal—by showing footprints in the smoothed-out earth—where infiltrators have crossed. And all along the river, travelers can now see guards in the kibbutz watch-towers during the day as well as at night.

In addition to such defensive measures, the Israeli army goes after the terrorists in their own backyards. Gen. Haim Bar-Lev, army chief of staff, revealed this month that his troops made more than 700 forays beyond Israeli's borders into Lebanon, Syria, and Jordan last year to attack terrorist bases and troop concentrations.

Most of these were small-unit operations; only a few were big enough to be publicized. But Bar-Lev warned that if pressure on border settlements increases, Israel will take "military steps of a serious dimension" that will "differ in scope and nature from our other activities to date."

The terrorists don't seem to worry Israeli officials much.

"They are very photogenic, and good at propaganda," a senior Cabinet minister says. "But they are weak in political judgment, social temperament—and military strength."

Israeli military leaders point to statistics to prove the point. From the end of the six-day war in 1967 through Sept. 1 of this year, 733 Israelis were killed by the Arbs. Of these, 657 died in conventional military operations—including the often-heavy Suez fighting and the sinking of an Israeli navy destroyer. Only 76 deaths in the three-plus years resulted from terrorist sabotage inside Israel.

"Even 76 is too many," one general says. "But it's about the number killed in six weeks of traffic accidents in this country."

The Israelis seem satisfied that their strategy for dealing with hostile Arab states and Palestinian terrorists is the right one. Others are not so sure.

For example, Western diplomats in Cairo, U.A.R., are convinced that Nasser was driven to seek greatly increased Soviet military involvement in his country's defense by two Israeli military moves in late 1969—the deep-penetration air raids on the Egyptian heartland and several commando raids that resulted in the "kidnapping" of entire radar stations by Israeli troops that moved in and out of Egypt with little opposition.

The Israeli air and ground attacks showed Nasser's military weakness, and humiliated Egypt's armed forces. But they also, by this analysis, brought such massive Soviet military intervention that the whole diplomatic and strategic character of the war was seriously altered.

Israel's policy of military "retaliation" against Arab states that harbor guerrillas is questioned by Western observers as well as Arabs. In Lebanon, for example, the Israeli attack on the Beirut commercial airport in December 1968—in which paratroops landed and destroyed a dozen Arab-owned commercial airlines—is regarded as a watershed in Lebanon-Israel relations.

Before that, the Palestinian guerrillas got short shrift from the Lebanese, who had stayed out of the 1967 war. After the airport raid, the climate changed rapidly and markedly; today the guerrillas have a well-established Lebanese sanctuary.

The Palestinians are predictably scornful on the subject.

"The Israelis keep telling us that they do these things to "teach the Arabs a lesson,'" one guerrilla spokesman said last month in Beirut. "They must think we're awfully stupid: they've been doing it for 10 years and we still haven't 'learned.'"

Critics of Israeli strategy do not dispute its short-term military superiority over Arab governments and guerrillas alike. But they question whether such a strategy is in Israel's long-run interest. A similar debate is taking place inside Israel, with its focus on the occupied Arab territories.

ISRAEL DEBATES FUTURE OF TERRITORY CAPTURED FROM ARABS

(By Charles W. Bailey)

KIBBUTZ KEFAR BLUM, ISRAEL.—Sa'adia Gelb, his wife and his daughter all remember quite clearly how they felt the first time they went up onto the Golan Heights.

It was right after the six-day war in 1967, and the Gelbs—like thousands of other Israelis living in the rich farmland of Upper Galilee—wanted to see their home as it had looked to the Syrian troops who for years had shelled it from the Heights.

For Mrs. Gelb, who had come to Israel from Minneapolis with her husband 25 years earlier, it was a frightening sight: "When I got up there, and looked down at our Kibbutz, I felt worse than I ever had before."

For her pretty, Israel-born daughter, it was something quite different: "I felt freed. I felt happy."

For Gelb himself, a leader of the Kibbutz, or collective farm, where they live, there was still another emotion—relief: "There had always been the barrel of a gun pointed at me. Now it was gone."

Of all the territories occupied by Israel in 1967, the Golan Heights, which rise almost as steeply as a cliff nearly 3,000 feet above the valley floor, is the area whose future is least in doubt. The Israelis simply won't even think of giving it back.

ISRAELIS DEBATE FUTURE OF COUNTRY

There is a special intensity of Israeli feeling about the Golan Heights, partly because they are so obviously commanding a military position, partly because the Syrians have been so implacable and violent an enemy.

But feelings run almost equally strong, though less unanimously, about the other occupied territories. And the debate about their future touches the central questions about Israel's future: What kind of a nation will it be in the long run? How will it live with its neighbors? Can it become a true Middle Eastern state, or will it always be a kind of Western enclave in a hostile land?

There are four other occupied areas:

The Sinai Peninsula, taken from the United Arab Republic (U.A.R.).

The Gaza Strip, a small enclave on Israel's southwest coast, which had been controlled by the U.A.R.

The "West Bank", the area west of the Jordan River and the Dead Sea, which was taken from Jordan.

The old city of Jerusalem, also taken from Jordan in 1967.

Officially, the Israeli government won't talk about possible disposition of these territories now. It argues that there can be no return of the Arabs lands unless and until there is a peace settlement that contains solid guarantees of Israel's security.

ARABS INSIST ON RETURN OF LAND

But since the Arab states argue that the territories must be returned before there can be talk of a peace treaty, a kind of "which-came-first—chicken-or-egg?" argument has sprung up. Privately, even Israelis argue about it.

"For us, peace is more important than borders," says David Ben-Gurion, Israel's political father-figure now living in retirement in a desert Kibbutz.

"The pre-1967 borders, or anything like them, are out of the question," says Haim Landau, a leader of the hard-line Gahal party, which walked out of the government in a dispute over the Suez Canal cease-fire plan.

"Where I differ with the government," says a veteran and respected left-wing leader, "is that they want to keep as much territory as they can get. I want to keep as little as is needed."

Despite the apparently contradictory tone of such arguments, it is still possible to distill, from a fortnight of interviews with a wide variety of public and private figures, a rough sort of Israeli consensus on what might be done about the occupied territories.

WHO WOULD GET WHAT TERRITORY?

Here is how it looks:

Golan Heights: As noted above, there is no "give" to be found here. Even those who would return almost all the other occupied areas say that Israel must keep the Heights for security reasons.

Jerusalem: Despite all kinds of outside proposals for internationalization or joint administration of the city, Israelis won't consider the idea. The most they will concede is that after all the other territorial issues are settled satisfactorily, it might be possible to work out an arrangement guaranteeing free access to the holy places of the Moslem, Christian and Jewish faiths. But Israelis of all political persuasion insist that Jerusalem must remain one city, and that city must be the capital of Israel.

Sinai: The considerations here are all military. Israel wants Sharm el Sheikh, at Sinai's southern tip, because that area in turn controls the Gulf of Aqaba, the sea lane to the Israeli port of Eilat. To secure Sharm el Sheikh, the Israelis will probably also want a strip of land down Sinai's eastern edge.

ISRAEL MIGHT GIVE UP PART OF SINAI DESERT

As for the rest of the Sinai Desert, Israel might give it up if—and it's a big "if"—it could obtain other firm guarantees that the U.A.R. would not again put troops, tanks and planes into eastern Sinai where they would be only a few miles—and fewer minutes in flying time—from Tel Aviv and other major population centers.

For the moment, the Israelis argue simply that the Suez Canal, at Sinai's western edge, is the only logical defense line in the entire peninsula. They will stay there until there is peace with the U.A.R., the strongest Arab military power.

Gaza Strip: This little area, about 30 miles long and five miles across, was held by the U.A.R. at the end of the 1948 Israeli war of independence. It was crammed with Palestinian refugees and quickly became a hive of terrorist and anti-Israeli sentiment—which it continued to be after Israel seized it in 1967.

The only long-run solution for the Gaza Strip, almost all Israelis at least privately agree, is some kind of integration with the West Bank area. This would allow some of the Gaza population to move out and would make Gaza part of a more economically viable area.

ISRAEL WANTS FIRM SECURITY GUARANTEES

But here again, Israel seems sure to insist on firm security guarantees to make sure that Gaza does not again become, as it was before 1967, an arrow pointed directly at the heart of the country.

The West Bank: Of all the occupied areas, the West Bank is the one where there seems to be the most flexibility in Israeli attitudes. At the least, Israelis can foresee some kind of autonomy for the area; at most, some Israelis talk about returning much of it to Jordan or perhaps even turning it into an independent Palestinian state.

One reason for such flexibility is that the West Bank's population of Palestinian Arabs is the most nearly normal—and the least troublesome—of any occupied territory.

The social and economic structure of the area is strong, even under Israeli occupation; indeed, in purely economic terms, many West Bankers are better off than before 1967, thanks to the availability of work in Israel. Thousands commute by bus every day to the factories and other jobs in Israel.

As in the case of other occupied zones, the Israelis state some security requirements for the West Bank. They do not wish to go back to the pre-1967 situation, when Jordanian control of the West Bank meant that enemy guns could shell Tel Aviv, on the coast, and Jordanian tanks could strike Israel where it was only 10 miles wide and thus vulnerable to being cut in two.

TWO WEST BANK FRONTIERS CONTEMPLATED

So Israeli officials talk of two kinds of West Bank frontiers—a "security" frontier on the Jordan River, manned by Israeli troops, and a "political" frontier farther west, with West Bankers and Israelis freely traveling back and forth.

If some or most of the West Bank should be returned to Jordan, some Israelis envision a "security" frontier along the Jordan River with a narrow neck-like connection between east Jordan and the West Bank. That corridor would allow normal commerce but could be militarily controlled by Israeli forces.

A similiar corridor is suggested by some to connect the West Bank, in whatever form it eventually takes, with the Gaza Strip. This would not only give Gaza residents access to the West Bank but would offer a seaport, at Gaza, for West Bank commerce.

One reason that the Israelis are willing to consider at least limited autonomy for the West Bank is their realization that it might go far to meet the spreading demand, not only in the Arab world but in the West as well, for establishment of some form of Palestinian entity to which those refugees who wished could move from their places of exile.

THE WEST BANK COULD BE "SAFETY NET"

The advantages of such a solution to Israel were, ironically enough, well stated last month by a young Palestinian propagandist in Beirut, Lebanon: "Before 1967, we could not make much progress in organizing our people, because the West Bank was an Arab land and it served as a 'safety net' to keep political pressure from rising." To some Israelis, the West Bank could again become such a "safety net" to help lower Middle East animosities.

So the Israelis, while publicly resisting all attempts to draw them into discussions or commitments on the occupied Arab territories, busily debate the issue among themselves. For many of the debaters, the question goes much further than just the lands involved: It goes to the heart of their varying concepts of what Israel, and the Middle East, can and should become in the future.

A VICTOR'S DILEMMA—SECURITY VERSUS CONCILIATION

(By Charles W. Bailey)

TEL AVIV, ISRAEL.—Israel's defense minister had just given a high-ranking U.S. official a helicopter tour over the Arab lands seized by the Israeli army in the six-day war of 1967.

The visitor was skeptical. "Surely you know you can't have any real security as long as you hold onto all this real estate?" he asked.

"We never have had any real security," answered Moshe Dayan, the one-eyed general who is Israel's best-known public figure.

"But how long do you think you can hold onto it all?" the American persisted.

Dayan's retort was quick: "How long has it been since 1948?"

That exchange took place more than two years ago, but the issue is still very much alive today. No one seriously doubts Israel's current military superiority over its Arab enemies—but what about the long run? Can Israel survive for ten or twenty, or even fifty, years as a small armed enclave in the Arab world? And if it can, what kind of country will it be?

These questions trouble thoughtful Israelis at all levels. Surprisingly, one of those who states the dilemma most clearly is Dayan—whose military reputation and rather aloof personality mask the fact that he is, by all accounts, one of the most sensitive of all Israeli leaders to the long-range problem of living with the Arabs.

"We must not only prevent the letting of our blood and the devastation of our land," Dayan said last month. "We must also see to it that we are not rendered incapable of finding a common language with the Arabs."

MANY FACTORS CLOUD SHAPE OF FUTURE

Dayan's concern for this most basic problem—how to find some way to live at peace, if not complete friendship, with the Arabs who surround and outnumber the Israelis—is shared by most Israelis, regardless of their public statements. In addition, there are a number of other factors that cause thoughtful Israelis to worry about the kind of country they will have ten or twenty years from now:

Taxes to support the "Zahal," or Israel defense forces, are extremely high. In fact, more than 40 percent of the nation's entire gross national product goes into taxes—the highest figure in the world. Individual income taxes rise to levels that seem astronomical by American standards; at $11,000 per year—hardly a rich man's salary—the income-tax bite reaches 82 cents of every dollar earned.

Israel is heavily dependent, for the large sums needed to buy modern weapons and make basic capital investments, on overseas investment and gifts. This not only distorts normal economic flexibility, since its policies must satisfy its zealous overseas backers.

Israel's economy has become tied almost entirely to far-off markets in Western Europe and the United States since normal geographic trade patterns are foreclosed by Arab hostility.

"The real question," one distinguished Middle-Eastern educator said last month, "is whether Israel can become a normal Mideast state, instead of a foreign importation."

The demands of national security also warp the normal patterns of human life. Almost every boy and girl in Israel goes into the army at 18—boys for three years, girls for 20 months. In addition, men who have completed service must still serve two months on active duty every year until they are 50 or even older.

This citizen-soldier pattern puts a strain on the country's economy even in quiet times. And when a major crisis results in full military mobilization, the economy of the country is virtually crippled overnight.

COUNTRY'S WILL REMAINS STRONG

(When Israel mobilized in 1967, before the six-day war, high-school students had to be pressed into service to deliver mail and collect garbage in Tel Aviv. The country simply could not keep going for long with so much of its work force in uniform—a fact that by itself helped shape the decision to attack the Arab states instead of waiting.)

So far, the Israelis have been willing to pay the economic and social price for independence and continued survival as a nation. Indeed, there is no indication that their will is weakening; the economy is advanced and strong, taxes are paid, foreign capital continues to come in, and—perhaps most significant—young people pull strings to get into uniform, not to stay out.

Yet even a first-time visitor to Israel senses a growing concern over the long-range outlook. The nation's young people are no less patriotic than their parents and grandparents—but they are thinking further ahead, questioning whether they must live under the threat of war all their lives.

The young *sabra*—native-born Israelis rather than immigrants—provided most of the troops in 1967 and make up an even greater proportion of the army today. For them, the six-day war was a disturbing watershed experience.

Raised on stories of centuries-long persecution climaxed by the mass killing of Jews in Hitler's death camps, these young Israelis suddenly found themselves strong instead of weak, victors instead of defeated, occupiers instead of depossessed.

PROSPECT OF CONTINUED WAR DISTURBING

As one writer put it in a volume of post-war commentary by young people, "The very fact of a Jewish victory is a miracle, a dream" for older Israelis—but was "a fact, and sometimes a distressing fact," for the *sabra*.

In addition to such emotional scars, the 1967 victory also left Israel's younger generation with a more urgent concern: will they have to do it all over again? As another contributor to the same book said: "Our generation has been brought up on the need to be strong, to be able to defend ourselves. This is something you can educate people towards for ten or twenty years.

"But what happens over a longer period? That's why the generation that's already been through two or three wars has this fatalism. People have felt the pointlessness of this never-ending struggle."

The young are not alone in wondering whether the struggle will be "never-ending." Some of their elders also are beginning to question whether their government's policies will lead toward real peace—or only toward a continuing cycle of armed truce and periodic war.

Some powerful and respected figures raise such questions. One is David Ben-Gurion, Israel's first prime minister and a symbol of the country's fight for independence and survival.

"If I had been in the government right after the six-day war, I would have tried for peace first thing with Egypt," he said in a recent interview. "We don't need the territories we conquered, and except for Jerusalem and the Golan Heights, we should give them all back."

Ben-Gurion's view is shared by those both inside and outside Israel who believe the country missed a golden chance to settle with the Arabs after its overwhelming military triumph in 1967.

DID ISRAEL MISS ITS CHANCE?

"The Israelis in 1967 behaved like Arabs," argues a U.N. official with years of experience in the Middle East. "It was the time for Israel to move and be magnanimous. They could have made a settlement. The Arabs had lost all their arms and had no military strength. Israel missed its moment."

This kind of talk is not heard much, at least in public, in Israel. But there is a questioning mood, and it breaks through to the surface during debates like last summer's argument over whether to go along with the U.S. cease-fire proposal.

That dispute produced a split in the government, with right-wing representatives resigning in protest over the decision to accept the American initiative. It also stirred more public debate over the nature of an eventual peace and the problems involved in reaching a settlement.

Such debate seems, on the surface, to center on territory—and especially the west bank of the Jordan River, the one occupied area most widely recognized as a site for possible compromise with the Palestinians.

But beneath such specific talk lie more basic issues:

Is there any reasonable prospect that West Bank Arabs might eventually decide that the obvious economic advantages they now have—such as more and better-paid jobs—

would justify accepting Israeli political annexation of the area? Or do the deep-seated animosities produced by four decades of war rule this out?

Even if the West Bank Arabs agreed to become part of Israel, could Israel absorb them without losing its essential character as a Jewish state? Is there any real chance of enough additional Jewish immigration into Israel to preserve that character despite a massive infusion of Arab citizens?

How much military risk could Israel take in order to buy political acceptance, not only from the Palestinians but from other Arab states? What kind of guarantees would be required to justify, for example, withdrawing Israeli troops from the Jordan River line?

There are recognized pitfalls in any permanent annexation of Arab land. As Maron Benbenisti, deputy mayor of Jerusalem, says: "The moment the Arabs accept Israeli rule as permanent, we will have new problems—the Arabs will lose their sovereignty, but the Jews will lose their exclusivity."

For the moment, the Israeli government is moving with great caution and skepticism—seemingly seeking for the moment a situation in which "peace is far away, but so is war," as one Cabinet member puts it.

The search would be complicated enough if it involved only the Israelis and the Arabs. It is made much more complex and difficult because of the deepening involvement in the Middle East of the world's two most powerful nations, the United States and the Soviet Union.

Soviet Influence in Mideast Mushroomed After War

(By Charles W. Bailey)

BEIRUT, LEBANON.—The Lebanese official raised his voice so he could be heard over the rattle of the air-conditioning unit in his window.

"In 1948, the Arabs wouldn't even speak to the Russians," he said. "Now look what's going on."

Across Beirut, in a top-floor apartment where a weak breeze came through open windows to stir the stifling afternoon heat, another Lebanese—this one a distinguished scholar—repeated the same message:

"At the end of World War II, all the Arab states faced West, and the Soviet Union had no foothold here. Now only a handful of these countries are even amiable toward the United States."

The two remarks sum up one of the major factors in today's Middle East equation: The steady growth of Soviet influence in the region, and the parallel development of a political-military confrontation between the United States and the Soviet Union.

The Mideast rivalry of the world's two great powers is most visible in the context of conflict between Israel and the Arabs, for the current role of the United States and the Soviet Union as armorers and patrons of the local adversaries has captured most of the headlines.

TWO REASONS UNDERLIE U.S.-SOVIET RIVALRY

The Arab-Israel conflict has of course engaged the great powers deeply—so deeply, in fact, that there have been moments when it seemed likely to mushroom into global war. But it is not the root cause of Washington-Moscow competition in the Middle East.

The United States and the Soviet Union have come face-to-face in the area for two basic reasons:

The collapse of the British and French empires after World War II eliminated the influence of the two major powers that had dominated the Middle East. This left a strategic power vacuum at the spot where Europe, Asia and Africa come together in a network of vital sea, air and land bridges between east and west, north and south.

The best-known of these bridges is the Suez Canal, which gives European shipping a short-cut to and from the Persian Gulf, India, Asia and East Africa.

But in modern terms the air "canals" through the Middle East are perhaps even more important. Today airports at Cairo, Beirut, Tel Aviv, Baghdad and Teheran swarm with planes of every major nation; these cities are critical way stations on the world's biggest air routes. American, British, Dutch, French, Russian and German airline stewardesses waiting for their next flight decorate hotel swimming pools in every Mideast capital.

The Middle East is also the earth's largest single reservoir of oil; nearly two-thirds of the world's oil reserves lie under the deserts here. This oil is immensely profitable to those who control and extract it—and it is virtually priceless to those in Western Europe and elsewhere who depend on it for power, heat and light.

FIRST CONFRONTATION CAME IN TURKEY, IRAN

Neither Washington nor Moscow played a major role in the Middle East before World War II. American interest was minor until U.S. oil companies began to make heavy investments in the Arabian peninsula in the late thirties. The Russians had long yearned to extend their influence into the warm waters of the Mediterranean and the Indian Ocean, but until 1945 they were busy elsewhere.

The first real U.S.-Soviet confrontation in the Middle East came in the "northern tier"—Turkey and Iran. Soviet efforts to extend political dominance into these countries after World War II produced an American counter-move in the form of military aid and an effort to set up anti-Communist defense alliances in the region.

Two additional developments changed the picture drastically. The first was the rise of Israel as an independent state—with initial backing from Moscow as well as Washington—and the resulting Arab-Israeli wars. The second was a political upheaval inside the Arab world, beginning with the 1952 Egyptian revolution that brought Gamal Abdel Nasser to power.

The United States sided from the start with Israel, and by the late sixties had replaced France as Israel's major arms supplier. The Soviets, after first backing Israel, swung over to the Arab side; the key step here was the Soviet decision not only to give Nasser major economic aid but also to give Egypt and other Arab states massive amounts of military equipment.

These trends brought the United States and the Soviet Union into increasing conflict—especially after the 1967 war, when Moscow not only reequipped the shattered Arab armies but also began to put its own military men, first as advisers and then in regular units, into Egypt.

SOVIETS HAVE 10,000 TROOPS IN EGYPT

As of today, Western experts estimate that there are at least 10,000 Soviet troops in Egypt. Some man antiaircraft missiles along the Suez Canal and around Egypt's cities; others maintain and fly MIG fighter planes on air-defense missions over the Nile Valley.

"The rest are advisers," says a western military source in Cairo. "These go right up to the top in the high command; there's a Russian counterpart looking over the shoulder of every Egyptian general."

American and Soviet leaders suddenly realized the dangers of their Middle East involvement when the six-day war broke out in 1967. President Lyndon B. Johnson and Soviet Premier Alexei Kosygin used their "hot-line" teletypes to assure each other they weren't involved—and to plead with each other to keep out.

For the first time, the great powers seemed to realize that they could not control their clients in the Middle East—that there was always a danger that the antagonism between Arab and Israeli might drag the big powers into a disastrous military showdown with each other.

From this sobering realization has apparently come at least a partial tacit understanding between Washington and Moscow that such an ultimate confrontation must be avoided—and that therefore the Arab-Israeli conflict must be cooled off: That, at least, is the only explanation most observers can offer for the Soviets' backing of last summer's U.S. peace initiative along the Suez Canal.

But no one—in Washington, in Moscow or here in the Middle East—thinks this kind of limited parallel thinking means the great-power competition in the area is slowing.

For one thing, the long-run objectives of the two superpowers in the Middle East seem almost diametrically opposed.

For the United States the objective is stability—to allow Israel to exist in peace, to ensure the continued flow of the oil so vital to America's European allies, to provide a hospitable climate for improved U.S.-Arab relations.

For the Soviets, the objective appears to be sustained instability—to prevent the U.S. from extending its influence, to keep Europe edgy about its oil supplies, and to provide the climate for continued Soviet influence with Arab regimes which, if left to themselves, would almost certainly prefer to keep Moscow at arm's length.

"Washington must realize that the Russians want something different out here than the U.S. wants," a high Israeli defense official argues. "The Russians want to get as much as they can at minimum cost and without a major war."

Both Israelis and Arabs, ironically, sometimes use the same arguments in appealing to their separate great-power supporters.

Again and again last month Israeli officials told this correspondent that the U.S. government does not fully appreciate the size of the Soviet threat in the Middle East. "Russians are not really 10 feet tall," one Israeli diplomat said scornfully. "But you are 4 feet tall."

On the other side, Arab leaders constantly tell their own people—and their Moscow benefactors—that Israel is nothing more than an American tool to achieve U.S. domination of the area. Typical is the matter-of-fact comment of one Palestinian spokesman on a recent Israeli raid against a guerrilla camp in Lebanon: "The Israelis attacked the Palestinians with American equipment at American orders."

RELATIONS WITH ALLIES CAN BE CONTRADICTORY

Despite such polemics, the relations between great power and Mideast ally can be as contradictory as everything else about the area.

Thus the same Palestinian who describes Israeli soldiers as American lackeys will roar with laughter five minutes later as he tells jokes belittling the fighting qualities of the Egyptian army.

Knowledgeable Egyptians insist that whatever their government says in public about the United States, it will never cancel U.S. oil-drilling contracts in Egypt. "There are no 'American interests' in Egypt," says one. "There are just some commercial arrangements."

When a visitor suggests to an Israeli politician that Israel's plea to the United States is like Winston Churchill's in World War II—"Give us the tools and we will finish the job"—the Israeli disagrees: "No, what we say is 'Give us the tools and we will finish our job.'"

The same Egyptians who insist that they are grateful to the Soviet Union for sending military advisers to help them also complain freely to American visitors that the Russians drink too much, tip too little—and smell bad in crowded elevators.

There is, in short, nothing simple about the relationships between the two great

powers and their Middle East allies. These are, like everything else in the area, filled with complexities and conflicts.

NOTHING IN MIDDLE EAST IS EVER WHAT IT SEEMS TO BE

(By Charles W. Bailey)

ALLENBY BRIDGE, ISRAEL-JORDAN BORDER.—The bridge is a makeshift steel truss pushed across the river to replace the blasted span whose rusting girders still hang over the water a few yards downstream.

The river itself is little more than a creek, no more than forty feet wide as it moves almost imperceptibly between high banks, carrying its brackish, gray-green water the last few miles toward the Dead Sea.

The scene recalls a comment heard the night before: "There is more history than water in the Jordan River." Certainly the Jordan seems inadequate for its role as the dividing line between Israel and the Arab world.

Yet this very contradiction seems an appropriate final entry in the journal of a month's travel in the Middle East. For if anything at all is clear about this part of the world, it is that nothing is clear, nothing simple or predictable, nothing ever quite what it seems at first glance.

The visitor is left finally, not with conclusions but with impressions—a jumble of things seen or heard that defy classification but somehow seem to add up.

"Nasser's acceptance of the cease-fire was very popular among Egyptians," said a U.S. diplomat in Cairo, U.A.R. "There is a real desire for peace. But he also got wide popular approval for cheating on the terms of the cease-fire. People said, 'See, he is clever—he is answering those Arabs who opposed the cease-fire, and also making the Israelis uncomfortable'."

Another description of Nasser, offered by an Israeli Cabinet minister the night he died:

"He was brilliant in his considerations, but highly wrong in his conclusions. We often compared him to a brilliant mathematician who could add, subtract, multiply and divide—but didn't know how to count."

"The Russians will have trouble replacing Nasser," the same man suggested. "They bought him ready-made, already in power, already the leading Arab figure. You can't replace all that overnight."

Two opinions on Israeli-Palestinian relations, the first from an Israeli official, the second from a Lebanese:

"The older Palestinians want peace; the younger want war, and support the fedayeen. But they come to their senses as they reach a certain age—or prison."

"Israel cannot liquidate the fedayeen. Ten thousand can be killed—but there will be 20,000 to take their place."

Two Soviet army officers huddle at a Cairo cocktail party, speaking Russian so Western military attaches cannot understand their talk about the Israeli "Hijacking" of an entire Soviet-supplied Egyptian radar station. Unknown to them, one of the other guests does understand Russian. He hears this remark:

"Those stupid Egyptians. Give them something and right away they lost it!"

The British have been in the Middle East a long time; the gates of their embassy in Cairo bear the initials of Queen Victoria.

"The Israelis have nothing but bad choices on the West Bank," the British ambassador said. "They can return it to the Palestinians. They can continue to occupy it as a 'province.' They can annex it with the Arabs still there.

"We have four Arab neighbors. We don't need five," said an Israeli diplomat about the possibility of an independent Palestinian state on the West Bank of the Jordan.

"It may be impossible to get a 'solution' on Jerusalem," said the city's Israel deputy mayor. "I don't think the Arabs can agree to having it all under Israel's jurisdiction. And we won't agree to splitting it."

"The only possible solution is to give the West Bank and Old Jerusalem to the Palestinians as an independent state," said an American in Lebanon.

"There is a conspiracy against the Arabs by those who are helping Israel," said a prominent Lebanese official. "In the U.S., all the leading positions are in the hands of Zionists. They've got the pulpit, radio, cinema, newspaper, leaders in Congress, and they are infiltrating in the White House and in industry."

"Arab leadership is conspiratorial, and therefore tends to believe there are several possibilities in a single situation," said a veteran Western diplomat. "I think the Egyptians figured the U.S. peace move was 75 percent honest—and 25 percent a trick to stop them from moving their missiles forward until the Americans could provide the Israelis with sophisticated electronic gear to neutralize the missiles."

"The Arab-Jewish struggle is a tragedy," writes American journalist I. F. Stone. "The essence of tragedy is a struggle of right against right . . . to find a solution which will satisfy both peoples is like trying to square a circle."

"Perhaps the best one can achieve in the Middle East is not a settlement in which everyone is equally happy," said a top U.S. foreign-policy official. "Perhaps the best one can achieve is a settlement with which everyone will be equally unhappy."

"We are back almost where we were in 1968," said an Egyptian editor. "Not at square one, but at square one-and-a-half."

From an editorial in a Cairo newspaper:

"Good ultimately destroys evil, and the Crusades that went on for 192 years ended ultimately in Arab victory. And history repeats itself."

From an editorial in a Jerusalem newspaper:

"The lesson (of the Jordanian civil war) is clear. It was not the U.N. and the Security Council which saved Jordan from aggression and conquest by a neighboring Arab country. It was the Jordanian army itself . . . Once more it has been demonstrated that a nation can rely only on its own strength."

THE BASIS FOR LASTING PROSPERITY—ADDRESS BY DR. ARTHUR BURNS, CHAIRMAN, FEDERAL RESERVE BOARD

Mr. MATHIAS. Mr. President, the Chairman of the Board of Governors of the Federal Reserve System merits attention when he speaks by virtue of the great authority of his office. When the Chairman happens to be Dr. Arthur Burns, then I believe his views are mandatory reading for Members of Congress, officials of Government and business, and, most important, for the citizens who create, control, and constitute the units of the remarkable system that is our economy.

Dr. Burns views would be crucial if he spoke in a purely private capacity because of his ability as an economist and his long and mature experience in Government. When these personal qualities are combined with his official position, his observations should be carefully noted and his recommendations closely studied. I am glad to ask unanimous consent to have printed in the RECORD the text of Chairman Burns' speech delivered on December 7, 1970, at Los Angeles in the Pepperdine College Great Issues series. He has significantly entitled his address, "The Basis for a Lasting Prosperity."

Chairman Burns supports President Nixon's "Stern warning to business and labor to exercise restraint in pricing and wage demands." He adds to the President's program several suggestions of his own for innovation in the rebuilding of confidence and the attainment of his goal of a lasting prosperity.

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

THE BASIS FOR LASTING PROSPERITY

Nearly three years ago, in a talk here in Los Angeles, I pointed out that once an economy becomes engulfed by inflation, economic policy makers no longer have any good choices. To regain a lasting prosperity, a nation must have the good sense and fortitude to come to grips with inflation. There is, however, no painless way of getting rid of the injustices, inefficiency, and international complications that normally accompany an inflation.

Events of the past several years have lent poignancy to these simple truths. Recent experience has demonstrated once again that the transition from an overheated economy to an economy of stable markets is a difficult process. Elimination of excess demand was an essential first step to the restoration of stability, but this step has brought with it a period of sluggish economic activity, slow income growth and rising unemployment. And while we have made some progress in moderating the rate of inflation, our people are still seeing the real value of their wages and savings eroded by rising prices.

The struggle to bring inflationary forces under control, and to return our labor and capital resources to reasonably full employment, is still going on. I am convinced, however, that corrective adjustments in the private sector over the past twelve to eighteen months are creating, in conjunction with governmental stabilization policies, the foundation on which a prolonged and stable prosperity can be constructed.

A cardinal fact about the current economic situation, and one that promises well for our nation's future, is that the imprudent policies and practices pursued by the business and financial community during the latter half of the 1960s are being replaced by more sober and realistic economic judgments. In my remarks to you today, I want first to review some of the key developments that lead me to this conclusion. Then I shall turn to the tasks that must still be faced in order to enhance the prospects for an early resumption of growth in production and employment in an environment of reasonably stable prices.

The current inflation got under way in 1964. Perhaps the best single barometer of the extent to which it served to distort economic decisions and undermine the stability of the economy is found in the behavior of financial markets during the late 1960's. In 1968, well over 3 billion shares of stock exchanged hands on the New York Stock Exchange—about two and one-half times the volume of five years earlier. The prices of many stocks shot upward with little reference to actual or potential earnings. During the two years 1967 and 1968, the average price of a share of stock listed on the New York Exchange rose 40 per cent, while earnings of the listed companies rose only 12 per cent. On the American Exchange the average share price rose during the same two years more than 140 per cent on an earnings base that increased just 7 per cent.

A major source of the speculative ardor came from some parts of the mutual fund industry. Long-term investment in stocks of companies with proven earnings records

became an outmoded concept for the new breed of "go-go" funds. The "smart money" was to go into issues of technologically oriented firms—no matter how they were meeting the test of profitability, or into the corporate conglomerates—no matter how eccentric their character.

This mood of speculative exuberance strongly reinforced the upsurge of corporate mergers which occurred during the middle years of the 1960's. No doubt many of these mergers could be justified on grounds of efficiency, but the financial history of mergers—including some of the great conglomerates—suggests that many businessmen became so preoccupied with acquiring new companies and promoting the conglomerate image that they lost sight of the primary business objective of seeking larger profits through improved technology, marketing, and management. When talented corporate executives devote their finest hours to arranging speculative maneuvers, the productivity of their businesses inevitably suffer and so too does the nation's productivity.

These speculative excesses had to end, and it is fortunate that they ended before bringing disaster to our nation. Equity values are now being appraised more realistically than a year or two ago. Investors are now more attentive to high quality stocks. Indeed, many of them have discovered or rediscovered that even bonds and time deposits are a fit use of their funds. Not a few of those responsible for the frantic search for "performance stocks" have shifted to other activities or joined the ranks of the unemployed; so also have numbers of security analysts and stock brokers. With speculation giving way to longer-term investment, the stock market is now channeling risk capital to business firms more efficiently.

A searching reappraisal of the economic philosophy of mergers is also underway. Merger activity has slowed materially since mid-1969. To some degree this is a response to the growing concern in governmental circles over the dangers that may inhere in large concentrations of economic power. But it stems mainly from the fact that businessmen are recognizing that time and energy can usually be spent more productively in searching for ways to increase the economic efficiency of their firm than in a scramble for corporate acquisitions.

Businessmen are also reconsidering the wisdom of financial practices that distorted their balance sheets during the late 1960's. In the manufacturing sector, the ratio of debt to equity—which had been approximately stable during the previous decade—began rising in 1964 and was half again as large by 1970. Liquid asset holdings of corporate businesses were trimmed to the bone. On the average, the ratio of prime liquid assets to current liabilities fell by nearly half during those six years. In permitting such a drastic decline in liquidity, many of our corporations openly courted trouble.

Perhaps the most ominous source of instability produced by these financial practices was the huge expansion of the commercial paper market. The volume of commercial paper issued by nonfinancial businesses increased eightfold between the end of 1964 and mid-1970, as an increasing number of firms—some of them with questionable credit standings—began to tap this market. The hazards inherent in the spreading reliance on commercial paper were taken much too lightly. After all, the relations between the buyer and seller of commercial paper are by their very nature distant and impersonal—unlike the close working relationship that normally develops between a bank and its business customers. The buyer—typically an industrial enterprise—rarely has the facilities or the experience to carry out a full investigation of the risks attaching to commercial paper. Moreover, the buyer regards his investment as temporary—to be withdrawn when cash is needed or when questions arise about the quality of the paper. The issuer, therefore, faces considerable uncertainty as to the amount of his maturing obligations that may be renewed on any given day. The risks facing the individual issuer and buyer inevitably pose a problem also for the nation's financial system, since the difficulties experienced by any large issuer of commercial paper may quickly spread to others.

These familiar truths were lost sight of in the inflationary aura of the late 1960's. It took the developments of last summer, when the threat of financial crisis hung for a time over the commercial paper market, to remind the business community that time-honored principles of sound finance are still relevant.

As a result of that experience and the testing of financial markets generally during the past two years, corporate financial policies are now more constructive than in the recent past. This year, new stock issues have continued at a high level—even in the face of unreceptive markets—as corporations have sought to stem the rise in debt-equity ratios. Of late, borrowing by corporations has been concentrated in long-term debt issues, and their rate of accumulation of liquid assets has risen. Liquidity positions of industrial and commercial firms are thus improving, though it will take some time yet to rectify fully the mistakes of the past.

These efforts to restore sound business finances are not without costs to the nation. For example, long-term interest rates, while below their peaks at the end of last year or last spring, are still at unusually high levels because of this year's extraordinary volume of new capital issues. But there can be no doubt that substantial adjustments in the financial practices of our nation's businesses were essential if the basis for a lasting and stable prosperity was to be re-established.

By and large, our major financial institutions conducted themselves with prudence during the years when lax practices were spreading in financial markets. There were, however, some individual institutions that overextended loan commitments relative to their resources, others that reduced liquidity positions to unduly low levels, still others that permitted a gradual deterioration in the quality of loan portfolios, and even a few that used funds of depositors to speculate in long-term municipal securities. Fortunately, such institutions were distinctly in the minority. When the chips were down, our major financial institutions proved to be strong and resilient. And they are stronger today. As monetary policy has eased, the liquidity of commercial banks has been increasing. Even so, loan applications are being screened with greater care. The emphasis on investment quality has also increased at other financial institutions, as is evidenced by the recent wide spread between the yields of high and lower grade bonds.

These corrective adjustments in private financial practices have materially improved the prospects for maintaining order and stability in financial markets. But no less important to the establishment of a solid base for a stable and lasting prosperity have been the developments this year in the management of the industrial and commercial aspects of business enterprise.

During the latter half of the 1960's, business profit margins came under severe pressure. The ratio of profits after taxes to income originating in corporations had experienced a prolonged rise during the period of price stability in the early 1960's. But this vital ratio declined rather steadily from the last quarter of 1965 and this year reached its lowest point of the entire postwar period.

Until the autumn of 1969 or thereabouts, the decline in profit margins was widely ignored. This is one of the great perils of inflation. Underlying economic developments tend to be masked by rising prices and the state of euphoria that comes to pervade the business community. Though profit margins were falling and the cost of external funds was rising to astonishing levels, the upward surge of investment in business fixed capital continued. True, much of this investment was undertaken in the interest of economizing on labor costs. Simultaneously, however, serious efforts to bring operating costs under control became more and more rare, labor hoarding developed on a large scale, huge wage increases were granted with little resistance, and some business investments were undertaken in the expectation that inflationary developments would one way or another validate almost any business judgment. While the toll in economic efficiency taken by these loose managerial practices cannot be measured with precision, some notion of its significance can be gained by observing changes in the growth rate of productivity.

From 1947 through 1966, the average rate of advance in output per manhour in the private sector of the economy was about 3 per cent per year. In 1967, the rate of advance slowed to under 2 per cent, and gains in productivity ceased altogether from about the middle of 1968 through the first quarter of this year. The loss of output and the erosion of savings that resulted from this slowdown in productivity growth are frightfully high.

The elimination of excess demand, which the government's anti-inflationary policies brought about, is now forcing business firms to mend their ways. Decisions with regard to production and investment are no longer being made on the assumption that price advances will rectify all but the most imprudent business judgments. In the present environment of intense competition in product markets, business firms are weighing carefully the expected rate of return on capital outlays and the costs of financing. The rate of investment in plant and equipment has therefore flattened out, and advance indicators suggest that business fixed investment will remain moderate in 1971.

Business attitudes toward cost controls have of late also changed dramatically. A cost-cutting process that is more widespread and more intense than at any time in the postwar period is now underway in the business world. Advertising expenditures are being curtailed, unprofitable lines of production discontinued, less efficient offices closed, and research and development expenditures critically reappraised. Layers of superfluous executive and supervisory personnel that were built up over a long period of lax managerial practices are being eliminated. Reductions in employment have occurred among all classes of workers—blue collar, white collar, and professional workers alike. Indeed, employment of so-called non-production workers in manufacturing has shown a decline since March that is unparalleled in the postwar period.

Because of these vigorous efforts to cut costs, the growth of productivity has resumed, after two years of stagnation. In the second quarter of this year, output per manhour in the private nonfarm economy rose at a 4 per cent annual rate, and the rate advanced to 5 per cent in the third quarter. These productivity gains have served as a sharp brake on the rise in unit labor costs, despite continued rapid increases in wage rates.

In my judgment, these widespread changes in business and financial practices are evidence that genuine progress is being made in the long and arduous task of bringing inflationary forces under control. We may now look forward with some confidence to a future when decisions in the business and financial community will be made more rationally, when managerial talents will be concentrated more intensively on efficiency in processes of production, and when participants in financial markets will avoid the speculative excesses of the recent past.

Let me invite your attention next to the role that government policies have played this year in fostering these and related adjustments in private policies and practices.

The fundamental objective of monetary and fiscal policies this year has been to maintain a climate in which inflationary pressures would continue to moderate, while providing sufficient stimulus to guard against cumulative weakness in economic activity. Inflationary expectations of businessmen and consumers had to be dampened; the American people had to be convinced that the government had no intention of letting inflation run rampant. But it was equally important to follow polices that would help to cushion declines in industrial production stemming from cutbacks in defense and reduced output of business equipment, and to set the economy on a course that would release the latent forces of expansion in our home-building industry and in state and local government construction. I believe we have found this middle course for both fiscal and monetary policy.

A substantial reduction in the degree of fiscal restraint has been accomplished this year with the phasing out of the income tax surcharge and the increase in social security benefits. These sources of stimulus provided support for consumer disposable incomes and spending at a time when manufacturing employment was declining and the length of the work-week was being cut back.

I do not like, but I also am not deeply troubled, by the deficit in the Federal budget during the current fiscal year. If the deficit had originated in a new explosion of governmental spending, I would fear its inflationary consequences. This, however, is not the present case. The deficit in fiscal 1971—though it will prove appreciably larger than originally anticipated—reflects in very large part the shortfall of revenues that has accompanied the recent sluggishness of economic activity. The Federal budget is thus cushioning the slowndown in the economy without releasing a new inflationary wave. The President's determination to keep spending under control is heartening, particularly his plea last July for a rigid legislative ceiling on expenditures that would apply to both the Executive and the Congress. However, pressures for much larger spending in fiscal 1972 are mounting and pose a threat to present fiscal policy.

Monetary policy this year has also demonstrated, I believe, that it could find a middle course between the policy of extreme restraint followed in 1969 and the policies of aggressive ease pursued in some earlier years. Interest rates have come down, and liquidity positions of banks, other financial institutions, and nonfinancial businesses have been rebuilt—though not by amounts that threaten a reemergence of excess aggregate demand. A more tranquil atmosphere now prevails in financial markets. Market participants have come to realize that temporary stresses and strains in financial markets could be alleviated without resort to excessive rates of monetary expansion. Growth of the money supply thus far this year—averaging about a 5½ per cent annual rate—has been rather high by historical standards. This is not, however, an excessive rate for a period in which precautionary demands for liquidity have at times been quite strong.

The precautionary demands for liquidity that were in evidence earlier in 1970 reflected to a large degree the business and financial uncertainties on which I have already commented. It was the clear duty of the nation's central bank to accommodate such demands. Of particular importance were the actions of the Federal Reserve in connection with the commercial paper market last June. This market, following the announcement on Sunday, June 21, of the Penn Central's petition for relief under the Bankruptcy Act, posed a serious threat to financial stability. The firm in question had large amounts of maturing commercial paper that could not be renewed, and it could not obtain credit elsewhere. The danger existed that a wave of fear would pass through the financial community, engulf other issuers of commercial paper, and cast doubt on a wide range of other securities.

By Monday, June 22—the first business day following announcement of the bankruptcy petition—the Federal Reserve had already taken the virtually unprecedented step of advising the larger banks across the country that the discount window would be available to help the banks meet unusual borrowing requirements of firms that could not roll over their maturing commercial paper. In addition, the Board of Governors reviewed its regulations governing ceiling rates of interest on certificates of deposit, and on June 23 announced a suspension of ceilings in the maturity range in which most large certificates of deposit are sold. This action gave banks the freedom to bid for funds in the market and make loans available to necessitous borrowers.

As a result of these prompt actions, a sigh of relief passed through the financial and business communities. The actions, in themselves, did not provide automatic solutions to the many problems that arose in the ensuing days and weeks. But the financial community was reassured that the Federal Reserve understood the seriousness of the situation, and that it would stand ready to use its intellectual and financial resources, as well as its instruments of monetary policy, to assist the financial markets through any period of stress. Confidence was thus bolstered, with the country's large banks playing their part by mobilizing available funds tc meet the needs of sound borrowers caught temporarily in a liquidity squeeze.

The role that confidence plays as a cornerstone of the foundation for prosperity cannot, I think, be overstressed. Much has been done over recent months by private businesses and by the government to strengthen this foundation. If we ask what tasks still lie ahead the answer I believe must be: full restoration of confidence among consumers and businessmen that inflationary pressures will continue to moderate, while the awaited recovery in production and employment becomes a reality.

The implications of this answer for the general course of monetary and fiscal policies over the near term seem to me clear. The thrust of monetary and fiscal policies must be sufficiently stimulative to assure a satisfactory recovery in production and employment But we must be careful to avoid excessive monetary expansion or unduly stimulative fiscal policies. Past experience indicates that efforts to regain our full output potential overnight would almost surely be self-defeating. The improvements in productivity that we have struggled so hard to achieve would be lost if we found ourselves engulfed once again in the inflationary excesses that inevitably occur in an overheated economy.

As I look back on the latter years of the 1960's, and consider the havoc wrought by the inflation of that period, I am convinced that we as a people need to assign greater prominence to the goal of price stability in the hierarchy of stabilization objectives. I have recommended on earlier occasions that the Employment Act of 1946 be amended to include explicit reference to the objective of general price stability. Such a change in that law will not, of course, assure better economic policies. But it would call the nation's attention dramatically to the vital role of reasonable price stability in the maintenance of our national economic health.

At the present time, governmental efforts to achieve price stability continue to be thwarted by the continuance of wage increases substantially in excess of productivity gains. Unfortunately, the corrective adjustments in wage settlements that are needed to bring inflationary forces under control have yet to occur. The inflation that we are still experiencing is no longer due to excess demand. It rests rather on the upward push of cost—mainly, sharply rising wage rates

Wage increases have not moderated. The average rate of increase of labor compensation per hour has been about 7 per cent this year—roughly the same as last year. Moreover, wage costs under new collective bargaining contracts have actually been accelerating despite the rise in unemployment. In the third quarter of this year, major collective bargaining agreements called for annual increases in wage rates averaging 10 per cent over the life of the contract. Negotiated settlements in the construction industry during the same three months provided for wage increases averaging 16 per cent over the life of the contract, and 22 per cent in the first year of the contract. Nor is the end of this explosive round of wage increases yet in sight. Next year, contracts expire in such major industries as steel, aluminum, copper, and cans. If contracts in those industries are patterned on recent agreements in the construction industry—or, for that matter, in the trucking and automobile industries—heavy upward pressures on prices will continue.

I fully understand the frustration of workers who have seen inflation erode the real value of past wage increases. But it is clearly in the interest of labor to recognize that economic recovery as well as the battle against inflation will be impeded by wage settlements that greatly exceed probable productivity gains.

In a society such as ours, which rightly values full employment, monetary and fiscal tools are inadequate for dealing with sources of price inflation such as are plaguing us now—that is, pressures on costs arising from excessive wage increases. As the experience of our neighbors to the north indicates, inflationary wage settlements may continue for extended periods even in the face of rising unemployment. In Canada, unemployment has been moving up since early 1966. New wage settlements in major industries, however, averaged in the 7 to 8 per cent range until the spring of 1969, then rose still further. This year, with unemployment moving above 6½ per cent, negotiated settlements have been in the 8 to 9 per cent range.

Many of our citizens, including some respected labor leaders, are troubled by the failure of collective bargaining settlements in the United Sttaes to respond to the anti-inflationary measures adopted to date. They have come to the conclusion, as I have, that it would be desirable to supplement our monetary and fiscal policies with an incomes policy, in the hope of thus shortening the period between suppression of excess demand and the restoration of reasonable relations of wages, productivity, and prices.

To make significant progress in slowing the rise in wages and prices, we should consider the scope of an incomes policy quite broadly. The essence of incomes policies is that they are market-oriented; in other words, their aim is to change the structure and functioning of commodity and labor markets in ways that reduce upward pressures on costs and prices.

The additional anti-inflationary measures announced by the President last Friday will make a constructive contribution to that end. The actions to increase the supply of oil will dampen the mounting cost of fuels, and the recommendations made by the President to improve the structure of collective bargaining in the construction industry strike at the heart of a serious source of our current inflationary problem.

I would hope that every citizen will support the President's stern warning to business and labor to exercise restraint in pricing and wage demands. A full measure of success in the effort to restore our nation's economic health is, I believe, within our grasp, once we as a people demonstrate a greater concern for the public interest in our private decisions.

If further steps should prove necessary to reduce upward pressures on costs and prices, numerous other measures might be taken to improve the functioning of our markets. For example, liberalization of import quotas on oil and other commodities would serve this purpose. So also would a more vigorous enforcement of the anti-trust laws, or an expansion of Federal training programs to increase the supply of skilled workers where wages are rising with exceptional rapidity, or the creation on a nation-wide scale of local productivity councils to seek ways of increasing efficiency, or a more aggressive pace in establishing computerized job banks, or the liberalization of depreciation allowances to stimulate plant modernization, or suspension of the Davis-Bacon Act to help restore order in the construction trades, or modification of the minimum wage laws in the interest of improving job opportunities for teenagers, or the establishment of national building codes to break down barriers to the adoption of modern production techniques in the construction industry, or compulsory arbitration of labor disputes in industries that vitally involve the public interest, and so on. We might bring under an income policy, also, the establishment of a high-level Price and Wage Review Board which, while lacking enforcement power, would have broad authority to investigate, advise, and recommend on price and wage changes.

Such additional measures as may be required can, of course, be determined best by the President and the Congress. What I see clearly is the need for our nation to recognize that we are dealing, practically speaking, with a new problem—namely, persistent inflation in the face of substantial unemployment—and that the classical remedies may not work well enough or fast enough in this case. Monetary and fiscal policies can readily cope with inflation alone or with recession alone; but, within the limits of our national patience, they cannot by themselves now be counted on to restore full employment, without at the same time releasing a new wave of inflation. We therefore need to explore with an open mind what steps beyond monetary and fiscal policies may need to be taken by government to strengthen confidence of consumers and businessmen in the nation's future.

In the past two years we have come a long way, I believe, towards the creation of a foundation for a lasting and stable prosperity. Confidence has been restored in financial markets. Businesses have turned away from the imprudent practices of the past. Productivity gains have resumed. Our balance of trade has improved. The stage has been set for a recovery in production and employment—a recovery in which our needs for housing and public construction can be more fully met.

To make this foundation firm, however, we must find ways to bring an end to the pressures of costs on prices. There are no easy choices open to us to accomplish this objective. But that, as I indicated at the outset, is the tough legacy of inflation.

AMERICAN REVOLUTION BICENTENNIAL

Mr. SPONG. Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Guy Friddell, and published in the Roanoke Times of December 8. Mr. Friddell is an editorial writer, columnist, and author who has a great appreciation and love of Virginia history. I believe that his observations on the coming celebration of the American Revolution Bicentennial are worth noting.

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

UNCOVERING ROOTS

(By Guy Friddell)

President Nixon has approved the American Revolution Bicentennial Commission's recommendations that include Philadelphia's selection as "an exciting focal point" for the nation's 200th birthday in 1976. Washington, the President noted, will play an important role in setting the tone of the party.

Boston will develop a program for tracing the revolutionary roots. Miami will build "Interama," a permanent trade and convention center. By now, surely, the President is scratching his head and wondering if the commission overlooked a focal point or two.

Never mind. When the historians begin digging in the origins, they will hit a taproot leading from the island at Jamestown to a mountain near Charlottesville.

That was where John Adams looked when the question arose as to who would draft the Declaration of Independence.

Years later Mr. Adams remembered how a gangling 33-year-old redhead from Monticello had asked him to write the first draft, and how he had refused.

"Why?" Jefferson had wanted to know.

"Reasons enough."

"What can be your reasons?"

"Reason first—you are a Virginian, and a Virginian ought to appear at the head of this business. Reason second—I am obnoxious, suspected and unpopular. You are very much otherwise. Reason third—you can write 10 times better than I can."

"Well, if you are decided I will do as well as I can," Jefferson had said.

And at Monticello the thought turns to Montpellier, the home of Jefferson's balance wheel, the great little Madison," who became in committee and on the convention floor "The Father of the Constitution."

And if Madison fathered the constitution, in downtown Richmond is the home of John Marshall, who assured the Supreme Courts supremacy.

MORE THAN ANY OTHER

Somewhere along the line the celebraters must consider the man who, said Jefferson, had more to do than any other in starting the ball of the Revolution; and once in Patrick Henry's company, in Williamsburg, ringing with his dare to the crown, or in Richmond's St. John's church, echoing yet his choice of liberty or death, the spell is difficult to resist.

In Williamsburg, too, a dozen others labored at independence, and George Mason, even while grumbling at having to leave Gunston Hall, wrote the Virginia Declaration of Rights, a nation's model.

Finally, the celebrators will turn to Mount Vernon and George Washington, without whose steadying presence the whole experiment would have failed. For Washington, deeds spoke, as when at Yorktown his men had stormed the British redoubts, he said to his aides, "The work is done, and well done," and, turning to his servant, "Billy, hand me my horse."

By one route or another—Jamestown, Yorktown, Williamsburg, Richmond, Monticello, Montpellier, St. John's, Mount Vernon—they will be back.

SOME PLIGHTS OF THE ALASKAN ESKIMO

Mr. STEVENS. Mr. President, the Christian Science Monitor of Wednesday, December 2, 1970, contains an article entitled "A 'Fair Share'." This article highlights some of the plights of the Alaskan Eskimo. I would like to share this article with my colleagues and ask unanimous consent that it be printed in the RECORD.

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

A FAIR SHARE

Oil has placed an unaccustomed spotlight on Alaska and, particularly, on its people.

The Eskimos, the native people of the Great Country, were not taken there as captives, nor were they conquered by America, nor did they make war on this nation. Long before Alexander the Great was vanquishing the white man's world they had already conquered their own white wastelands. And they never signed away the rights to those lands.

Yet most of them are demanding only that they be given a chance to work within the system and get a fair share of the action.

Here is an ancient people, living under American laws, going to American schools who yet seem within reach of preserving their own culture and re-creating a constructive identity.

The discovery of oil has helped nudge the process along, of course. Congress now seems set on finding a solution and the Senate already has passed a Native Land Claims Bill that would make land awards plus a cash settlement plus royalties on mineral wealth. This could mean 10 million acres and a billion dollars to the Eskimos.

The concept is a far cry from the uprooting of an established culture and the century of exploitation and neglect. And the hopeful sign is that the Eskimos, whose life, of necessity, always has been pragmatic, are prepared to work within the system and within the laws for a "fair share of what is ours."

THE PRESIDENT'S FISCAL AND MONETARY POLICIES

Mr. MUSKIE. Mr. President, President Nixon's remarks on December 4 to the National Association of Manufacturers were encouraging in several respects.

First, they signified that the President may have abandoned the deliberately restrictive fiscal and monetary policies of the past 22 months, policies which tried to control inflation by increasing unemployment, by tightening credit, and by ignoring the need to invest prudently in areas of housing and education and health care as typified by the President's vetoes in August of appropriations in these vital areas.

Second, they signified that the President at last seems to recognize inflation can be curbed only by dealing specifically with particularly troubling areas of rising prices and rising labor costs. His emphasis on oil and on construction bargaining is important. It should be followed by steps to hold down the costs of health care and to increase the mobility of labor.

The President has finally noticed the immense discretionary power of big business and big labor. As he said:

This is the critical moment . . . for business and labor to make a special effort to exercise restraint in price and wage decisions.

These words are a welcome contrast to the President's remarks in January 1969 when he said:

The leaders of labor and the leaders of management, much as they might personally want to do what is in the best interest of the Nation, have to be guided by the interests of the organizations they represent.

It is time the President recognized the public interest. Unfortunately, that recognition has not yet been combined with action.

The President has not yet told business and labor what is expected of them. He has offered no clues as to the extent to which restraint must be exercised. He has insisted that business and labor drive carefully without suggesting a reasonable speed limit.

The absence of that limit constitutes the vital missing link in our national economic policy today.

Many experts have suggested ways of forging that link. These experts include leaders of the Senate and House, businessmen such as those who serve on the Committee for Economic Development, and professional economists.

One member of this group who has recently made a particularly important contribution is Gardiner Means, an especially wise and experienced economist who first warned this Nation of the dangers of administrative inflation more than a generation ago.

His specific recommendations were printed in Sunday's Washington Post. They revolve around the formation of a temporary emergency Guidance Board to provide price and wage guidelines for big business and big labor.

That proposal deserves the most careful consideration by the Senate and by the President, as a thoughtful and constructive approach toward forging the missing link of our economic policy.

I ask unanimous consent that the article, entitled "A Full Employment Program," be printed in the RECORD.

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

A FULL EMPLOYMENT PROGRAM

(By Gardiner C. Means)

The first phase of President Nixon's game plan to control inflation has already proved a failure. In spite of the fact that the planned reduction in production and employment has been exceeded, inflation has not been brought under control. Prices in the more concentrated markets such as autos and steel continue to rise although this rise has been masked by the fall in competitive market prices such as those for farm products, foods and lumber. Nor is the plan likely to bring such administrative inflation under control.

This presents the country with the need for an emergency program to get us back to full employment under conditions which recognize the reasons for the failure of the President's game plan and take into consideration what would be required to restrain the kind of inflation we have been experiencing.

I. WHY THE NIXON GAME PLAN WILL CONTINUE TO FAIL

The President's game plan is designed in terms of classical textbook theory under which simultaneous recession and inflation are theoretically impossible. It treats the inflation of recent years as solely a product of excess demand and a resulting "pervasive inflation-mindedness". Yet by the end of 1969, excessive demand had been largely eliminated through the budget surplus bequeathed to the present Administration and by the Federal Reserve's restrictive monetary policies. The main problem as conceived in the game plan was to kill the "pervasive inflation-mindedness".

The plan was to contract aggregate demand to a point well below that needed to support full employment, hold it well below the full employment level for two years, and then expand it to bring production up to its potential by early 1973, a goal now apparently revised to mid-1972.

This game plan takes no account of the actual behavior of administered prices and wage rates in the industries in which big business and big labor play a major role. Past experience has shown that even where there is excessive unemployment, the prices in the more concentrated industries are likely to rise. This is being confirmed currently by the continued rise of administered prices while market prices go down.

In the last three months four important market-dominated categories, (farm products, food, lumber products and non-ferrous metals) have gone down an average of 2.5 per cent, or at the rate of 10 per cent a year, while four important administration-dominated categories (steel, machinery, automobiles and non-metallic minerals) have gone up an average of 2.4 per cent or at the rate of 9.6 per cent a year. Furthermore, the administered-price increases cannot generally be attributed to wage increases. The Department of Commerce index of labor cost per unit of output for the corporate sector shows no significant increase in the last two quarters while according to the *Survey of Current Busines* the improvement in profits in the third quarter was to a considerable extent due to expansion of profit margins. It is this administrative inflation which is at the root of the modern inflation problem and is not taken into account in the President's game plan.

Even if the plan could be successful, it would be a highly expensive way to control inflation. It calls for something like five million man years of idle manpower and some $65 billion of potential production thrown away. The hardships on individuals and the costs of social disruption could easily make the planned cost $100 billion.

However, there is no reason to expect that the prolonged period of stagnation contemplated in the plan would eliminate administrative inflation. In spite of exceeding the planned contraction, there is no sign of a decline in the rate of price increase in the more concentrated markets. And when demand is expanded to achieve full employment in the future, this would not only cause a legitimate rise in market-dominated prices, but would reinforce the process of administrative inflation long before full employment was reached. Such inflation grows out of the use of market power and cannot be controlled through monetary and fiscal measures. This lesson is being learned in all of the major industrial countries.

The President's game plan is thus not only criminally wasteful of human and material resources but bound to fail.

II. WHAT NEEDS TO BE DONE

Because monetary and fiscal measures alone cannot bring about both full employment and price stability, the country is faced with two problems: the immediate necessity of getting back to full employment as quickly as possible with minimum inflation, and the longer run task of maintaining full employment without inflation.

The first is essentially an emergency problem which can be tackled by measures which might not be feasible or effective in the long run.

It has taken the present Administration's planned contraction less than 12 months to bring the economy from 3.4 per cent unemployment to its present level of stagnation. An emergency expansion program should aim to get back to 3.4 per cent unemployment within a year.

The means for expanding aggregate demand are well understood. The big problem requiring a new approach is how to sit on the lid of administered prices while the expansion goes on.

Controlling administrative inflation should not be confused with holding down prices in a demand inflation. The head of steam generated by excess demand is hard to control, and, if contained, is likely to produce inflation when the controls are removed.

Administrative inflation, on the other hand, results from the very considerable area of discretion involved in the setting of prices and the arriving at wage rates by big business and big labor. The problem of control is to limit the *arbitrary* use of market power within this area of discretion.

There is good reason why big business and big labor should be willing to accept guidance in this field in order to avoid inflation. Each business and each union has a strong interest in seeing that *everybody else* uses market power responsibly. But acting alone their specific interest in higher prices and wages for themselves leads to inflationary increases and only government can give the coordination necessary to achieve their common interest.

Two peace-time experiences with economic guidance by government indicate the possibility of its success.

In the early days of the great depression, President Hoover called in the leaders of big business and persuaded them, in the interests of prosperity for all, to agree not to cut wage rates. This was before the days of big unions, yet big business kept its promise. It was not until the business contraction had been going on for over two years that big business began to slash wages. If President Hoover had supported this wage guidance with the appropriate monetary and fiscal measures to expand demand, it might have been one of the most spectacular countercyclical programs on record.

The second case involves the Kennedy Guideposts. President Kennedy called on both labor and management to abide by wage and price guideposts in a period in which he was attempting to expand aggregate demand in order to achieve full production and employment. Big labor adhered to the Guideposts for approximately three years, so that labor cost per unit of real industrial output actually went down. Management also adhered to the guideposts to a considerable extent though not as closely as labor.

In the end, labor ceased to follow the guideposts because of a basic flaw in their design. The wage guidepost took account only of increases in productivity and failed to make allowance for increases in cost of living which resulted from a legitimate rise in market-dominated prices. Because of this flaw, labor lost nearly half of the productivity gains to which it was entitled before it departed from the guidepost. If the Kennedy plan had included a suitable cost of living provision and if management had cooperated more closely, the reflation plan could have been an outstanding success instead of only a partial one.

The emergency program suggested below would build on the common interest in achieving full employment and minimizing inflation. It would provide price and wage guidance as to what increases were legitimate. It would focus on the actions of big business and big labor. It would use the power of published analysis and public opinion to encourage adherence to the program.

Furthermore the program would be based on a clear recognition that the present situation is indeed an emergency. It is certainly an emergency for the more than four million persons currently looking for work and not able to find it. It is also an emergency for the many business firms approaching or teetering on the edge of bankruptcy. It is hardly a normal situation for that half of industry that is operating at less than 75 per cent of capacity. Treatment as an emergency will facilitate the adoption of temporary measures.

III. AN EMERGENCY EXPANSION PROGRAM

The main instruments proposed for launching the program would consist of: 1) a Joint Resolution of the Congress, directed to all parties at interest, declaring the economic emergency and pointing in general terms to the actions appropriate to each; and 2) a single piece of new emergency legislation setting up a temporary Emergency Guidance Board to provide price and wage guidance to big business and big labor.

A joint resolution on the economic emergency

The Joint Resolution by the Congress could appropriately state the character of the emergency, set forth the shape of the program which was being adopted, outline the time schedule for reflation, set a time limit for the program, call on all interested parties for cooperation and indicate in general what would constitute cooperation for each.

In particular, it might request the President to call together the leaders of big business as did President Hoover in an earlier emergency, and likewise the leaders of big labor, and ask each group to agree to cooperate with the temporary price and wage guidance board for the duration of the emergency.

On fiscal policy, the recommendation of the Committee for Economic Development might be adopted. It calls for a budget that should be a little more than balanced at full employment but would run an intentional deficit at less than full employment. Or during the emergency, an even greater but temporary deficit might be aimed at in order to reduce the extent of the monetary expansion that would be required. On monetary policy the Joint Resolution could appropriately direct the Federal Reserve Board: 1) to cooperate with the Administration and the temporary guidance board in designing and carrying out an immediate reflation program and 2) to expand and control the country's stock of money to just support aggregate demand at the level necessary for reaching the goal of the emergency program in the light of the budget policies adopted.

The new legislation would set up a new and temporary agency which might be called the Emergency Guidance Board. The Board could be set up within the administrative arm of the Government or independent of the President and directly responsible to the Congress as is the Federal Reserve Board. In either case, it would be a temporary board created for the emergency period. In this way it could be more easily dismantled at the end of the emergency.

The Board should be composed of a small group of distinguished individuals respected by business, labor and consumers but not representing these several interests, with a chairman well versed in the operations of government.

The Board would presumably have no powers to force particular price or wage actions. Rather, its effectiveness would depend on the agreement of big business and big labor to cooperate, on the fairness of its guidelines, on the publication of the reports to it by big business and big labor justifying proposed or actual price or wage increases, and, in special cases, a Board recommendation against such increases or for a rollback. It should, however, have power to subpoena records for use in extreme cases.

The responsibility of the Board might properly be limited to pricing in the more concentrated industries. The legislation setting forth its powers and responsibilities might specify, for example, that the Board must be concerned with substantial price increases by any business having assets of, say, one-half billion dollars or more and with any business supplying, say, thirty per cent of any substantial market. It may be concerned with price increases by business enterprises having, say, $100 million assets or, supplying, say, 10 per cent of any substantial market, provided that either the business voluntarily accepts such guidance or an examiner of the Board makes a finding that such guidance is essential to the success of the program.

The Board should be empowered to require that any business or union subject to its emergency guidance should file an economic justification for any substantial price or wage increase involving a substantial volume of output.

In order not to be overwhelmed with an excessive number of cases, the Board would need to develop procedures for selecting the more significant cases which require Board judgment and recommendation, those to be handled through public hearings and attendant publicly and those for which staff consultation and negotiation would appear sufficient.

Large institutions, corporate or union, are not immune to public opinion. Their leaders know that their very size makes them vulnerable. The findings of a distinguished board are likely to have considerable persuasive effect. It is reasonable to expect that, for the limited duration of the emergency, they would respond with the degree of cooperation necessary to make this an effective device for restraining administrative inflation during the period of reflation.

IV. LONG RUN POLICY

The emergency measures should not be expected to resolve the long term problem of administrative inflation which will still persist after the emergency has been overcome.

In the absence of some new program, the country will constantly be faced with the dilemma of inflation and unemployment. Actually and economy which is running well should have neither inflation nor serious unemployment. Those who suggest that a 2 or 3 per cent annual rise in prices is acceptable are simply not looking for a well-running economy. Likewise those who accept 3.4 per cent unemployment as anything except an interim goal are accepting a badly running economy. They are saying that, rather than interfere with the abuse of market power they are satisfied that there should continuously be more than two and a half million workers looking for work and unable to find it; that the country should aim to throw away some 20 billion dollars of potential production a year; and that the burden of avoiding inflation should be placed on those least able to bear it. The emergency guidance program and its success or failure should give us clues as to the permanent institutional changes which might be needed to provide a well-running free enterprise system in the presence of substantial market power in the more concentrated industries.

SHARON MATTHEWS DAY

Mr. STEVENS. Mr. President, in October 1970, Miss Sharon Matthews, a senior at Mount Edgecumbe High School on Japonski Island near Sitka, Alaska, saved a 2-year-old girl and 3-year-old boy who were caught in a runaway automobile that was headed for a sharp dropoff.

Miss Matthews boarded the automobile while it was in motion and attempted to apply the brakes. She was unable to stop the car in this manner, so she turned its wheels sharply into a curb at the side of the road. The car stopped abruptly, and Miss Matthews received minor cuts and bruises. However, the children were not injured.

Sharon Matthews saved the day. Her prompt reaction averted what might have been a tragedy for the community on Japonski Island. She demonstrated uncommonly clear thinking in a fearful few moments when a lesser reaction would have jeopardized her own life and the two children she was trying to save.

To be sure, we may cite Miss Matthews as a brave and courageous young woman. But what is more, her behavior portrays innate compassion and good will for her fellow man. In her own celebration of life, Sharon Matthews places the lives of others on a par with her own.

This is the example I feel worthy of our note in the U.S. Senate.

Sharon Matthews Day was instigated by Sharon's friends and dorm mates at Mount Edgecumbe High School on October 15, 1970. They had a program and reception where she was presented with a gift by her contemporaries. Respect and recognition from her peers are perhaps the finest tributes which could be made to Miss Matthews.

HOMECOMING, U.S.A.

Mr. CANNON. Mr. President, when Gen. Creighton W. Abrams, our commanding general in Vietnam, recently announced a new leave policy that permits qualified personnel of our forces in Vietnam to take a 2-week leave in the United States, reasonable and rapid transportation became the key to the success of the new policy.

Homecoming, U.S.A. is the name of the program. Working through all the USO facilities, that organization that has for so long served our men in uniform, World Airways, a certified supplemental carrier, has established a round-trip fare of $350 from Vietnam and the west coast of the United States on a positive space basis. This figure was less than 50 percent of the existing fares.

Further, World Airways has arranged to loan responsible service personnel the amount necessary to make the flight, so since this $350 figure includes all taxes, and the USO makes no charge for its services, Homecoming, U.S.A. should be a great success.

World's first flight leaves for the west coast December 15, and already 30 flights are scheduled through March.

I compliment Edward Daly, president of World Airways, and Gen. Emmett O'Donnell, president, USO, on this joint venture that will let our servicemen come home using the most economical fare possible. The First Western Bank & Trust Co. of California will handle the loans. The aircraft to be used are Boeing 707 intercontinental fanjets. This kind of enterprise and public service could not come at a better time for our brave men in uniform whose hardships are not always appreciated by their fellow citizens.

IMPORTED SECOND FLOUR CLEARS

Mr. MILLER. Mr. President, Senators may recall my statement on the subject of imported second flour wheat clears during the recent discussion of the conference report on the farm bill. I noted, particularly the statement of the managers on the part of the House with respect to action to be taken by the Treasury Department.

The respected trade publication, the Southwestern Miller, in its November 3, 1970 issue, editorialized on this subject in terms of the Senate-passed bill and also the conference report. In part, it states:

It would be an error to interpret the intentions of the conferees as any different from that outcome (i.e. classification of flour second clears as a milled grain product subject to the same restrictions as flour itself—explanation supplied), even though last ditch governmental efforts may have been undertaken to divert the Conference Report's meaning from the obvious track.

I ask unanimous consent that the complete text of the editorial be printed in the RECORD.

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

IMPORTED SECOND CLEAR

Although the effect is minor in relation to overall flour supplies and outlets, it is disappointing that the Agricultural Act of 1970 does not include a section to close a bothersome gap in the coverage of the processor certificate regulations. In its original version of the bill, the Senate had included a section requiring that processors of flour second clears on which the certificate levy had not been paid, meaning imported clears, would be required to pay that charge when processing such clear into food products. The aim simply was to equalize the economic standing of imported second clear with domestically produced clear, on which processor levy of $1.70 per hundredweight is now paid.

Instead of accepting the rather clear meaning of the Senate section, the conferees bowed to objections raised by the Department of Agriculture and the Bureau of Customs. The Department of Agriculture contended that the section "would create international difficulties," a description that appears to be really exaggerated in comparison to size of the problem itself. Instead, the conferees sought to impart by language in their report the implications of what the Senate had been seeking and what the milling industry, through the Millers' National Federation, had considered a suitable alternative. The second clear import situation is now compounded by the fact that the product for many years has been classified by the Bureau of Customs as a feed product subject only to an ad valorem duty of 2 per cent. In 1969, the Customs Bureau tentatively proposed changing the classification to that of a nonenumerated product subject to an ad valorem duty rate of 8 per cent. No formal conclusion has been reached on the latter proposal, meaning that second clears still move into the United States subject to a very low duty.

What is to be hoped is that the language of the conference committee—"It is the opinion of the conferees that any imported product which is used primarily in food processing should be classified for tariff purposes as a food product in the appropriate category"—will achieve some of the ends sought in the original Senate language. That committee injunction, according to the Millers' National Federation, means classification of second clears as a "milled grain product" subject to the same restrictions as flour itself. The latter involve a tariff rate of 52 cents per hundredweight and inclusion in the annual quota limitation of 4,000,000 pounds on imports of flour from all sources. It would be an error to interpret the intentions of the conferees as any different from that outcome, even though last-ditch governmental efforts may have been undertaken to divert the conference report's meaning from the obvious track.

INSTALLATION OF JAMES P. GLEASON AS MONTGOMERY COUNTY, MD., EXECUTIVE

Mr. MATHIAS. Mr. President, on Monday, I was privileged to attend the installation ceremony of the newly elected county executive and county council of Montgomery County, Md. This was a special occasion for both celebration and dedication. It marked the formal beginning of a new era and continuation of distinguished records of performance in the careers of eight dedicated public servants, and it became the inauguration of a new experience in local government for Montgomery County.

James P. Gleason on December 7, became the first elected county executive for Montgomery County under the recently adopted county charter. As executive of a growing county of over 500,000 persons, Mr. Gleason will be faced with the diverse problems of urban development and rural neglect, suburban sprawls, and drug abuse. His job will be challenging, his record will be closely noted and his successes may serve as examples to the Nation.

Mr. President, I ask unanimous consent that Mr. Gleason's inauguration speech be printed in the RECORD.

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

REMARKS BY JAMES P. GLEASON

Judge Anderson, members of the council, honored guests, ladies and gentlemen, today marks a birthday, the birth of a new form of government, a government designed to meet the countless challenges of these problem-filled times, a government designed to help realize the full and rich potential of Montgomery County.

Today marks a decisive turning point in our county's history which stretches back 194 years. Politically speaking, we have come out of the 19th and into the 20th century. The people have entrusted to a new government, to the county executive, and the county council, more authority and more responsibility than ever before.

Today also marks the beginning of yet another test of whether local government can cope with our modern world. There are many who assert that only an all-powerful Federal Government or an expanded State government can solve the problems of our complex society.

Yet the great majority of the problems which confront us occur at the local level where neither a Federal bureaucracy nor a remote State government can operate effectively or compassionately. It is with the full awareness of this responsibility of local government that I accept the position of your first county executive.

Let me state here my conviction that local government can work. It must work. It will work if all of us resolve to make it work.

We have a proud heritage upon which to build a better county for ourselves, our families and our friends. A little history may be appropriate here. Montgomery County was born on September 7, 1776, only two months after the birth of our Nation. We too will celebrate our 200th birthday in 1976.

Our first government was a board of commissioners, appointed by the Governor of Maryland. I am informed their first act was the collection of taxes, proving that in this respect government has not changed much in nearly 200 years.

Our population in 1790 was 18,000, a little less than the size now of Takoma Park, and the village of Poolesville was larger than Silver Spring.

We grew slowly but surely, remaining essentially a rural county for almost 140 years. Then came the New Deal and a Federal Government that doubled, doubled again and doubled once again.

As more and more Federal employees decided they wanted to live in Silver Spring, Wheaton, Chevy Chase, Bethesda and Kensington, we bacame a bedroom county, with the great majority of our citizens residing here but working in the District.

But today we no longer are a stepchild to the District of Columbia. While the Federal Government is still our largest single employer, over half of our people work in the county.

We are an affluent county. On any measuring stick—retail sales, per capita annual income, average household income, total personal income—the statistics testify that we are probably the wealthiest county in America.

Our schools are highly regarded. Our crime rate, though rising, is comparatively low. Our police and fire protection are excellent. We have 27 public and 54 private agencies which offer a variety of health and welfare services. We have 476 private citizens organizations which involve themselves in everything from politics to veterans affairs to gardening.

There is no question that we have the human and financial resources to handle all the usual problems that confront a county, and most of the unusual problems as well.

Yet, despite this favorable social and economic climate, we live in the shadow of worry. Who among us is not concerned about drugs, increasing violence, school tensions, declining standards and values?

But no place is free of these problems. And it must be clear to all, if the American system cannot work in Montgomery County, blessed as we are with our resources, our schools and our citizens, it cannot work anywhere.

In fact, the American system, with its basic reliance on local government, *is* working in our country and our great task is to remove that shadow of concern.

One of its roots lies in the tendency of government to grow aloof from those it serves. The principle of our strength, that government is the servant of the people, has been forgotten on too many occasions. I accept as one of my essential duties the drawing together of the people and their government. Government must become more responsive, more sensitive, and more willing to listen. To this end, my administration will open the doors of the executive branch of the government to all citizens.

Another factor undermining confidence in government is the resigned feeling of too many of us that we as individuals can no longer affect events or make an impact in our community. Let the closeness of my own election remind all of us of the importance of our voice in a democracy. I hope that we can use this awareness of our power to solve together the problems of our times, such as drugs and crime.

The county executive can state that elimination of the drug problem will have the number one priority of your government. But that assertion will *not* eliminate the drug problem in Montgomery County without the efforts of all of us, county executive, county council, county government, citizens, parents, children, educators, doctors, everyone of us.

The county executive can state that law enforcement must and will be improved. But all the new uniforms, new equipment and new training, which are needed and which should be provided, do not go to the heart of the law enforcement problem which is the relationship between the police and the public. They should be allies. Too often in the past they have been neutrals and, in some instances, enemies. Each must hold out a hand to the other. I accept the responsibility of uniting the government and the people in these vital areas.

All of us are concerned with the problems of our youth today. We know that there is a growing chasm between generations, which contributes to such problems as drugs, juvenile delinquency and a questioning of our traditions and institutions.

Your government will help close that gap by initiating a continuing interrelationship with the young people of Montgomery County through an open-door and open-mind policy, through frequent visits to the schools and through expanded recreational facilities.

Let me emphasize my own views on the youth of today. As adults, we must be candid with ourselves if we are to help perfect our society. Much that is being said to us by our younger generation is being dropped through the cracks of our own complacency. There is too frequently an impatience developing in our generation with the demands of the young. There is no necessity to bury the traditions of the past and the present by listening and deliberating on the pleas of those who will lead us tomorrow. We must face the reality of human frailty honestly, and ask what means of our own self-improvement are available if we are not to be challenged by the idealism and unfulfilled hopes of our youth. We owe the future, communication with the present, and I pledge my administration will meet the test.

Perhaps the greatest of all the tasks that we face is the restoration of public confidence in the institutions of government. Too often we have endured crisis government—meeting problems only as they have evolved into emergencies. The causes of this dilemma in Montgomery County rest on the inadequacy of planning, a fragmentation of governmental responsibility and the common reaction to solving every problem by the raising of taxes.

The history of government has demonstrated repeatedly that higher taxes on many occasions create more problems than they resolve. A harder but more effective answer is to utilize people more efficiently, to harness the energies of community organizations, to economize, to trim inflationary expenditures and to establish priorities. I pledge to you that the government under my administration intends to pursue this harder but wiser course of handling our citizens affairs.

It will be my duty to you to act now on the problems ahead, to assign responsibilities for the functions of the government so that all of our citizens will know where to go when problems arise, to bring the current fragmented government in this county to an end, and to make a clear distinction for our citizens between what is necessary for the government to accomplish and what would be desirable if additional financial resources were available.

The paramount question we all have to answer is, What kind of a society do we want? The objective of my administration will be to help produce a community in which people not only like to live but want to live and work with each other.

That goal can be obtained only through the mutual efforts and cooperation of every citizen, including an all-democratic county council and a republican county executive.

On the surface, and some political analysts are already predicting the battle as forthcoming, conflict would seem inevitable.

After 20 years in government, I know that some disagreement, some arguments, some conflicts are bound to occur when individuals of differing philosophies and political parties are obliged to work together.

But any disagreement, any conflict, should be based on honest differences of opinion as to what is best for the citizens of Montgomery County, not what is best for the Republican or the Democratic Party.

I pledge here and now that the executive branch of your Government will be nonpartisan and non-political. And I believe the members of the county council share my determination to begin this new and all-important era in Montgomery County's history in the same spirit.

You and I have an obligation to the future. Together, we can insure that the future of our children will be enhanced, our schools will run efficiently, our health and welfare services will be improved, our transportation system will keep abreast of our population, our housing will be expanded and our taxes will be spent effectively.

Together, we will build a community that will be the pride of the Nation and a better home for ourselves, our families and our friends.

Together, we will demonstrate that our system, the best and freest system of government yet conceived by man, does work, and works well for all of us.

And together, we will prove that it works best here in Montgomery County.

MISS SHERRY SHEALY

Mr. THURMOND. Mr. President, among the strengths of the Republican Party as it is growing in the South is its appeal to youth. More and more we find that the growth of the party comes among young people who approach the problems of our time with great enthusiasm and interest. A remarkable example of this growth among the youth is Miss Sherry Shealy, who was elected to the South Carolina House of Representatives as a Republican. On the day she was elected, she was only 21 years and 8 days old. This is a remarkable achievement which shows that age is no barrier to accomplishment.

Many people both young and old sometimes feel they are discriminated against because of their age or that they cannot achieve a certain goal either because they are too young or too old; but in the long run what really counts is the individual and the goals he sets for himself. Miss Shealy has proved that young people can accomplish something when they want to.

Recently the columnist Russell Kirk selected Miss Shealy as an example to show the accomplishments of youth in a column published in the State newspaper, published in Columbia, S.C. Dr. Kirk points out that Miss Shealy's achievement is no accident. He says:

> This rising Republican has been Miss Lexington, Lexington County Peach Queen, Columbia's Junior Miss, and Miss Congeniality. Among other things, she has been a classroom teacher, a dancing teacher, a Sunday school teacher, an organist, a college columnist, a leader in charitable activities, and Lord knows what all. Now she is probably the youngest legislator in these United States.

Like her father before her, who has been very active in party politics and who has also served with distinction in the South Carolina House of Representatives, Miss Shealy is showing that accomplishments come to those who work hard.

Dr. Kirk goes on to point out both young and old have equal opportunity for achievement and he cites many interesting examples in the rest of his column.

Mr. President, I ask unanimous consent that the column, "Age No Barrier to Shealy, Cash," published in the State, November 29, 1970, be printed in the RECORD.

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

AGE NO BARRIER TO SHEALY, CASH: THE YOUNG AND OLD TRIUMPH

(By Russell Kirk)

MECOSTA, MICH.—Disliking both the stereotype of the Now Generation and the stereotype of Senior Citizens, your servant is happy to report the recent high achievements of two people who transcend these misleading categories. One doesn't have to grow old to act intelligently in public affairs, and one doesn't have to be young to resist the criminal.

In South Carolina, there was elected to the House of Representatives, on November 3, Miss Sherry Shealy—who, on election day, was 21 years and 8 days old. This rising Republican has been Miss Lexington, Lexington County Peach Queen, Columbia's Junior Miss, and Miss Congeniality. Among other charming things, she has been a classroom teacher, a dancing teacher, a Sunday school teacher, an organist, a college columnist, a leader in charitable activities, and Lord knows what all. Now she is probably the youngest legislator in these United States.

Hail to the Chief! At this rate, Miss Shealy will be inviting this commentator to dinner at the White House, before many years are out. What a Commander in Chief! Representative Shealy is knowledgeable about many matters, and could easily pick up military strategy and tactics, I'm sure. I don't mean that she'll use South Carolina's Capitol as a mere steppingstone: seriously, she's likely to be one of the more valuable members of the legislature at Columbia.

In Michigan, on the other hand, a gentleman of 75 winters has drawn his sword—well, his wastebasket, anyway—in defense of law and order: Mr. Travis Cash, proprietor of an Ann Arbor haberdashery. A few days ago, three young scoundrels entered his store, asked him to change a dollar bill for them, and then tried to rob his cash register.

But these predators reckoned without their host: for Mr. Cash does pushups and jogs daily, to keep his heart in good condition. Undaunted by the odds, Mr. Cash hit one robber with a table, bopped another with a wastebasket, and endeavored to seize all three.

Though they sprayed him with a chemical repellent, he pursued the gang for three blocks before those battered rascals made their escape. Speaking of cash, they lost the dollar bill for which they had demanded change.

So don't tell me that youth necessarily is ignorant, or the aged necessarily infirm. The great Alexander had conquered the world from Greece to India before he was 34 years old; while Austria's Marshal Radetzky won his great battle of Novara (in 1849) at the age of 83. That precocious Scot, James Crichton, graduated from the university at the age of 14, was internationally famous as humanist and soldier before he was 19, and died in an Italian duel at the age of 22. The political philosopher Thomas Hobbes was

writing books and playing tennis until his end—at the age of 92.

There's no need to keep young people on leading strings until they're past 30—a modern tendency of ours, especially in the Academy. There's no need to pension off every person who has passed his 65th birthday (or his 60th), as we seem bent on doing.

It's foolish to try to categorize people according to their presumed "generation." Miss Shealy is wise at 21, and Mr. Cash valiant at 75: defying the tooth of Time, go thou and do likewise.

THE NEED FOR A DEFENSE POLICY

Mr. MUSKIE. Mr. President, the current issue of Foreign Policy contains a perceptive article, entitled "Security or Confrontation: The Case for a Defense Policy," written by Paul C. Warnke and Leslie H. Gelb. The article comes at a critical time, as Congress takes an increasingly searching look at our defense budget—both in terms of its implications for our domestic policies and in terms of the basic rationale underlying our national security.

Mr. President, Mr. Warnke, formerly Assistant Secretary of Defense for International Security, and Mr. Gelb, formerly Acting Assistant Secretary of Defense for International Security, are eminently qualified to discuss the need for a defense policy, and their case is a good one. I commend their article to the Senate.

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:

SECURITY OR CONFRONTATION: THE CASE FOR A DEFENSE POLICY

(By Paul C. Warnke and Leslie H. Gelb)

The Defense Department budget has become the prime target in the search for the billions of dollars necessary to solve our corrosive social problems. In the process, our overseas commitments are also coming in for review. Reducing the drain of the Indochina war, many have hoped, would provide this fiscal dividend, bring defense spending down from its 1968 high of $80 billion to the halcyon $50 billion days of 1964, and deposit a $30 billion bonus in the public treasury.

This has not happened, however, and as matters are going it will not happen. The dividend was and is being consumed by inflation, cost-overruns, military pay increases, modernization, and new weapons systems. There will be no escape from a $70 billion defense budget until agreement can be reached on a new and sound defense policy.

Four propositions discussed below reveal the outline and possibilities of such a policy.

First, commitments do not dictate defense budgets, and reduced commitments will not necessarily produce smaller defense budgets. The reason to re-examine our commitments is not because it will save money, but because it will make us face up to the issue of where and when to use military force. The impact of these commitments on U.S. security today is likely to be quite different from when they were first made in the 1950's.

Second, a defense policy is required to translate foreign policy interests and commitments into the currency of force posture and defense dollars. Many of the approaches to budget cutting currently being discussed either dismiss or ignore defense policy and, therefore, provide no substantial rationale.

Third, flexible and controlled response remains the least risky defense policy and offers, with modifications of some earlier assumptions, a sensible basis for significant budget reductions. The updating and clarification of this doctrine can still produce the best posture for: (a) deterrence of conventional attacks by China and the Soviet Union; and (b) avoiding the choice between doing nothing or going nuclear should deterrence fail. Therefore, defense budget reductions should focus on the expensive frills and on questionable weapons systems, rather than on our limited conventional war fighting capability.

Fourth, President Nixon's defense policy seems to be moving toward greater reliance on nuclear weapons for massive deterrence and on air and sea power for immaculate defense. This means cutting manpower, which will save some money in the next few years but which does not portend sizable budget reductions over time.

OUR COMMITMENTS MUST BE REASSESSED

In his Foreign Policy Message of last February, President Nixon noted that when he took office his Administration "found a defense planning process which left vague the impact of foreign policy on our military posture."[1] He went on to report that through the National Security Council a strategy was developed "which represented a significant modification of the doctrine that characterized the 1960's." This new strategy, adopted "in the effort to harmonize doctrine and capability," involved two changes: in strategic policy, from deterrence through an assured second strike capability to the broader concept of "sufficiency";[2] and in conventional force policy, from a "2½ war" to a "1½ war" principle.[3]

The criticism of past planning is no doubt warranted and the concern for improvement is commendable. But the Foreign Policy Message left considerable ambiguity as to how the new military posture does a better job of meshing with our foreign interests. The Nixon Administration, it seems, has altered defense doctrine without re-examining the commitments upon which it should be based and the cases where military power may be required. Though it contained some hints to the contrary, the Message was essentially a reaffirmation of the 40-odd commitments which we have to the security of other nations throughout the world. President Nixon said: "Peace in the world will continue to require us to maintain our commitments—and we will." Tantalizingly and perceptively, he went on to state:

It is misleading, moreover, to pose the fundamental question so largely in terms of commitments. Our objective, in the first instance, is to support our *interests* over the long run with a sound foreign policy. The more that policy is based on a realistic assessment of our and others' interests, the more effective our role in the world can be. We are not involved in the world because we have commitments; we have commitments because we are involved. Our interests must shape our commitments, rather than the other way around.[5]

But the remainder of the Message leaves this point undeveloped. There are the usual sensible references to the need for others to do more and for a willingness to negotiate. Yet the impression is left that the United States is still prepared to use its military force against a wide spectrum of threats affecting any of its allies.

Our commitments are, in fact, a series of legal and historical abstractions obligating us, in often obscure phraseology, to come to the defense of over forty nations. But the trouble with our foreign commitments is that they have acquired an independent life transcending the U.S. security interest that brought them into being. Collectively, our commitments remain what they have tended to become: an undifferentiated mass which defies discriminating analysis for defense planning purposes. While the President's Message says that "'isms' have lost their vitality"[6] and that peace will come "from a realistic accommodation of conflicting interests,"[7] there is little evidence that with respect to U.S. commitments our government has learned to distinguish between actual threats to national security and ideological confrontations.

As a basis both for avoiding senseless confrontations and for sound defense planning, the cardinal need today is a searching analysis of what these commitments should commit us to do in the light of our genuine national interests.

The propensity to regard our commitments as 40-odd blank checks has contributed not to our security but to a defense budget disproportionate both to the military threats we face and to the domestic problems we cannot avoid. Our defense forces have achieved a size and versatility that far exceed the limited opportunities for their effective use. That is not to say that all military threats to our security have now disappeared. What little we know of the Soviet power structure and what little we can see of China's internal struggles can give us no confidence that the foreign policy of either country will eschew the use of military force for the balance of this century. Russia and China have the manpower and means, and their motives are sufficiently obscure so that we must retain the military might to deter or to defend against their overt aggression. But as applied to our security arrangements with foreign countries, this reality means only that they must be construed in terms of the Soviet and Chinest threats.

Fortunately the real threats to our security are this easily identified. We are not a beleaguered outpost of freedom in a hostile world. Our foreign policy and the military force structure it connotes should thus be adjusted to correspond to a reasonable perception of the present threats. In viewing our commitments, we should also proceed on the basis that no commitment should be allowed to survive the threat which brought it into being. Our international security undertakings must not be allowed to read as committing us to protect 40-plus foreign governments against any and all of the threats that face them and them alone. Instead, each should be viewed against only those common threats from which the commitment itself derived.

Our commitments thus should be considered to be invoked only when a threat to a security partner is likely to bring Soviet or Chinese military power closer to us or to increase the chances of military confrontation with one of these other superpowers. Even if the threatened nation has no U.S. security pledge, our military response may be merited if these same consequences impend. Unless we retain the capability and the will to deal with direct Soviet and Chinese threats, further threats and aggression could be encouraged, other nations could be driven to acquire nuclear weapons in order to "protect" themselves, and our own society could become a cloistered citadel of fear and repression. These events would, in turn, deeply challenge our lives and our security.

A sensible view of our commitments and their bearing on the military forces we should maintain demands that we reject any unilateral peacekeeping role and any responsibility for safeguarding foreign governments in regional conflicts and internal revolts. Our military response should turn solely on a determination that a military threat exists to the United States.

Our rhetoric has consistently contributed to the illusion that we have undertaken global responsibilities for preserving the

Footnotes at end of article.

peace or even the internal tranquillity of other nations. In announcing our first post-war aid programs, President Truman asserted: "It must be the foreign policy of the United States to support free people who are resisting attempted subjugation by armed minorities or by outside pressures." The pragmatic premise for our 1965 intervention in the Dominican Republic was that otherwise the country would have "gone Communist." Just after announcing in Guam the doctrine of a more limited American role, President Nixon assured the rulers of Thailand that America was proud to stand with them "against those who threaten it from abroad or from within." And in defending the Cambodian incursion, he told a press conference on June 3rd of this year that precipitate withdrawal from Vietnam would destroy any American "peacekeeping role in Asia." Such langugae unnaturally extends the life and reach of our commitments.

Nor do our foreign commitments require that we equip ourselves to deal unilaterally with purely regional conflict. By each commitment, the parties have recognized a common threat against which a common defense will mean increased security. But where border disputes, religious hostility, or political or economic differences embroil the other party in military conflict, our unilateral intervention is not part of our commitment and it would rarely be in our interest. We have, it is true, a genuine interest in world peace and stability. Even local conflict holds the seeds of superpower confrontation and of escalating danger. But local quarrels, just as internal unrest, can be expected to prove resistant to heavy-footed outside intervention and the application of massive American firepower. Prime Minister Lee Kuan Yew of Singapore has suggested that, while the British have historically proven to be "a good softener for hard water," he would be disposed to welcome American military help only in the case of large-scale Chinese invasion.

Cases in point mark the history of military assistance to the Asian subcontinent. Once upon a time, CENTO was regarded as an indispensable factor in the containment of Communism; and military aid to India and Pakistan was deemed essential to permit their defense against Chinese or Russian attack. When, in 1965, festering religious hatreds led them to use American arms against each other, our military assistance was largely cut off. Today, the Indians receive most of their military help from Moscow while Peking, by arming the Pakistanis, contributes to what might be deemed a "self-containment" policy. There are those who deplore the resultant loss of close U.S. military relations with Pakistan. But are we sure that American security is decreased when Pakistan is on friendly terms with Communist China? The brief border battling between China and India in 1962 was resolved without U.S. military intervention and with no show of Chinese enthusiasm for taking over the Indian burden. Neither case supports the need to ring the Communist superpowers with hostile states. Blind adherence to such a cold war containment policy can only be destabilizing in the modern security environment. By evoking comparable countercommitments, it would compound the problems of world peace. Whatever one's view on the Nigeria-Biafra tragedy, it demonstrates that abstention by either superpower can become reciprocal.

Where local differences threaten the regional peace, U.S. military participation should not be the consequence of an American security commitment, but instead should be part of a genuinely international operation, preferably under United Nations auspices. The single exception is Israel, where the Nazi legacy to today's world and our share in the creation of the state add up to a regional commitment of our national conscience, extrinsic though it may be to our physical security.

Commitments we have made in order to protect the security of the United States need not and must not be translated into commitments to the internal status quo, which, in the case of many of our security partners, has failed to meet the needs and satisfy the aspirations of their own people. Our national security does not depend upon the suppression of change in other countries, even when such change is revolutionary. As a policy, this would be the mirror image of the Brezhnev doctrine, rationalizing military intervention to preserve political empathy. Any such interpretation of our commitments could only have the effect of forfeiting any claim to influence with the emerging leaders of a changing world—and of further estranging our own youth.

None of our treaties require us to intervene in the case of purely internal threats. The President's Foreign Policy Message usefully comments that "we cannot expect U.S. military forces to cope with the entire spectrum of threats facing allies or potential allies throughout the world," and adds: "Experience has shown that the best means of dealing with insurgencies is to pre-empt them through economic development and social reform and to control them with police, paramilitary and military action by the threatened government."[8] The discussion of this premise implies, however, that there may be some residual combat role for U.S. general purpose forces in the counterinsurgency field. Vietnam has revealed the difficulties and dangers of such U.S. military participation. Most history, including our own, would seem to show that a successful insurgency is a decision on the merits.

It must be added that national security is not served by a static view of our foreign policy commitments. The value of NATO today is not that it geographically contains the Soviet Union, but rather that it contributes to confidence and freedom of political action in Western Europe. Thus we can welcome the efforts of West German Chancellor Willy Brandt to move toward normal relations with both Moscow and Pankow. In the current context, traditional military concern for the "southern flank" of NATO need not lead us to support a retrogressive and undemocratic regime in Greece. Similarly, the incremental value of our Spanish bases to our military capability in Western Europe would not justify a commitment to support the Franco government against democratic opponents or to protect its African interests against African challengers. Our own security is not identical with that of the present rulers of either country. Nor does the implementation of our NATO commitment require that we seek to expel the Soviet fleet from the Mediterranean or the Soviet presence from North Africa. No reasonable perception of the present military threat would justify a naval competition that could carpet the Mediterranean with wall-to-wall ships.

Our involvement in Southeast Asia may also be said to derive from an undiscriminating approach to international commitments. It is worth recalling that our original interest in the suppression of the Indochinese Communist movement was to prevent gains for the French Communists by bolstering the prestige of that French government. In the 1950's, SEATO was created to contain Chinese expansion in Asia, just as NATO had stalled Stalin's drive toward the Atlantic. But does continuation of the war and the death of further thousands of North and South Vietnamese contribute to the containment of China? Are expansion of the conflict and total deneutralization of Indochina helpful to American security? Would an anti-Communist bastion in the lower eastern sector of the Indochinese peninsula forestall Chinese aggression? Would it put us a step farther away from World War III? Has our insistence on the commitment outlived our perception of the threat?

Perhaps the principal lesson of the past decade is that military force is a singularly inept instrument of foreign policy and that its use must be limited to the meeting of direct military threats to American security. Except in the case of such palpable threats, influence and prestige are not served by the independent exercise of our military power. They may perhaps be better advanced by that attitude of "benign neglect" which, according to Lord Durham in 1839, allowed Canada to become more competent and capable of self-government. However infelicitous this phrase may be when applied to American domestic problems, it has much to recommend itself as an attitude toward international military involvements.

Based on this analysis, a few principles could usefully clarify the nature of our commitments for both defense partners and defense planners:[9]

1. Where the threat to the other country is purely internal, we are not obliged to and should not intervene, and thus need not maintain the capability to do so. At most, we should consider the provision of economic aid and perhaps military supplies, and then only with the greatest care to avoid frustration of the popular will.

2. In the case of insurgencies supported by economic and military aid from the Soviet Union or Communist China, our commitments, and the national interest they betoken, should dispose us to supply arms and equipment to the existing government but not to intervene with American forces. Where material assistance proves inadequate, the recipient government will have abundantly demonstrated its own inadequacy as well.

3. In the case of threats to allies from outside powers other than China or the Soviet Union, our commitment should not automatically be called into play, and U.S. troops should be sent only as part of a truly international effort. Economic and arms aid should otherwise constitute the outer limit of our involvement.

4. Only where one of our security partners is in fact threatened by Russian or Chinese military force must we consider that a commitment has been invoked because our own national security interest is involved.

5. Korea remains a special case, because of prior United Nations action and the continued presence of American troops. Our Korean commitment should be brought as soon as possible into conformity with these governing principles.

This construction could eliminate both the fear of new commitments and the concern that we are already overcommitted. Commitments, if they make sense, are not a burden but a blessing.

Because they treat United States commitments in terms of our own security, these principles can provide guidelines as to how, when, and where military force and assistance ought to be employed. This is, of course, the most important issue, but it does not, in itself, tell us what size defense budget or what kind of force posture ought to be adopted. Despite the fact that U.S. troops would be used only against direct Soviet and Chinese threats, the principles listed above could justify a defense budget as high as $80 billion or as low as $40 billion. The magnitude of the defense budget depends on other factors in addition to commitments: the content of defense policy (strategy for deterrence and defense, amounts of air and sea power versus conventional fighting forces, sophistication and expense of weapons systems, etc.), the demands of non-defense national priorities, and the pressures of domestic politics.

Footnotes at end of article.

DEFENSE POLICY SHOULD DETERMINE DEFENSE BUDGETS

Three general approaches to the problem of adjusting defense expenditures to national priorities can thus far be identified. The first would involve the imposition of significant and necessarily arbitrary budget cuts across-the-board. The second is a considerably more sophisticated but nonetheless still arbitrary approach designed to compel a more limited view of commitments by providing more limited resources. Finally, there is the possibility of an approach to the problem which would in fact address commitments in terms of defense policy, but would shape this policy to achieve the requisite economies by resort to a modern-day version of the Dulles doctrine of "massive nuclear retaliation."

The approach which would set an arbitrary ceiling on the defense budget is based on a series of assumptions about international politics, defense planning, and domestic priorities. With respect to the international scene, its proponents recognizes the unlikelihood of direct military attacks by China and Russia, and the certainty that the two Communist superpowers would have little to gain and much to lose from such ventures. Moreover, they see little necessary relationship between military capability and diplomacy. They argue that within wide margins both the strategic and conventional balances are insensitive to changes in force posture. Because of this, they are prepared to accept the marginally greater security risks of chopping the defense budget at about the rate of 5 to 10 percent each year for several years in both strategic nuclear and conventional force categories. One level of defense spending seems to them about as useful as another. Lastly, they point out persuasively the need for deep defense budget reductions as a way of making more money available for domestic priorities.[10]

Despite the soundness of many of its assumptions, this approach is internally inconsistent and politically insalable. On the one hand, those who advance this view maintain that there is little basis for matching force with diplomacy. On the other, they maintain that a very large defense budget would be provocative while a very low one would be risky, that certain weapons systems such as anti-ballistic missiles (ABM's) are destabilizing, and that the presence or absence of U.S. troops abroad is a factor in deterrence. Thus, within some margins, they recognize that force and diplomacy are inescapably tied together.

More importantly, the approach disregards the issue of defense policy. It offers no guide to the continued maintenance of deterrence. From the present vantage point, overt cross-border aggression by the Russians or Chinese does seem remote. But, in part at least, this remoteness stems from our present force posture and the present disposition of our forces. U.S. forces-in-being convey both the capability and the will to counter force with force, and these are key factors in deterrence.

An overriding shortcoming of this arbitrary budget ceiling approach, however, is that it will not work. It is unlikely to convince enough of the right people—executive branch officials, military and foreign service professionals, key Congressional leaders in the armed services field, and a groundswell of interested outsiders—that the additional risks of a lower budget are insignificant. The latest effort—the Proxmire-Mathias Amendment to cut the fiscal 1971 defense budget from $71 billion to $66 billion—failed in the Senate on August 28, 1970, by a vote of 42 to 31. Whatever its merits in assessing threats and determining that deterrence can be sustained with much less than present capability, this approach will continue to look as arbitrary as in fact it is. And even if our leaders could be persuaded to make arbitrary $1 to $5 billion reductions for a few years, this would not in the short range put a large dent in the defense budget and would not succeed over the long range in holding that budget down. With the experience of the last three years to examine, it appears that key leaders in Congress and the executive branch will accept the demands of domestic priorities only up to a point. Beyond that point, they must be convinced that a force posture justified only as being cheaper can keep threats and risks within secure bounds. The politics of persuasion require a more reasoned approach to defense budget cutting than one of ever lower and basically arbitrary ceilings.

A second suggested approach to reducing the defense budget shares many of the assumptions of the first. It too is arbitrary, but utilizes a different formula. Like the advocates of a lower budget ceiling, those who propose this method believe that defense expenditures should be reduced, and reduced soon, by $20 to $30 billion. They too base this belief on the assumption that threats to United States national security have been exaggerated and are not imminent. In order to achieve this magnitude of reduction in costs, they would establish an arbitrarily lower U.S. force posture.

Instead of across-the-board cuts, however, this approach would concentrate on cuts in our conventional fighting capability. The largest portion of the defense budget is, of course, the general purpose force program, and the largest single item in this program is manpower. Americans do not like being drafted, and the public resents having American boys fight on foreign soil when, they feel foreign boys should be fighting instead. From this standpoint, a promising path to a lower budget would be drastic slices in manpower, in ready combat divisions, and in related support.

A detailed and sophisticated version of this approach appeared in the January 1970 issue of *Foreign Affairs*. In an article entitled "Limits to Intervention," Graham Allison, Ernest May, and Adam Yarmolinsky have written:

The Administration should be able to establish as a target the reduction of general-purpose forces to levels that characterized the Eisenhower period. Those levels—14 Army and Marine divisions, 16 tactical air wings, the traditional 15 attack carrier task forces, and 9 anti-submarine carrier task forces—would entail no significant reduction in the American capability to meet a major European contingency, and would leave a small force for dealing with a minor contingency. If actually established, such force levels would cost approximately $30 billion per year less than present general-purpose forces (including those deployed in Vietnam), $17 billion annually less than those advocated within the military establishment for a baseline posture, and $10 billion less than those projected as a result of President Nixon's decision to prepare for one major and one minor contingency.

The authors propound a series of presumptions which would limit the likely instances of American military intervention. They note: "Severe cutbacks in general purpose forces might . . . make it easier for the President to put in effect the suggested presumptions." They do not discuss the possible implications this lower force posture may have for reliance on tactical and strategic nuclear weapons.

Just as the first approach, this second proposal does not concern itself with the content of defense policy. Instead it would rely on limiting the options of the U.S. national security establishment. Its sponsors assert: "For the critical variable is the set of expectations within the bureaucracy, and an apparent leanness in non-nuclear forces would help to persuade the bureaucracy that the President genuinely intended to stand behind the presumptions he had announced." It is difficult, however, to accept either that the bureaucracy is the "critical variable" or that "leanness" makes a tough decision significantly easier. Where the President sits is at the head of the table—both within the bureaucracy and within the American political arena. When it comes to the use of force in particular, Presidents can resist their bureaucracies, as Eisenhower did over Dienbienphu in 1954, and they can lead them, as Kennedy did with Laos in 1961. The President, his views and values, will continue to be the "critical variable."

A third approach to reduced defense spending might be considered the modern version of "massive retaliation."[11] This view, unlike the previous two, does address the issues of defense policy. Just as the second approach, it focuses on cuts in our general purpose forces, but with precise awareness of the implications of this for the use of nuclear weapons. Supporters of this third view propose a lean conventional force posture because they appear to believe that some revised form of massive retaliation is the best and cheapest way to deter threats and live up to commitments.

Unlike the Dulles version, which relied on the threat to strike at the source of aggression, the new version probably implies striking at the point of aggression with maximum force. This would mean a new-found emphasis on tactical nuclear weapons both doctrinally and operationally.

A stronger case may be made for tactical nuclear weapons in Asia than in Europe. The Chinese have nothing like matching nuclear capability, while in manpower they possess vast superiority. Because the Soviets can respond in kind in Europe, and thus negate any NATO advantage from first-use, tactical nuclear weapons there can serve only as a secondary deterrent posing the incalculable risks of escalating conflict.

While this third approach does face up to the defense problems which the other two approaches either dismiss or ignore, and while it thus provides a rationale for systematic force and budget reductions, it is only a little less dangerous than wholesale revival of its predecessor doctrine. The tactical nuclear retaliatory power which the Chinese now lack, they will achieve in time. Greater reliance in NATO on the nuclear deterrent may frighten the Soviet Union a good bit less than it frightens our allies. As a response to limited aggression—the most likely kind—it may be doubted that Moscow or Peking would find our threat to use nuclear weapons credible. Perhaps most important of all, the lending of respectability to nuclear weapons, either by word in announced policy or by deed in reducing conventional forces, lowers the nuclear threshold and magnifies the hazards in future confrontations.

None of the three approaches described above provides the means for sound defense budget reductions, because none is based on sound defense policy. Our leaders are unlikely to be convinced to act upon the first and second approaches, which assume that the defense budget can be drastically reduced because one defense policy and one force structure is as good as another. The third approach is fatally defective because it leaves the President with unacceptable choices in the event of Russian or Chinese aggression. A defense policy premised on a weakened conventional force posture may leave the alternatives of nuclear response or no response at all.

AN UPDATED DOCTRINE OF FLEXIBLE AND CONTROLLED RESPONSE REMAINS THE BEST CHOICE

Although many world conditions have changed in the last ten years, the issues of defense policy America faces today are the same that it faced in the late 1950's and early

Footnotes at end of article.

1960's. The arguments for and against the various approaches are thus well worn, and the advantages of the doctrine of flexible and controlled response are still persuasive. Our overriding objective continues to be deterrence of Soviet and Chinese attacks against us and our allies. And deterrence still requires us to maintain usable and credible counterforces which, in turn, possess the varied military capability to meet threats on the level at which they are posed.

Flexible and controlled response represents the most satisfactory doctrine to attain the three principal aims of defense policy: deterrence, conventional defense should deterrence fail, and time for thought, negotiation and disengagement before escalation to the nuclear threshold. Accordingly, it harmonizes the commitments we seek to maintain with a credible force posture and with the threats that are most likely to present themselves.

Strategic nuclear attacks are the most unlikely threat. The United States and the Soviet Union are now in a constellation of parity, both sides possessing a secure second strike capability. Each can absorb a full first blow and in a retaliatory strike still inflict unacceptable damage on the other. As long as neither side pursues an unreachable quest for "superiority" in the form of knock-out first strike capability, there will be continued strategic stability.

A Chinese nuclear attack would seem even less likely than a Soviet one. Defense Secretary Laird has stated that the Chinese will not have even a force of 10 to 25 intercontinental ballistic missiles (ICBM's) before 1977. This contrasts with the present U.S. inventory of over 2,000 deliverable nuclear warheads. And recent published reports that the U.S. and the Soviet Union would be willing to limit ABM systems to zero indicate that President Nixon no longer deems the ABM essential against the very limited Chinese nuclear threat.

Soviet and Chinese conventional and tactical nuclear threats are much more difficult to assess. But the facts of life in the nuclear age also make highly unlikely any major attack by Russia or China against those countries to which the United States has security commitments. The immense potential for non-nuclear devastation inherent in today's weapons, the inevitable reluctance of the European and Asian nations to provide the battlefield, and the lure of tactical nuclear weapons combine to make protracted war between the United States and the Soviet Union perhaps the least plausible of conventional contingencies. An extended major land war between China and the United States appears unthinkable, given the immense disparity between the respective nuclear forces. A nuclear power, defending its vital interests, won't be willing to lose a conventional war.

What is not unthinkable is the possibility of concurrent though uncoordinated conventional probes directed at American interests in Europe and Asia. These might develop quite independently through an unfortunate coincidence of tensions. Or the timing of one might be dictated by an effort to capitalize on divided American attention. But the chances of parallel though unprogramed action by the Soviets and China should not be totally discounted in devising our conventional fighting capability. Otherwise, we forfeit the non-nuclear option if accidental timing or reckless opportunism produce concurrent Chinese and Russian military threats.

Where this analysis brings us, it must be conceded, is somewhere close to the widely discredited "2½ contingencies" principle of the McNamara Posture Statements. Indeed this number of contingencies seems a mathematical imperative unless we are to ignore either the Soviet or the Chinese conventional threat or relegate one of them to an automatic nuclear counter. The capability for handling a minor contingency appears prudent in the light of the special situations that exist and of its low incremental cost.

The interpretation of commitments which we are advocating here, however, would entail making a number of modifications in the assumptions that underlay the 2½ war principle of the McNamara years. A conventional fighting capability properly designed to meet the most likely 2½ contingencies would not attempt even to plan for the goal of being able to engage Russia and China simultaneously in sustained all-out war while handling a minor conflict on the side. The means to cope with any such "dispersed Armageddon" is beyond our reach, even if we were prepared to bankrupt ourselves in the effort. Moreover, a world thus in flames would be sure to trigger the strategic nuclear forces.

A defensive force structure appropriate to the military threats to our national security would not seek to match Soviet or Chinese manpower. Our forces would not be designed to ensure that no territory must ever be yielded. Nor should recognition of a continuing military threat from the Communist giants imply that we strive for forces which might enable us to contain or dissipate Soviet or Chinese "influence." As great powers, Russia and China have influence and must be expected to exercise it. Where such exercise takes a form other than military aggression, no scale of military force will be powerful enough to prevent it.

What is needed in the way of conventional fighting capability is the general purpose forces which will make possible a credible conventional response to Soviet and Chinese first steps toward conventional aggression, even if these steps are contemporaneous. We need not procure ground forces for *protracted* land war or naval forces for an *extensive* war at sea, for it is inconceivable that such forces would ever be so employed. What we can procure and maintain are the forces that will indicate our seriousness of purpose and buy time while the Soviet and/or Chinese leaders consider the consequences of pressing the attack. Theirs, not ours, would then become the sobering responsibility for unleashing forces of nuclear destruction.

It is neither possible nor useful to try and draw any single set of specifications for the defense forces which this analysis would justify. A few principles can, however, illustrate the rationale.

Our basic objective should be a force structure which guarantees the U.S. nuclear deterrent and maximizes our conventional war fighting capability. This would involve eschewing notions of "superiority" or avowed greater readiness to use nuclear weapons. It would also forgo both world-wide military readiness and continued accretion of sophisticated but unproven weaponry, while concentrating on efficiency and simplicity.

On the strategic side, we have seen how futile it is to search for superiority when the potential adversary is prepared to match missile-for-missile and megaton-for-megaton. The success of the U.S.-Soviet strategic arms limitation talks (SALT), in the form of a meaningful restriction on strategic arms, would lessen the costs and the risks of the strategic side of our defense forces. If hopes for such agreement are not realized, our goal must continue to be to protect our second strike capability—leaving the Soviet Union clear that a first strike would ensure retaliation and an unacceptable level of destruction—while avoiding exotic and expensive refinements. We might, for example, find better use for defense funds than an ABM which is not needed to deter a Chinese attack and cannot work against a Soviet one. The same can be said against maintaining very costly and ineffective air defense systems such as SAGE. Also indicated is the need to keep the new air defense system in the research and development stage until the future Soviet bomber threat can be assessed. As far as our own new long-range bomber is concerned, no compelling case has been made for going into production of the B–1, and we therefore should not do so.

On the conventional side, the emphasis should be on maintenance of something close to what is called the 1965 baseline on ground combat strength and readiness. This might mean initially about 17 combat-ready divisions (14 Army and 3 Marine) and total manpower of about 2.5 million. This contrasts with the 14 combat-ready divisional structure—2.5 million manpower base of the last Eisenhower year and the 22 divisional structure—3.2 million manpower base for 1970. The proposed 17 division force would differ from the 1965 baseline forces by one less division in Korea and one less in active reserve in the United States. It would permit ample recognition of the continued political value of significant U.S. forces in Europe. Further troop strength cuts should be the result of mutual balanced force reductions between NATO and the Warsaw Pact and improving relations between Washington and Peking.

In the meantime, we should continue to dismantle the world-wide base structure which has served to support a world-wide peacekeeping role. We need keep only those bases which are necessary for short-term conventional defense against Russia and China. The thousands of tactical nuclear weapons now deployed in Europe and in the Pacific can also be reduced. The need for Reserves and National Guard units should be re-examined in the light of the improbability of a protracted war being fought on a mobilization basis.

Tactical aircraft needs should be made commensurate with this modified version of flexible and controlled response. That would entail Air Force wings being reduced from 23 down at least to 20, Navy attack carrier-based wings from 15 to about 9 with Marine Corps wings remaining at 3. Carrier-based air wings in the Mediterranean and the North Sea would not in all likelihood be able to stay in effective range and still survive a Soviet attack. NATO-oriented carriers thus could bear the brunt of the suggested reductions. The very limited Chinese air and submarine threat promises more success for carrier-based aircraft operations in the Pacific, and this potential should thus be preserved. As for new tactical aircraft, it is hard to find reason for the very expensive and sophisticated F–14 and F–15 programs—with an estimated cost of $50 billion over the next ten years. A far simpler, less expensive fighter aircraft should be developed. As the number of attack carriers is reduced, anti-submarine carriers and escort ships can be mothballed.

The budgetary savings which this force posture will produce are not calculable in detail. They should save more than $10 billion from the non-Vietnam portion of the Nixon Administration's $71 billion figure for fiscal 1971. The real gains, however, would come in future years—in the saving of massive amounts of money that would otherwise have been spent. Cancellation of new production starts, it is recognized, means larger costs for operations and maintenance on the old system being continued. Modernization and thus new costs will inevitably crop up in the future. Nevertheless, adoption of a modified policy of flexible and controlled response would place an effective lid on the defense budget as well as show the way toward future cuts.

THE NIXON DOCTRINE'S IMPLICATIONS FOR DEFENSE POLICY ARE STILL UNCLEAR

What the Nixon doctrine means for defense policy cannot yet be determined from public statements. Up to the present time, the doctrine has been described largely in

terms of what the United States will not do. A new defense policy to mesh with a new foreign policy has not as yet emerged.

The enunciation of the doctrine itself has been vague, and perhaps deliberately so. At a minimum, it seems to reflect a heartening willingness to view the reach of our commitments somewhat less expansively than was the case in the recent past. But its public airing has not explained the circumstances under which we would be prepared to respond militarily and what kind of military power we would use.

Insofar as defense policy is concerned, the Nixon Administration's major change to date has been its reduction in the number of force planning contingencies from 2½ to 1½. This might mean a thinning out of our conventional forces throughout the world, with the retention only of a minor U.S. military presence abroad. Such an interpretation is suggested by Vice President Agnew's comments during his latest Asian trip, when he told the reporters in his party: "It is not compatible with our philosophy to have large contingents of our forces permanently stationed in any country." A month earlier, Secretary Laird said of the Nixon doctrine: "It places primary emphasis on giving our friends the nuclear shield that is necessary to protect our treaty commitments, protect the national security of the United States."

Read literally, these comments would seem to suggest major reliance in the future on our nuclear forces, even to deter Soviet conventional aggression against our NATO allies. This would, indeed, be a reversion to old doctrine, the credibility of which has not improved with time.

A more plausible interpretation is that the "1½ war" strategy means maintaining significant conventional forces in Europe, and putting primary reliance on nuclear weapons for an Asian contingency. The Administration has announced that present American troop levels in Europe will not change at least through 1971. In the absence of some dramatic breakthrough in our relations with the Soviet Union, or sizable mutual troop reductions between NATO and the Warsaw Pact, it is unwise to plan on removing the major part of these forces within the next several years. To do so would leave us in Europe with only the dubious comfort of a nuclear response against a power with roughly equivalent nuclear strength. The same dread equation would make it imprudent in the foreseeable future to strip our NATO forces in order to meet a conventional attack by China.

At the same time, domestic and diplomatic considerations militate against selective resurrection of "massive retaliation" as the sole means for coping with any and all Chinese threats. If we are to continue to meet our Asian commitments, after scaling them down to size, we must not put ourselves in a position of being without conventional capability. Neither our own public nor world opinion would support or excuse a nuclear reaction to limited Chinese aggression.

Compounding the uncertainty as to the defense implications of the Nixon doctrine are the nature and scope of changes to date in the defense budget. The budget has not yet reflected the deletion for planning purposes of one hypothetical "war." Secretary Laird has estimated the current annual incremental cost of the Vietnam war at about $14 billion. This represents a saving of some $9 billion when compared with the incremental cost in the peak year of 1968. But it leaves the total of non-Vietnam-related outlays at some $57 billion—a level comparable to that which existed prior to adoption of the new 1½ war strategy.

Several new defense systems of questionable purpose and efficacy have in fact been cancelled. Starts for other expensive accretions have been delayed. But there is no clear pattern to allay the fear that sophisticated weaponry may be preserved at the sacrifice of our conventional fighting forces. If our conventional military power is to remain meaningful, it must retain the capability to deal with two plausible military threats. The "improbability of Sino-Soviet cooperation"[12] does not shrink these two to one but leaves them unmistakably two.

The primitive state of China's strategic forces and Soviet nuclear sophistication work alike to foreclose the chances of nuclear attack. Conventional aggression, by either or both Communist powers, cannot as blithely be discounted. Unrest in Eastern Europe, perceived opportunities in the Middle East, instability in Asia, or internal struggles for power may impel Soviet or Chinese leaders to military adventures. Unselective implementation of the Nixon doctrine can reduce our conventional fighting strength without significantly reducing our defense budget. The limited conventional strength needed for today's plausible contingencies is completely compatible with sizable cuts in defense expenditures. Our foreign policy commitments demand no more than the ability to cope with conceivable Soviet and Chinese threats. They also demand no less.

The Nixon doctrine declares a new course for American foreign policy. But without a defense policy to help chart that course, no one can tell us where it leads.

FOOTNOTES

[1] U.S. Foreign Policy for the 1970's—A New Strategy for Peace," February 18, 1970, p. 114.
[2] Ibid., pp. 121-22.
[3] Ibid., pp. 128-29.
[4] Ibid., p. 7.
[5] Ibid., p. 7 (emphasis in original).
[6] Ibid., p. 3.
[7] Ibid., p. 135.
[8] Ibid., p. 127.
[9] This listing of recommended responses owes much to the analytical approach taken by Messrs. Allison, May and Yarmolinsky in their article, "Limits to Intervention," Foreign Affairs, January 1970. The conclusions, however are not completely parallel.
[10] This is, in general, the approach taken by Morton H. Halpern in his article in The Washington Post, Outlook, February 15, 1970.
[11] For a powerful presentation of this type of approach, see Hanson W. Baldwin, Strategy for Tomorrow (New York: Harper & Row, 1970).
[12] U.S. Foreign Policy for the 1970's, p. 129.

THE BUCKLEY FAMILY

Mr. THURMOND. Mr. President, the Charleston News & Courier recently published a column by Holmes Alexander in which the columnist pays a wonderful tribute to Mrs. Aloise Buckley, the mother of Senator-elect James Buckley of New York and of William F. Buckley, Jr. I find it especially fitting that this column was published by one of the newspapers of my State because Mrs. Buckley has long been a resident in South Carolina. It has been my great privilege to know Mrs. Buckley for many years. She is a gracious and charming lady, and I have often enjoyed her hospitality, and that of her late husband, at the beautiful Buckley home near Camden.

Today her whole family has attained great distinction, both in literary and political affairs. It is a well-deserved fame which has come about as a result of impressive talent and hard work, and I certainly join with Mr. Alexander in complimenting Mrs. Buckley on the wonderful work she has done in raising such a fine family. Certainly it is true that a strong family produces strong children, and Mrs. Buckley can be proud of her accomplishments. It has been a great pleasure for me to work with Bill Buckley on many projects over the years, and I look forward to welcoming Senator-elect James Buckley when he takes office.

The column by Holmes Alexander is a graceful and appropriate tribute to Mrs. Buckley and her family. Mr. President, I ask unanimous consent that the column, entitled "Buckleys Give A Party," written by Holmes Alexander, and published in the Charleston News & Courier of December 1, 1970, be printed in the RECORD.

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

BUCKLEYS GIVE A PARTY

(By Holmes Alexander)

WASHINGTON.—It was one of those bon mots which, as the saying goes, you usually think up when you're going home in the cab, but this time I spoke it on the spur of the moment. Somebody at the huge lively party at the Tavern on the Green in Manhattan to celebrate National Review's 15th birthday said to Mrs. Aloise Buckley, "Aren't you proud of your son?" I remembered how the late Mrs. Eisenhower had answered the same question at the close of World War II. She said, and so did I, "Which one?"

Her son James had just been elected U.S. Senator from New York on the Conservative Party ticket. Her son Bill is the celebrated wit, debater and man-of-letters. Her son Reid, the novelist, had a piece that morning in The New York Times, a battered Buckley target, entitled "The Buckley Mystique." I rate Mrs. Aloise Buckley as the Mother of the 1950's, '60s, and '70s.

The party was a humdinger for a bushel-basket of reasons. It was held on the edge of Central Park, the locus of some terrifying scenes in the flick "The Out of Towners" where a nice couple from Ohio were dumped by a pair of holdup hoodlums, robbed, chased and soaked as they had to sleep on the grass in Mayor Lindsay's Fun City.

I always feel like a rube in New York. I was fearful that my wife and I would undergo similar misadventures, and frankly was relieved when she insisted on traveling by Penn Central instead of the hijack-prone airlines. But there were four mounted cops at the Tavern door, and the cream of American intelligentsia inside. Nothing untoward happened, and as we checked out of the Plaza next morning, a smiling David Brinkley courteously stepped aside and presented us with his taxi. Could such things be in Gotham?

It was no hyperbole when the senator-elect remarked in a brief address that 15 years ago Bill Buckley had set forth his vision to "reconstruct the 20th century." Bill has, in all truth, "made America over," to use words that the late Henry Wallace employed with a very different meaning. Had Wallace succeeded, the initials USA might well have stood for the United Soviets of America.

The Buckley version, we may all rejoice to note, more nearly approximates the acronym CSA, not Confederate States of America, but Conservative Society of America. By sheer cerebration, surmounting early ridicule and massive improbability, he has accomplished for American fundamentalism what the writer Jefferson did for the Declaration of Independence, and the writer Hamilton did for the Constitution. We really are a new and better nation because Bill Buckley knows how to wrap the right ideas in brilliantly—chosen words of ink and voice.

I first met him in the office where I now write this piece. Arriving for work many years ago, I was astonished and somewhat irritated to find a long-legged stranger perched tailor-fashion on top my desk giving a radio-taped interview to my office-mate of the time. And there he was last week, the host at the Tavern, with the same self-assurance, arms akimbo at the same wasp-waist, now a cherished friend and object of ever-growing admiration. I feel as Churchill did when America entered World War II. Now, this country is not going to be overrun, vanquished, tossed into the trash heap of history. The Buckleys and their myriad of followers aren't going to let it happen.

From college onward, Bill never had any reason to display modesty, and he doesn't, yet no other word so well fits his brother James. It staggers belief that a young man so low keyed, so self-effacing, could win a political contest.

That's right, he got only about one-third of the vote, the same as John Lindsay and Salvador Allende of Chile, but it's more astounding for a conservative to win a constitutional election than for an independent or a communist to do so.

More astounding, that is because James Buckley's victory was the first of its kind; but assuredly won't be the last. We've got a new era going in our country. There will be many more conservatives in public office, some by name and some by nature.

The sons of Mrs. Buckley had a lot to do with the transformation. But let's don't forget that God did, too.

KENDALL DEMONSTRATION ELEMENTARY SCHOOL FOR THE DEAF AT GALLAUDET COLLEGE

Mr. YARBOROUGH. Mr. President, my bill S. 4083, as amended by the House of Representatives, was agreed to by the Senate yesterday. The bill provides for the construction and operation of a demonstration preschool and elementary school for the deaf in connection with Kendall School on the campus of Gallaudet College.

The bill was passed by the Senate on August 11, 1970, and was passed by the House of Representatives, with clarifying amendments, on December 7, 1970, and the Senate agreed to this amendment yesterday.

Testimony as to the need for this legislation has been heard by both the House Committee on Education and Labor and by the Senate Committee on Labor and Public Welfare.

Passage of this legislation will enable the Kendall School to expand its present capacity, and to focus on essential educational programs and activities at the preschool and elementary level. Without improved programs at this basic level it will be increasingly difficult—if not impossible—for many of our deaf and hearing handicapped children to benefit from other federally assisted programs for the deaf, such as the Model Secondary School for the Deaf and the National Technical Institute for the Deaf. We need only consider the increased demands at the elementary level which will result from the rubella epidemic of 1963–65 to appreciate the need for additional help at the levels proposed in S. 4083.

The establishment of a model elementary and preschool program for the deaf, provided for in this legislation, will be a great service not only to the children from the National Capital area who will attend Kendall School classes, but also to the 4½ million preschool and schoolage deaf children who are not now receiving appropriate educational services. What is learned at this demonstration school at Kendall School will be transmitted to State schools throughout the Nation and will be used to improve the opportunities for all the deaf children throughout the country, and will assist them to attain full participation in our society.

AMERICAN HISTORIANS PROTEST TREATMENT OF SOVIET HISTORIAN IN RUSSIAN LABOR CAMP

Mr. McGOVERN. Mr. President, to paraphrase Cervantes, truth is the mother of history, and freedom is the mother of truth. As a student and one-time teacher of history I wish to express my agreement with the sentiments of a number of distinguished American historians who have protested the cruel and inhuman treatment meted out to Soviet historian Andrei Amalrik. Now imprisoned in a Russian labor camp, Amalrik's single crime is his devotion to truth, freedom, and history.

I ask unanimous consent that the text of a letter by the American historians to Prof. E. M. Zhukov of the Soviet Academy of Sciences be printed in the RECORD.

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

NOVEMBER 23, 1970.

Prof. E. M. ZHUKOV,
Academician-Secretary of the Department of History, Soviet Academy of Sciences, Moscow:

As historians in the United States, we have watched with acute concern and dismay the developments in the case of our colleague Andrei Amalrik. History can be taken seriously as a profession only when historians are free to develop their ideas and pursue their calling without harassment by the state. We believe that the treatment of Andrei Amalrik must be taken as a test whether history in the Soviet Union remains a matter of dogma and propaganda instead of being, as it must be, a matter of unfettered intellectual exploration. We look forward to the day when Soviet historians can be full and free members of the international historical community; but, so long as historians are arrested, convicted and sent to labor camps because their views do not have official approval, this day will be far away.

Jacques Barzun, John M. Blum, John K. Fairbank, Frank Freidel, Edwin O. Reischauer, Arthur Schlesinger, Jr., Richard Wade, C. Vann Woodward, Henry Steele Commager.

ADDRESS BY SENATOR PELL BEFORE THE UNITED NATIONS ON REPORT OF HIGH COMMISSIONER FOR REFUGEES

Mr. PELL. Mr. President, on November 17, 1970, as a delegate of the United States, I delivered a speech at the United Nations bearing directly on the shameful incident, 6 days later, in which a Soviet sailor was not only denied asylum by the United States, but was brutally returned to a Soviet vessel while still in the very territorial waters of the United States.

As a captain in the Coast Guard Reserve, and as one who has an immensely high regard and respect for the Coast Guard, I am particularly distressed at this tragic incident. I have sympathy with the plight of the young Coast Guard captain of the vessel, who was required to make critical decisions with, from all accounts, a minimum of policy guidance.

Our greatest sympathy, however, must be reserved for the seaman who sought, in full trust, the assistance of this country. The fact that his trust was betrayed through circumstance, rather than as a matter of national policy, can be of little consolation to him.

Mr. President, the Department of State since this incident has announced that standard policy guidance on the handling of requests for political asylum by foreign nationals has been provided to all Coast Guard commands and units, as well as to other Federal departments and agencies not previously involved in such matters.

It is most certainly an essential and belated action. I only wish such guidance had been provided long ago, so that the commander of the Coast Guard cutter, on the spot, would know what the responsibilities are that the United States has taken under the 1951 Convention Relating to the Status of Refugees.

Mr. President, I ask unanimous consent that my November 17 statement before the United Nations Human Rights Committee be printed in the RECORD.

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

STATEMENT BY SENATOR CLAIBORNE PELL

The lot of a refugee in any country anywhere is a sad, miserable one. Both as the former Vice President of the International Rescue Committee and just as an informed citizen, I have seen the sad plight of those, who, for political reasons, leave the security and predictability of their own life for the insecurity and miserable conditions of a refugee's life abroad.

Once I remember seeing a young man make the decision to be a refugee—he had tears in his eyes as he chose the uncertainty of a new life in a foreign land rather than stay with his mother in his homeland.

Refugees and freedom fighters, a term of more recent origin, are men and women who deserve help and support and comfort—not the harsh life they personally face.

Because of my personal connection with refugee problems, I am particularly interested in the report of the UN High Commissioner for Refugees, with its impressive record of achievement and spirit of dedication and empathy, both with the needs of refugees and with the problems of governments in relation to them.

Although I have not participated directly in the affairs of the UN on a steady basis for as long a time as most of the delegates here, I can say personally, from my familiarity with the subject, and on behalf of the U.S. Government, that the universal acclaim for the work of the present High Commissioner, Prince Sadruddin Aga Khan, is richly deserved. Indeed, after the acrimonious and often tendentious debate about previous items on our agenda, the present discussion seems to be a return to a more fitting spirit for a committee concerned with social and humanitarian problems.

I am particularly gratified by the emphasis the report has placed on international pro-

tection activities. Central to the work of the High Commissioner is Article 33 of the 1951 Convention relating to the Status of Refugees, which provides "no contracting state shall expell or return (refouler)[1] a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." The 1951 Convention and the 1967 Protocol Relating to the Status of Refugees together form the principal instrument of the High Commissioner in securing for refugees the cardinal element of protection.

The Convention and Protocol are of such crucial importance, because historically many countries of origin have sought by any means to bring about the coercive or forcible return of their nationals who have fled persecution. Unfortunately, as the Report of the High Commissioner, on page 4, points out with regret and concern, "certain cases of *refoulment* to the country of origin have occurred. The general application of the principle of non-refoulment should be facilitated by the increasing acceptance of the maxim that the grant of asylum is a peaceful and humanitarian act and should not be regarded as an unfriendly act by any state." In keeping with the humanitarian and non-political nature of his work, the High Commissioner did not make any specific charges.

While it is evident that continued vigilence is necessary to protect refugees, there is little doubt that the concept of asylum inherent in the convention is becoming ever more firmly embedded in international law. Already there are 59 nations which adhere to the convention and 40 to its attendant protocol.

The High Commissioner has been energetically encouraging the accession of additional countries to these documents, and we commend him for this. The universal acceptance of the High Commissioner's reports further solidifies the rights of asylum as international law.

The Convention and Protocol secure for refugees a number of specific rights which are essential to them if they are ever to cease being refugees; essential to the effort to help them take a tranquil place in the life of their new country as self-respecting, self-supporting persons living in dignity. These rights are set forth in the convention in very specific terms. They are of utmost importance. Without these rights refugees would be deprived of opportunity for human fulfillment.

Although we view the establishment and maintenance of liberal and humane asylum policies as the most important function of the UNHCR, my Delegation also would compliment the constructive manner in which the material assistance program was conducted in the past year. We believe that the High Commissioner has wisely chosen his priorities in allocating over half of his budget to Africa.

It is in the light of the matters of which I have spoken that the United States Government continues its strong interest in and support of all that the High Commissioner is seeking to achieve. My Government is an active participant in the High Commissioner's Executive Committee, and has continually been a contributor to the budget for his program. In addition, the United States maintains several of its own programs which are providing assistance to a large number of refugees who fall within his competence. Our overall assistance for refugees is primarily in the form of agricultural commodities provided to governments, voluntary agencies and the World Food Program; cast contributions to a number of intergovernmental programs; and financial endowment of direct United States programs. Through these efforts, for refugees in the United States and in other countries throughout the world who are of concern to the UNHCR, my Government's contributions during 1970 totalled over $100 million.

In closing I want to pay special tribute to the manner in which the present High Commissioner, Prince Sadruddin Aga Khan, has carried out the manifold duties of his office. His performance has been characterized by great imagination and never-failing dedication. These qualities have earned him the gratitude and confidence of the refugees. Speaking for my own Government and as an individual, I can say that they have earned as well the esteem and confidence of the United States of America.

[1] Refouler—to return involuntarily.

THE GENOCIDE CONVENTION

Mr. PELL. Mr. President, I am very glad that the Genocide Convention has been reported out of the Foreign Relations Committee and is now before our body for action. It was 21 years ago that this convention was first reported to our committee. In these intervening years, it has been an increasing black mark on our escutcheon that while 75 countries have ratified this convention, the United States, which took the lead in pressing for its negotiation, is amongst the minority who have so far failed to ratify it.

I am glad to have been on the Ad Hoc Committee of the Foreign Relations Committee that considered this subject, both in the earlier Congress when it was chaired by the senior Senator from Connecticut (Mr. DODD) and in this Congress when it was chaired by the senior Senator from Idaho (Mr. CHURCH). I take personal pleasure in being one of those reporting out this convention, since my father, Herbert Claiborne Pell, was the original U.S. member of the United Nations War Crimes Commission, a group which was responsible for insuring that genocide should be considered as a war crime.

I remember well, too, those days in 1945 when there were those in the Department of State and in the British Foreign Office who did not wish that genocide should be considered as a war crime, and did all they could to sidetrack my father because of his efforts in this regard. At first, arrangements were made that no salary should be paid to my father in order to secure his departure from this commission. He then offered to serve for nothing, and even to pay the salary of his secretary. This resulted in a contretemps in the Department of State, as a result of which the rug was completely pulled out from under my father. However, while he was ousted from his job, he took his case to the American people and secured the reversal of the Department of State's previous position that the United States would not consider genocide a war crime.

The reporting out of this convention is also a great compliment to Rafael Lamkin. He is the man who really publicized the crime of genocide, and was a one-man task force at the U.N. for many years in his efforts to secure the ratification of this treaty by its member nations.

GEN. THOMAS S. POWER

Mr. HRUSKA. Mr. President, I wish to pay tribute to one of the world's great peacemakers who died earlier this week—Gen. Thomas S. Power, retired commander of the Strategic Air Command.

In our concern and unceasing search for peace in the world, we are prone to overlook the Strategic Air Command as one of the vital and effective instruments of peace. But an effective instrument of peace it is, through the imposing deterrent strength which it supplies to our national defense posture.

While we have not been able to avoid completely the limited wars, we have averted the threat of worldwide nuclear holocaust. The credit for this achievement must rest in great measure with the dedicated service of men like General Power and others of the Strategic Air Command.

It is my great privilege to have known General Power personally for many years. I can give assurance that he was a man totally dedicated to peace. He believed the way to achieve peace was to have such a strong nuclear arsenal that the prospect of nuclear confrontation with this Nation would be suicide for any nation.

He fought religiously for his beliefs, Mr. President, and many key elements of our current global air strategy are the result of his concepts and convictions.

It has been accepted practice—and an extremely critical phase of our national defense structure for a number of years—to have an airborne command post at all times—24 hours a day, 365 days a year. These so-called looking-glass planes literally have the heartbeat of our national defense in their care. In an emergency, they become a critical controlling element in our defense structure. The concept was initiated by General Power during his tenure as SAC commander from 1957 to 1964.

General Power also originated the mixed force concept of strategic air power, bringing missiles into SAC weaponry for the first time. While he felt they could not replace manned aircraft, he did feel they were a valuable complement to it.

Controversy often surrounded General Power because of the determination with which he pursued his goals and objectives. It is good that he lived to see so many strategic air developments which he helped to pioneer become standard operating procedures in our strategic arsenal today.

The Nation owes a great debt of gratitude to General Power and others like him. It is appropriate at this time, in my opinion, to call attention to his important and enduring contributions to the Nation he loved so deeply and served so long and well.

We shall honor his memory with gratitude.

We extend to his surviving helpmate of many years our deep condolences.

ENVIRONMENTAL QUALITY: AN ALTERNATIVE TO THE INTERNAL COMBUSTION ENGINE FOR THE URBAN COMMUTER

Mr. TYDINGS. Mr. President, increasing evidence shows that the current urban transportation system based on

the internal combustion engine is a grave environmental health hazard. Most urban smog results from the activity of sunlight on the hydrocarbons and nitrogen oxides released from the auto exhaust pipe; carbon monoxide and lead—compounds deadly poisonous to human lungs—are discharged into the air by the explosion of gasoline in an internal combustion engine.

Medical researchers find automobile pollution a growing health menace in every city with a population of 50,000 or more. They are finding that lung cancer, heart ailments, respiratory diseases and eye infections increase in proportion to the increase in the number of automobiles on the road.

The automobile industry is responding to this environmental health crisis by installing devices to reduce harmful automobile emissions. However, these devices will not significantly reduce the amount of pollutants released into the air, since by 1980 twice as many automobiles will be on the road as in 1970.

Not only do automobiles propelled by the internal combustion engine make huge contributions to air and noise pollution, but also they consume vast amounts of scarce city acreage for parking. Automobile junkyards are decorating our landscape at an alarming rate. The more space-eating highways we build, the more cars fill them up.

I wish to call the attention of Senators to a two-wheeled alternative to this urban quagmire—the bicycle.

Bicycles emit no fumes, and they do not pollute. They do not fill roadside junkyards with rusting wreckage. They are fast during rush hours; they even start in cold weather. Since there is no engine, they make no noise. They are easy to park. They are vehicles for personal and societal health and fitness. They are even fun.

More and more people are converting to the two-wheeled alternative. Sixty-four million Americans are riding bikes this year. In 1969, over 40,000 bikes were sold in the Washington area; there are over 1,200 regular commuters. There are 15,000 miles of bikeways from Maine to California that have been completed in the last 3 years. In the District of Columbia the National Park Service has designated portions of Rock Creek Park closed to automobiles on Sundays to reduce the traffic hazards that constantly discourage cycling. The National Park Service is also to be commended, for they are in the process of constructing a system of bikeways in the District.

In the Washington Post of June 14, Staff Writer Carl Bernstein, in an article entitled "Commuter Cycling Picks Up Speed," documents the growing interest in this alternative for urban mobility. He said:

> There is indeed a rapidly increasing number of persons who, in cycling to and from work, have discovered a quicker, cheaper, healthier, nonpolluting alternative to packed buses, long lines of creeping automobiles, parking safaris and Washington's rush-hour taxicab shortage.

Rather than regarding bicycles as toys, we should regard them as viable, nonpolluting, inexpensive, and healthy means of urban transportation.

I ask unanimous consent that the Washington Post article be printed in the RECORD.

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

COMMUTER CYCLING PICKS UP SPEED

(By Carl Bernstein)

When Clay Gubric opened his Towpath Cycle Shop in 1966, he counted three or four bicyclists pedaling home from work on a busy weekday. One day last week, more than 50 commuting cyclists, most of them dressed in business suits or skirts, passed by his shop in Georgetown during the evening rush hour.

They are among a rapidly increasing number of persons who, in cycling to and from work, have discovered a quicker, cheaper, healthier, nonpolluting alternative to packed buses, long lines of creeping automobiles, parking safaris and Washington's rush-hour taxicab shortage.

The bicycle commuters—an estimated 1,200 of them in the Capital area—represent only one phase, however, of a bike-riding boom by adults in Washington and other big cities.

Despite the economic downturn that is hurting other retail businesses, bicycle dealers here and elsewhere report that sales have reached record levels. In 1969, more than 7 million bikes were sold in the United States—twice as many as 10 years earlier.

To accommodate the increasing number of cyclists here (40,000 bikes were sold in the Washington area last year), a two-mile stretch of Beach Drive in Rock Creek Park is closed to automobile traffic every Sunday from 9 a.m. to 6 p.m. and opened to hundreds of bicyclists. A three-mile bike path, one of a dozen such urban trails in the United States developed with federal funds, opened recently in Arlington County and is already often overcrowded with cyclists.

The Smithsonian Institution, the Commerce Department and several other government agencies have installed bike racks for their employees. A marked "bikeway" advises bicyclists of the quickest and safest way to pedal across town from RFK Stadium to the C&O Canal towpath. True Magazine ("For Today's Man") has decided that bicycling is as good a gauge of manhood as, say, horsepower, and features a cover picture and photo-essay this month on "The Growing Bike Craze: Everyone's Rolling Along."

If there is any lingering doubt that a bicycle renaissance has arrived, such notion might be dismissed by the black-and-white signs now being posted by the National Park Service along roadways in Rock Creek Park. "All persons have equal rights when driving cars or riding bikes," the signs proclaim.

Like other bicycle dealers here, Clay Gubric attributes the cycling boom to a change of image in which the bicycle is no longer regarded as a toy, but as a utilitarian machine—the same role it served in the last decade of the 19th century, when the bicycle was the primary means of individual transportation in American cities, except for walking.

Dating to the early 1800s in its crudest form—a hobbyhorse with wheels—the bicycle by 1865 had become known as a velocipede, and sported a huge front wheel, above which the rider was perched on an iron seat.

The big front wheel was fine for gaining speed, but the precarious position atop it often resulted in "headers" as the luckless rider lost his balance and was catapulted forward.

It was not until the development of the safety bicycle in 1874 that the prototype of today's machine, with two wheels of equal size driven by a chain running on two sprockets, was marketed.

Since then, the bicycle has been "the simplest and most economical means of personal mechanical transport" known to man, in the words of the Encyclopedia Britannica.

"Everybody seems to be rediscovering the bicycle at once," says Mel Pinto, owner of Sports and Cycles International in Arlington—a shop that, like Gubric's, sells primarily to adults.

"The situation is so hectic now," says Hal Webber, manager of the Chevy Chase Bicycle Service, "that there is a shortage of bicycles throughout the country." The shortage is particularly acute among the sophisticated, 10-speed bikes—many of them foreign made—that are gaining popularity with adults because of their light weight, potential speed and relative pedaling ease.

The 10-speed machines are equipped with a much wider gear ratio than either three-speed or single-speed bikes, thus enabling the rider to maintain a constant pedal speed, regardless of grade changes and wind conditions.

Judging from the people who can be found pedaling two-wheelers through the streets of Washington on almost any day, bicyclists are stock brokers and congressmen, secretaries and lawyers, students and government clerks, librarians and teachers, youngsters and oldsters.

United in their aversion to bad weather, homicidal motorists, bicycle thieves and exhaust pollution (so noxious that daily shampoos are a necessity for most regular riders), they regard such hazards as minor compared to what they consider the advantages of cycling.

"FASTER BY BIKE"

"It's faster by bike," says Michael Mulroney, a tax attorney who estimates he has covered more than 2,800 miles pedaling eight miles twice a day between his home in Alexandria and office in downtown Washington.

"I can beat the bus by 15 to 20 minutes and can easily equal the driving time by car if there's heavy traffic, no head wind and I'm in shape," he says.

Rep. Bob Eckhardt (D-Tex.), who has ridden his lightweight English bike to Capitol Hill almost every workday since he came to Congress in 1967, finds that "you see things from a bike that you don't notice in a car."

Eckhardt usually makes a leisurely trip from his Georgetown home to the Hill in about 25 minutes, riding alongside the Potomac River to the Lincoln Memorial, then onto the sidewalk next to the Reflecting Pool ("by that beautiful glade of trees"), across the Mall and into the House garage.

"This is a great city for bicycling," said Eckardt, 56. "The terrain is ideal. But the traffic is terrible," he adds, urging that a bike path be created to link Rock Creek Parkway with the C&O Canal—thus avoiding the Georgetown traffic jams.

Like many cyclists, Harry Bernard, an auditor for the Internal Revenue Service, took up bicycling on the advice of his doctor.

"He told me to try either cycling or jogging," recalls Bernard, 51. "I tried jogging but it got boring, going over the same slow route every day. Jogging might be good for you but you feel like you're going to drop dead any minute.

TOOK SON'S BIKE

"So one day I took my son's bike to work. It was like a revelation. I went through the park and I could smell the trees. I pulled up on the grass to look at the ducks. I'd been cooped up in the car for so long I forgot there was such a thing as honeysuckle."

Since then, Bernard has learned that "on the main streets you can thread your way through the traffic. While everybody's lined up for three blocks, waiting for the light to change, I use the side of the lane and zip right up front," he explains. "When I drove a car to work I would get mad as hell, just sitting there going no place. Especially when it was hot. No more."

For Therese Lepine, a secretary in the office of Sen. George D. Aiken (R-Vt.), heat and rain are—except for traffic—the major obstacles to bicycle commuting.

"The rain you can't do much about," she says. "I keep a change of clothes at the office and wear shorts when I ride on hot days"—a solution used by many bicycle commuters.

Not all serious cyclists are commuters, of course. Many, like John Flynn, 51, prefer long-distance cycling touring or hosteling to pedaling on their home turf.

"There's no better way to see the country than on a bicycle," says Flynn, a desk clerk at the Fairfax Hotel who cycles to New England each summer.

"I don't like to hurry. I usually take about three days to go to my family's home in Rhode Island, then another three or four days to New Hampshire. I've never taken the same route twice. I like to wake up in the morning and say: 'Well, which way should I go today?' "

The bicycle's role as a nonpolluting mode of transport seems to go unnoticed by few riders. Indeed, many cyclists harbor fierce antipathy for what they regard as an automobile culture that is choking the nation with fumes, speed noise and concrete.

"There are more and more kids my age who are rebelling against cars and buses," maintains Jude Sanches, 21, who commutes by bike from her Arlington home to her job as a sales clerk at Peterson's Warehouse in Georgetown.

"It's like why pollute the air and contribute to building more highways when it's more fun to bike in the first place?" she asks.

Miss Sanches, who says she gladly gave up hitchhiking for bicycling, is among a growing group of cyclists who regard pedaling as an almost political act and inevitably flash the two-fingered peace symbol upon encountering another person on a bike.

While exhilarating, cycling on Metropolitan Washington's streets can also be somewhat terrifying, which is why Miss Sanches rides to work on a path adjacent to some unused railroad tracks in Arlington, instead of on Lee Highway.

"Too many drivers don't believe bicycles have a right on the road," she says, echoing the single complaint most often heard from bicyclists. "They lean out their windows and curse at you, or they honk their horns and proceed to run you off the shoulder of the road."

For just such reasons, Clay Gubric, former City Councilwoman Polly Shackleton and other bicycle advocates have urged that certain streets be designated for bicycling and closed almost permanently to automobile traffic.

Meanwhile, in the absence of such action, some members of the bicycling minority are becoming more militant.

Recently, the driver of a big Buick Riviera, within plain view of one of the park service's antidiscrimination signs, forced a cyclist off the road and, according to the bike rider, drove off laughing.

At a stoplight half a mile ahead, the cyclist caught up with the Riviera. Dismounting from his trusty 10-speed steed, the rider purposefully walked up to the car and proceeded to kick a good-sized dent in the rear fender.

The motorist, caught in traffic on a road too narrow to make a U-turn, watched helplessly as the pedal power advocate remounted his bike, clenched his fist and headed off into the opposite direction with the words "Ride On."

PROPOSED PRESIDENTIAL COMMISSION TO STUDY LABOR-MANAGEMENT RELATIONS LAWS

Mr. TOWER. Mr. President, on July 15 of this year, I introduced proposed legislation to establish a Presidentially appointed commission to study Federal laws dealing with labor-management relations and to make recommendations for new legislation or for the revision of existing laws, with particular emphasis upon emergencies caused by disputes in the transportation industry. The joint resolution was referred to the Committee on Labor and Public Welfare where no action has so far been taken and where—by every indication—it appears it will die within several weeks.

Today we are faced with the reality of a threatened railroad strike. I do not need to dwell upon how this will affect the Nation, our Nation's economy, or American workers whose jobs depend upon maintenance of rail services. The effects could be disastrous—certainly they will be disastrous for those immediately involved. How many will feel the effects would depend upon how long a stoppage would last.

For the third time this year we in this body face the choice: confront disaster and accept the consequences of a strike with all its implications for innocent parties or force free men to accept working terms not agreeable to them or to their representatives. I find such a choice abhorrent. I hope it also violates the sense of propriety of all Members of this body. I do not see how any Senator can fail to evaluate our actions today other than with the utmost gravity.

I hope also that my colleagues will wonder with me how long we in Congress are prepared to act in a range-of-the-crisis atmosphere. I do not think it is the proper constitutional duty of Congress to sit for the purpose of dictating strike settlements and enunciating the terms under which free men will be required to work.

Yet I see no objective action being taken which would lead me to believe that we intend to proceed other than through stop-gap measures passed in haste on the eve of national emergency.

Mr. President, my joint resolution, Senate Joint Resolution 220, was introduced with the hope that a commission would be able to take a long-range look at our labor laws and evaluate to what extent they have or have not contributed to today's atmosphere of chronic strikes, inflationary wage settlements and national emergencies which now occur—in the subject railroad industry, at least—thrice yearly.

By no stretch of the imagination does this Nation now follow anything like a laissez-faire labor policy. The Federal Government is involved at the bargaining table in almost every labor negotiation, either directly seated with the negotiators or through action by the National Labor Relations Board as an entity whose participation will later be invited by one side or the other.

The evidence today should indicate that there is need to determine if the direction of our labor policies has been advantageous to the cause of industrial-labor peace or if it has been deleterious to these relations. The fact that we are faced with this choice today indicates that this review is long overdue.

NEBRASKA IS NO. 1

Mr. HRUSKA. Mr. President, three of my colleagues (Mr. YOUNG of North Dakota, Mr. MANSFIELD, and Mr. METCALF) engaged in some discussion last week on the comparative merits of their football teams. Inevitably challenges followed and it is my hope that none of the gentleman said anything which he will later regret.

The discussion did serve to remind me that with the rapid approach of the bowl season, the last grand gasp of college football before it dies for another year, it might be well to provide the proper perspective for any football discussions which may come before us in the near future.

The best way that I can accomplish this objective is to mention some of the merits of another football team which, in an unassuming and businesslike manner, has been compiling an enviable record in the midlands.

Lest there be some erroneous speculation as to the true identity of this team I am about to discuss, allow me to say at the outset that it is a club known as the University of Nebraska Cornhuskers, merely one of the premier college football aggregations in this or any other season. This fact, which has been thoroughly documented throughout the past 3 months, will almost certainly receive additional emphasis on New Year's Day when the Cornhuskers will entertain thousands of Orange Bowl fans with their feats of gridiron skill and daring.

Aware as I am that any valid claims surrounding football teams must be accompanied by supporting evidence, it is my pleasure to mention just a few of the recent achievements of the Nebraska Cornhuskers and their able coach, Mr. Bob Devaney.

The Cornhuskers recently won their second consecutive Big Eight championship, and I submit that there are few among us who do not recognize the Big Eight as the toughest conference of them all these days. This notable feat of two consecutive championships brings Nebraska's record to an enviable six championships in the past 8 years—a record which surely must be difficult to match in any conference. Five of those championships were won outright. In charitable fashion, last year's title was shared with the University of Missouri.

In compiling its championships the past 2 years, the Cornhuskers have now compiled the third longest winning streak for major schools—18 games without a defeat. That streak marred only by an unfortunate tie with the University of Southern California early this year, is now surpassed by the University of Texas, which team must surely be adjudged to be almost as good as Nebraska, and the University of Toledo.

Most of the credit for the Cornhuskers' amazing record must go to Bob Devaney, commonly known as the winningest coach in the Nation, and with good reason. His teams have a record of 113 victories, 28 losses, and six ties for an average of .801 percent. His record at the University of Nebraska is 78 victories, 18 defeats and only one tie. Under him, the Cornhuskers have lost only

two nonconference games—to the Air Force in 1963 and to USC in 1969.

Coach Devaney has not only instilled a winning spirit at the University; he has attracted to the University young men who are leaders in sports and other endeavors as well. He has helped to mold a togetherness and an esprit among students and all Nebraskans. While fellow Cornhuskers may differ over such matters as politics, the economy or the weather, the entire State is united as one on Saturday afternoons when the only audible cry across the plains is: Go, Big Red.

The high esteem in which Coach Devaney is held by Nebraska is evident in the official November 3 election canvass just completed. It was found that the coach received five write-in votes for Governor and 10 for Senator. In the senatorial race, I was unable to determine whether Coach Devaney's votes cut into my total or my opponent's.

While Coach Devaney has been the focal point for our gridiron eminence, he has not been without help from his players. Let me cite just a few statistics which will indicate what does propel the Big Red.

Since 1962 the Cornhuskers have scored 2,339 points to 1,057 for their opponents. This year they established a Big Eight record with 30 pass interceptions. Paul Rogers set a new Big Eight career kicking record of 24 field goals, 92 extra points, and a new season record with 48 extra points.

While naming Coach Devaney coach of the year this year, the Big Eight also named Linebacker Jerry Murtaugh player of the year. Conference coaches selected four Cornhuskers on the Omaha World-Herald's All Conference offensive team and four more on the defensive team.

The Cornhuskers soon will head for their seventh bowl game in the past 9 years. This will be their fourth trip to the Orange Bowl. They were there in 1955, 1964, and 1966. They have also been to the Cotton, Sugar, Sun and Gotham bowls once each.

I have really only begun to cite the record of astounding feats by this amazing football team, but shall allow this brief summary of achievement to suffice. It will serve, I am sure, to remind Senators who may discuss the game of football in the next 2 weeks that their enthusiasm should be tempered by the knowledge that, if their favorite teams should become too successful, they may collide with the Big Red in some bowl or other. This is a fate which this Senator would not wish for any football team.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PUBLIC WORKS AUTHORIZATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1435, S. 4572.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill by title, as follows: A bill (S. 4572) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR BROOKE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Massachusetts (Mr. BROOKE) be recognized for not to exceed 30 minutes tomorrow following the remarks of the distinguished Senator from Ohio (Mr. YOUNG).

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COOPER. 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. FANNIN. Mr. President, will the Senator yield?

Mr. COOPER. I yield to the Senator from Arizona.

THE SUN DEVILS VERSUS THE TARHEELS

Mr. FANNIN. Mr. President, on the evening of December 30, 1970, in the lovely city of Atlanta, Ga., a momentous contest will take place.

Arizona State University's mighty and unbeaten Sun Devils will play the University of North Carolina in the Peach Bowl.

Mr. President, I am aware that many people in the East and the South and the Midwest think that they have exclusive patents on the game of football.

My purpose here today is to give assurance that "Yes, North Carolina, there are Sun Devils."

In fact, the Sun Devils have been around for some time.

If one looks at the professional football ranks he will discover that Arizona State is tops in producing great players. There are Charlie Taylor and Jerry Smith of the Redskins here in Washington, Travis Williams of Green Bay, Curley Culp of Kansas City, Ron Pritchard of Houston, Larry Walton of Detroit, Ben Hawkins of Philadelphia, Art Malone of Atlanta, Fair Hooker of Cleveland, and Larry Todd of Oakland.

In the last 13 years at Arizona State, Head Coach Frank Kush has run up a record of 99 victories against only 30 losses and one tie. I am told that this is the second highest winning percentage for any active major college football coach in the Nation. In the past 4 years the Sun Devils have rolled to 34 victories and lost only six times.

Despite all this, Arizona State has had a devil of a time getting proper national recognition.

This, Mr. President, is the year of the Sun Devil.

Arizona State won all 10 regular season games and has a streak of 16 straight wins over two seasons.

Arizona State has won the Western Athletic Conference championship the past 2 years.

Arizona State is the national total offense champion with an average of 514.5 yards per game, and in addition, ranks seventh in total defense.

Arizona State is ranked eighth in the Nation by both major wire services.

It would not be fair to North Carolina, or to my esteemed colleagues, Senators ERVIN and JORDAN, for me not to mention a few of the attributes of Arizona State. Indeed, it might be almost unconstitutional if I were to let the Sun Devils sneak upon the unsuspecting Tarheels.

Therefore, in the spirit of good sportsmanship I give this necessarily brief scouting report on Arizona State.

Watch out for offensive guard Gary Venturo and defensive back Windlan Hall, both second team All-Americans as picked by the Associated Press.

Keep an eye on wingback-split end J.D. Hill who scored at least once in every game this year and was Sporting News first team All-American. Incidentally, he is a 9.3 second 100-yard dash man.

Plan your defense to stop quarterback Joe Spagnola who led the conference in total offense and was Western Athletic Conference back of the year for the past two seasons.

Then again, there are 11 other Sun Devil team members who took part in scoring this season, and you will want to sharpen up to try to stop them.

Arizona State is strong in running and passing and defense.

In short, the Sun Devils are as hot as the Arizona sun on the Fourth of July.

This, Mr. President, about sums up what I wanted to say. I have done my duty. My colleagues from North Carolina are forewarned. I take no responsibility for any damage inflicted on the Tarheels by my constituents at the Peach Bowl.

PUBLIC WORKS AUTHORIZATIONS, 1970

The Senate continued with the consideration of the bill (S. 4572) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

Mr. RANDOLPH. Mr. President, what is the legislative order of business pending in the Senate?

The PRESIDING OFFICER. The pending matter is S. 4572, the so-called rivers and harbors bill.

PRIVILEGE OF THE FLOOR

Mr. RANDOLPH. Mr. President, there will be a need for additional staff members from the Committee on Public Works to sit with Senator COOPER and myself and other members of the committee and I ask unanimous consent that they have the privilege of the floor.

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

Mr. RANDOLPH. Mr. President, S. 4572, which has been characterized through the years as the omnibus rivers and harbors and flood control bill, is a measure, as my colleagues know, which is similar to the legislation which has been enacted at periods of 2 and 4 years for a considerable amount of time. The Committee on Public Works, acted after careful consideration and hearings by the subcommittee chaired by our able colleague from Ohio (Mr. YOUNG), the subcommittee that has heard the witnesses on these projects dealing with flood control and rivers and harbors. After this had been done within the committee and within the subcommittee, we decided to bring the measure to the Senate, which is divided into two parts. Title I embraces the rivers and harbors programs, those works that are considered as inclusive of navigational projects, and also those items that deal with the subject of beach erosion and the authorization for navigation and beach erosion control surveys to be carried forward by the Corps of Engineers.

Title II of the bill includes flood control projects, comprehensive basin plans and multiple-purpose projects and authorizations for studies and surveys.

Both titles 1 and 2 will contain a number of items of what we call general legislative effect on those projects that have been previously approved and, also, we shall consider the operation of civil works programs as they relate to the Corps of Engineers of the U.S. Army.

All the works of improvement which have been authorized in this legislation are to be carried forward in accordance with existing law and stipulations that are contained in the appropriate project documents, as modified by certain comments and remarks which, as Senators well know, are contained in the report from the committee accompanying this measure to the floor.

The Public Works Committee has devoted much time to this legislation. Public hearings covered a period of 5 months, extending from April through September.

Details covering the recommended improvements have been furnished by the Corps of Engineers. The State and Federal agencies concerned and the Office of Management and Budget have commented and passed on most of the recommended improvements. In those few cases where projects have been included without the benefit of the views of the Office of Management and Budget language has been inserted providing that construction shall not be initiated until approved by the President. This will insure adequate review by the Office of Management and Budget.

Environmental statements were furnished the committee by the Corps of Engineers in accordance with the provisions of the National Environmental Act of 1969. These statements in most instances were satisfactory. However, since this is a new procedure for which criteria are still being developed, the committee plans to review these procedures with the Corps of Engineers and other interests during the next session of Congress.

There is an indication that some projects included in this legislation will impose changes in the natural and human environment; but such changes are inevitable, Mr. President, if we are to continue to be responsive to the water resource needs of present and future generations and to States like Alaska, represented on the committee by the knowledgeable membership of the Senator from Alaska (Mr. GRAVEL), and States like Florida, with the attention that has been given by the Senator from Florida (Mr. GURNEY), a member of our committee, who understands the problems, as the problems have been so well understood and documented on the Senate floor, and by the able Senator who will retire with this Congress, the Senator from Florida (Mr. HOLLAND).

Mr. President, I have mentioned these two States because the Senators whom I have just named are now in the Chamber during the presentation of these opening remarks.

In an effort to mitigate any possible adverse effects of the projects on the environment, the Committee on Public Works has written language into the bill, language which the ranking minority member of the committee, the able Senator from Kentucky (Mr. COOPER), has deemed to be very necessary.

All members of the committee have been of one mind in this matter, because we think it is very important we require the Chief of the Corps of Engineers to make the studies that will be necessary to insure the project plans include appropriate measures for the protection and/or the enhancement of the environment.

We believe that the projects we bring before the Senate today are well conceived and their inclusion is necessary in a comprehensive construction program by the corps. We also believe that these projects will be a valuable addition to those projects that are now in being and in various stages of construction, or those projects that are now being considered on the drawing board, those projects for protection from floods, and for the improvement of navigational facilities in this country.

The projects to be constructed by the Corps of Engineers as a result of this authorization consist of single- and multiple-purpose dams and reservoirs, levees, floodwalls, breakwaters, and channel improvements.

All are in the interest of navigation, flood control, beach erosion control, and other multiple-purpose water uses.

They will provide needed flood protection to our cities and towns, as well as agricultural areas of the country.

They will enhance the use of the navigable waterways of our Nation, which as we all know has one of the best harbor and inland waterway systems in the world.

These projects will provide additional water for domestic and industrial uses, implementing the supply which in many sections of the country has become increasingly critical.

Recreational activities are a part now—as they have never been before—of what we call the cost-benefit ratio. They are recognized as a factor in the cost-benefit ratio. It was not so many years ago that the projects brought before our committee by the Corps of Engineers did not consider this very important item of recreation. However, there is an increasing need, as well as a desire, on the part of millions and millions of the people of the United States living in our metropolitan centers to go into the countryside and to enjoy boating, swimming and water skiing, and fishing. In these waters there is the opportunity for these recreational uses.

Mr. President, during the period of several years I have attempted to have the Corps of Engineers realize that we should not call an impoundment of water which is being developed for reasons of flood protection either a dam or a reservoir. These very frankly are foreboding words. I think an impoundment of water which has no use for the people of the United States except the protective measures that I have set forth and for fishing, boating, swimming, and water skiing, should not have a designation on the map either of a dam or a reservoir. It should be designated as a lake.

Someone might say that this is a figure of speech. It is not a figure of speech. If a person who wants to come into the West Virginia mountains reads on the map that we have a dam or a reservoir at a certain point—such as Summersville in Nicholas, County, W. Va.—he does not take very much interest in coming into the State of West Virginia or inquiring as to the facilities existing there from the Department of Natural Resources or the Department of Commerce.

What do we have there at Summersville? If the father or mother or children sees on the map that it is designated as Summersville Lake, rather than Summersville Dam or Reservoir, it is natural that they will inquire, if they have no knowledge of the State, what the facilities are for recreation in that area of West Virginia.

I ask—in fact, I invite—all Members of the Senate to come to inspect the

the project which has been developed at Summersville, notably at Summersville Lake, and see the opportunity that exists there for delightful, healthful recreation at one of the most beautiful lakes in the United States of America.

It was not a natural lake, because West Virginia, of course, is the Mother of Rivers. We are not because of our terrain, a State which is dotted with natural lakes.

Mr. President, if I seem to belabor this point, it is for a reason. I think it is important for the Corps of Engineers to be not only resourceful but also creative.

So, I report to the Senate that for the first time the Corps of Engineers, acting on my urgent appeal, has now designated on its maps and on the maps of all States, not a dam or a reservoir, but a lake. That is an appealing word. It causes one to look into the possibilities of visiting that place. This is not minimizing, of course, the basic reason for the lake or for the cost-benefit factors I have mentioned. It is simply that I have never taken the opportunity to do it before.

Legislation has been reported from our committee and has passed the Senate which brought about the change in the designation of all of these projects in West Virginia from dams and reservoirs to lakes. That was done by law. I did not feel that I could approach it in that way in reference to other States. But the Corps of Engineers, as I have already indicated, now designates these projects as lakes.

That is why I was speaking about the recreational activities. They are very important as we consider the environment and the enhancement of the lives of the American people.

All in all, the projects contained in the measure we present today will help to develop the Nation's water and land resources.

The projects recommended are the result, in many instances, of requests made by Members of the Senate and of the House of Representatives for studies of water resource problems in their States.

As the able Senator from Kentucky (Mr. COOPER) well knows, the committee asked the Corps of Engineers to look into these problems and to advise it on the best course of action for remedying the situations involved.

The projects that are contained in this bill are the answers, in part, to these problems.

Highlights of the bill will be of interest:

Section 101 of title I authorizes the construction of 18 navigation projects and five beach erosion control projects at a total estimated Federal cost of $169,673,000.

Section 203 of title II approves 23 flood control and multiple-purpose projects at a total estimated cost of about $310,219,000.

The total authorization contained in these titles amounts to $479,892,000. The projects are located in 32 States throughout the Nation.

The following additional items are included in the bill and are fully explained in the accompanying report:

Section 102 modifies the Port Orford, Oreg., project to provide for maintenance of a channel to the existing port facilities.

Section 103 provides for Federal maintenance of Federal recreational harbors.

Section 104 authorizes study and construction of a navigation channel to the Harry Lundeberg School of Seamanship at Piney Point, Md.

Sections 105 and 106 increase the rates paid to consultants and to civilian members of the Coastal Engineering Research Board to the equivalent GS–18 grade.

Section 107 authorizes navigation and beach erosion surveys at several localities.

Section 108 authorizes further study of the feasibility of extending the Great Lakes-St. Lawrence Seaway navigation season.

Section 109 provides for a study of the effects of navigation servitude to be conducted by the Secretary of the Army, acting through the Chief of Engineers, in cooperation with other Federal and non-Federal public and private interests.

Section 110 modifies the project for the Ouachita and Black Rivers in Arkansas and Louisiana to provide lands for national wildlife refuges.

Section 111 provides for a review of the cost-sharing provisions relating to beach erosion and hurricane flood control projects.

Section 112 specifies that charter fishing craft shall be considered as commercial vessels for the purpose of determining cost sharing related to small-boat projects.

Section 113 amends Section 11 of the Federal Water Pollution Control Act—relating to the discharge of oil—to exempt owners and operators of nonoil carrying, nonself propelled barge units from requirements of filing with the Federal Government evidence of financial responsibility to meet any liability imposed by the act. The amendment does not in any way affect liability under the act.

Section 114 guarantees FHA mortgage insurance for residential structures in the L–K Street slide area in Anchorage, Alaska.

Section 115 authorizes additional expenditures for repair and modification of the Illinois and Mississippi Canal in Illinois.

Section 116 provides for the establishment of a compliance with guidelines to assure consideration of possible adverse economic, social, and environmental impacts of civil works projects and activities.

Section 204 modifies the Big Sandy River flood protection plan to provide for relocating Levisa Fork at Pikeville, Ky., and constructing related drainage facilities as part of that city's model city program.

Section 205 authorizes the Secretary of the Army and the Chief of Engineers to cooperate in preparing the general plan for development of the water resources of the Western United States.

Section 206 increases the annual amount which can be used for flood plain information activities.

Section 207 authorizes the preparation of plans for development of the water and related resources of the Commonwealth of Puerto Rico.

Section 208 extends the expiration date for the local protection project at East Grand Forks, Minn., to April 17, 1975.

Section 209 provides for surveys for flood control and allied purposes at a number of localities in Florida and Hawaii.

Section 210 increases the monetary authorizations for the Upper Mississippi River Basin comprehensive plan.

Section 211 authorizes the review of authorized projects to determine the advisability of modifying the structures or their operation, and for improving the quality of the environment.

Sections 212 and 213 authorize studies to determine the advisability of modifying the project facilities and/or the regulation of impounded waters of the Fort Randall project in South Dakota and the Summersville Lake project in West Virginia.

Section 214 provides for correction of the seepage and draining problems at Niobrara, Nebr., that may be related to Lewis and Clark Lake in Nebraska and South Dakota.

Sections 215 and 216 modify the Missouri River Basin project to provide for free highway bridges over the Missouri between Bismarck, N. Dak. and Mobridge, S. Dak., and over the Little Missouri in the vicinity of Eagle Bay, N. Dak.

Section 217 modifies the Perry Dam and Reservoir project in Kansas to provide for certain road paving.

Section 218 authorizes a determination of the feasibility and desirability of establishing a national recreation area in the Upper Kentucky and Licking River Basins.

Section 219 provides authority to contend with the problem of unauthorized disposal of refuse at water resources development projects.

Section 220 would exclude commercial boat-docks from wildlife areas at water resource development projects.

Section 221 modifies the Libby Dam project to include sewage collection and treatment works at Rexford, Mont., as a part of the relocation of municipal facilities.

Section 222 authorizes an investigation of the Arkansas River Basin to determine means for protecting and enhancing the environment.

Section 223 authorizes a study of the effects of strip mining operations on navigable rivers and water resource projects.

Mr. President, I wish to thank the members of the Committee on Public Works and the members of the staff of the Committee on Public Works for the time and devotion which has been so symbolic of the efforts that we continue to make as we formulate a bill before we come to this body. We do not take a cursory look at these matters. We do as the able Senator from Louisiana (Mr. ELLENDER) has always done with reference to the appropriations on public works. He has been painstaking in going through the cost-benefit ratios, ask-

ing the interested parties exactly the purpose of authorizations, with the resulting appropriations that are necessary to carry them into being.

Of course, we have had the cooperation of all members of the committee. I have mentioned already the Senator from Ohio (Mr. YOUNG), who is the chairman of the Subcommittee on Flood Control-Rivers and Harbors. I have mentioned already the Senator from Kentucky (Mr. COOPER), who is not only the ranking minority member of the full committee, but also the ranking minority member of the subcommittee.

I also wish to express appreciation to Gen. Frank Koisch, Director of Civil Works of the Corps of Engineers, and to his able staff, both military and civilian, for furnishing the committee with the details of the various projects. In particular I would like to thank Mr. John G. Anderson of the Office, Chief of Engineers, for his services as liaison officer for the Civil Works Division and the Committees on Public Works in connection with matters relating to the formulation of this bill.

Mr. President, it is my hope that expeditiously but certainly with a thorough discussion of matters that are in this measure we can move forward with this legislation for a conference with the House, and that we can bring to fruition this important proposal involving so many States and the people of those States prior to the adjournment of the 91st Congress.

Mr. COOPER. Mr. President, the chairman of our committee, the Senator from West Virginia (Mr. RANDOLPH) has stated very clearly and fully the purposes of the bill now before us, and he has pointed out some of its important points. I shall be brief, but I do wish to take this opportunity to express my appreciation for the leadership of our chairman, the distinguished Senator from West Virginia (Mr. RANDOLPH) in the development of this biennial authorization bill.

We have always tried to work together in committee in a nonpartisan way. The committee has conducted extensive hearings. We have given attention to the requirements for project approval which the Congress and the Corps of Engineers have developed over a number of years. We have received the help and the great experience of the distinguished Senator from Louisiana (Mr. ELLENDER), who, with his Committee on Appropriations looks at the authorized projects to determine whether or not appropriations should be made.

I would like to pay my respects to the members of the Public Works Committee staff who have worked diligently on the bill and who have been of untold help.

Throughout the years criticism has been made of the subject matter of this bill in both the authorization stage and in the appropriation stage. Inasmuch as this is a program which affects every State and helps every State and all the people of the United States, I feel sometimes many people who are critical of it do not recognize the long history and beneficial consequences of this work.

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

Mr. COOPER. I yield.

Mr. RANDOLPH. Mr. President, when the Senator from Kentucky mentions the number of States involved, I would like to reemphasize the fact that 32 States are involved in projects of one type or another, projects which benefit not only the people of those States but which benefit also the people of all the States.

Mr. COOPER. I thank the Senator from West Virginia.

Mr. President, for the benefit of the Senate and the people we represent, I wish to mention that the Federal civil works program under the jurisdiction of the Corps of Engineers, embraces the works for improving rivers, lakes, coastal areas, and harbors of the United States in the interest of navigation, flood control, hydroelectric power development, water supply, pollution abatement, recreation, beach erosion control, and other allied water purposes. Much of this work has been carried on for over 145 years since the first appropriation by Congress in 1824. In the river and harbor and flood control legislation since that time Congress has delineated the policies, prescribed the procedures and authorized the water resources developments which constitute the present civil works program, and has delegated to the Corps of Engineers the duty of planning, providing, and administering the works involved therein.

Mr. President, today the Senate takes up S. 4572, a bill to provide authorization for civil works projects for the corps. As many Senators are aware, for many years I have been concerned about specific projects of the corps and I have stated this concern in individual views in several committee reports. These specific concerns have grown into a general concern over the process of making public works authorizations. The committee, in its report, supports these views and announces in a section entitled "Impact of Water Resources Development on the Environment" that during the first session of the 92d Congress the committee is going to review, and possibly revise, the basic statutory authority of the corps. I ask unanimous consent that at this point in the RECORD this section of the report be reprinted.

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

IMPACT OF WATER RESOURCE DEVELOPMENT ON THE ENVIRONMENT

The civil works program of the Corps of Engineers, providing the development and effective utilization of our water and related land resources, has an impact on and imposes many changes in our natural and human environment. If this nation is to continue to be responsive to the needs of its present and future generations, we must be prepared not only to recognize realistically that such changes must take place, but consciously seek out those opportunities where such changes can significantly enhance the quality of our natural and human environment. Water resources development is an essential element of our society and we must be prepared to design and select those projects that not only minimize injurious environmental impacts, but those which positively contribute to an improved environment. This committee is aware of the attention that the Chief of Engineers is giving to this important aspect of the program and of the substantial efforts being mobilized throughout the Corps of Engineers to get on with the job. Particularly noteworthy in that regard are: the establishment by the Chief of Engineers of an environmental advisory board composed of prominent experts in the field, the hiring of new personnel with skills in the social and environmental sciences throughout the corps' organization, and the issuance of new policies and procedures to guide this activity.

In reporting the omnibus rivers and harbors bill this year the committee has taken significant steps in alerting the Corps of Engineers to the importance of environmental factors involved in the projects being authorized. In part this was stimulated by increased public demand for a quality environment and in part by the independent concern of the committee. We are all aware that public values concerning navigable waters have evolved dramatically and yet the general authority of the Corps of Engineers has changed little in the last half century. It is possible that these new values should be reflected in the law.

Therefore, the committee believes it is necessary to review the general authorization of the corps and expects to do so in the first session of the 92d Congress. Some of the important elements leading to this conclusion are set out in order to assist in developing a prospectus for this committee activity.

First: The National Environmental Policy Act, Public Law 91-190, of January 1, 1970, requires the filing of detailed statements on the effects of proposed activities on the environment. In addition, the Water Quality Improvement Act places new demands on the corps in the issuance of permits for activities in navigable waters. The capability and performance of the corps to fulfill these new responsibilities will be reviewed by the committee. Two aspects deserve special attention.

One, the detailed environmental statements on the projects in the reported bill were in some instances unsatisfactory and the committee will request more meaningful performance on the part of the corps and to this end will review the general administrative procedures of the corps, including personnel, information services, and public hearing procedures.

Two, there is considerable dispute over the timing and degree of involvement of the public in the development of the environmental statements required under the act. The committee believes that the present interpretation frustrates the clear intent and purpose of the Act and must be reviewed as it applies to the corps.

Guidelines developed by the Council on Environmental Quality require that environmental impact agencies circulate draft "environmental" statements to the environmental control agencies for comment. Present practice tends to result in environmental agencies, examining the views of the impact agency, rather than the impact of the project on the environment. The committee is concerned that this may tend toward developing a self-serving justification for environmental impact rather than a review of that impact.

Moreover, the Council on Environmental Quality has apparently decided that no statements should be made public until all comments are in and the "draft" is somehow made "final". The committee believes the comments on the environmental effects of a project or proposal from an environmental agency should be made public when the environmental agency has completed its review, *not* when the impact agency decides to issue or the Council on Environmental

Quality decides to approve a "final" statement.

The committee believes the environmental control agencies should not have to wait for a "draft" statement. Major actions, proposals and projects should be brought to the attention of EPA and other interested agencies automatically at the earliest possible time in the planning process for whatever comment is in order and these comments should become public when completed by the environmental agency. Only in this way can the President and the Congress be free to make a policy decision based on all factors, not just those that a particular department or agency might want to be considered.

Second: The authority contained in the Refuse Act of 1899, as it relates to the Federal Water Pollution Control Act, specifically section 21 thereof, has been the subject of considerable debate. Administratively set regulations, guidelines, and procedures have been issued and policies are being developed in several agencies of the executive branch. Several committees of Congress have been reviewing the matter and making additional recommendations. It is timely for the Committee on Public Works, which has the responsibility for both acts, to review them with a view toward making them consistent in purpose, policy, and application.

Third: In the last several years some projects which have either been authorized or for which authorization is sought, have experienced wide fluctuations in the cost-benefit ratio. The principal cause of these changes appears to have been the recalculation of recreation benefits—a benefit which is secondary to the corps' responsibility to provide for navigation and flood control, and which is sometimes larger in dollar amount than any other benefit.

The question is not whether recreation should be included as a benefit of water resource development, but rather to examine how all benefits and costs are incorporated in survey and design. The committee also intends to explore the incorporation of new evaluative techniques which take account of secondary benefits as well as nonquantifiable costs and benefits in the planning and design or projects.

Fourth. As pointed out specifically in the individual views which Senator Cooper filed in conjunction with the Tocks Island project (Rept. No. 91-328), many corps projects change their character and cost drastically between authorization and actual construction. These tremendous changes raise a substantial legal issue: Is a congressionally authorized project authorized in perpetuity despite vastly changed circumstances? More perplexing is the fact that Congress may be the only effective mechanism, public or private, for review of such changed authorizations. Consequently, if the legislative committees of the Congress do not review such an authorization in the light of the changed circumstances, it is possible that public is precluded from effectively contesting that authorization and can appeal only through the annual appropriation process, no matter how substantially a project has been changed. This could put the public at a distinct disadvantage, and in the wrong forum, for the public concern may be with the authorization, rather than with the appropriation.

Fifth: During hearings by the Subcommittee on Air and Water Pollution on offshore dumping held in early 1970, the Corps of Engineers acknowledged that its legislative authority to regulate offshore dumping did not extend beyond three miles. Any gaps in this authority should be reviewed by the committee in the context of the Water Pollution Control Act, the Solid Waste Act, and the civil works program and a consistent policy and program developed.

Sixth: The House Committee on Government Operations Subcommittee on Natural Resources and Conservation conducted a thorough hearing on the issuance by the corps of a license to dredge and fill in Hunting Creek, Va. The committee issued a report following these hearings critical of the corps and recommended basic changes in corps policy.

That same committee has recently published a two-volume set of hearings on San Francisco Bay. These hearings focused principally on the activities of the Corps of Engineers. Following these hearings the committee issued a report making strong recommendations for revisions of corps policy. The committee intends to review these recommendations.

Seventh: National land use policy is increasingly looked to as an essential component of environmental improvement, yet it is clear that civil works projects of the corps dictate adjacent land use more than land use policy dictates the construction of civil works projects. The role that such projects play in determining land use must therefore be considered before any legitimate land use decisions can be made. The committee intends to review this relationship.

Eighth: The concept of alternatives to achieve desired objectives is growing in importance. Yet its translation into actuality is difficult. What are the alternatives to specific flood control projects or to specific plans for navigation assistance? Such things as flood plain zoning, requirements to store run off water in situ, and many more ideas and proposals need investigation. The committee intends to explore these fully. In the First Annual Report the Council on Environmental Quality in sharing this view stated:

The primary rationale for these vast Federal outlays is to supply water for agricultural, industrial, and domestic use and to prevent floods. However, the environmental implication argues for a reevaluation of certain programs. Although the concern has been to produce water for growth and expansion, the decline of the quality of the natural and human habitat, which too often results from such projects, requires a broader perspective. Alternatives are now more seriously considered, along with the potential loss of environmental values. When the public outcry has been strongest, it has prevented the inundation of beautiful stream valleys and canyons. But understanding of the proper balance of water resources and environmental needs is only in its infancy, the number of free-flowing streams and rivers declines yearly as new dams, canals, or channels impound and divert the waters. Although extensive recreation areas are often created from such projects, they often irreversibly destroy the natural systems of land and water in addition to recreation uses of free-flowing streams and rivers. While millions of fertile acres are being abandoned in some areas, millions of dollars are spent in others to irrigate deserts and to dike wetlands for farming. Although some shifts in agricultural land use are clearly necessary, there is no coherent policy to assure that environmentally damaging projects are kept to a minimum. We continue to develop flood plains, then spend millions to protect man's use of them from natural flooding cycles. We continue to view the provision of water resources as a challenge to our engineering ability rather than as a challenge to weigh against man's ecological obligations.

All of the factors, plus the requirement of the National Environmental Policy Act that each agency recommend to the Congress by July 1, 1971, amendments to bring present statutory authority into conformance with the policy stated in the Act, make review in the first session of the 92nd Congress especially timely. The Committee expects to develop a comprehensive record and to this end hopes that all interested persons will participate.

WATER RESOURCES LAW

The committee notes that the Corps of Engineers graduate fellowship program in water resources law, undertaken in cooperation with the George Washington University, is now in its third year. This program, the only one of its type, trains young attorneys in water resources and environmental law. Those completing the program, and receiving their master-of-law degree, are assigned to field offices of the corps to provide the needed legal assistance in the planning and formulation of water resources projects and in the many problems which arise in connection with the planning, construction, and operation of these projects.

The committee feels that this program is of particular importance to the program of the corps, and trusts that it will continue. The committee also feels strongly that these specially trained attorneys should be utilized in the planning programs of the corps, and looks forward to their future contributions to the development of this Nation's water and related resources. The committee will watch with continuing interest the development and implementation of the program.

JOSO BRIDGE, SNAKE RIVER, WASH.

There was referred to the committee S. 2731, a bill providing for payment of compensation or performance of corrective work by the United States where any bridge, trestle, or other highway or railway structure located over the Columbia or Snake Rivers, or their tributaries, is or will be damaged as a result of the construction of any Corps of Engineers dam and reservoir.

It is our understanding that the Joso Bridge over the Snake River at Joso, Wash., is the only bridge to which the provisions of the bill would presently be applicable. This bridge crosses the Snake River, in the area of the pool created by the Lower Monumental lock and dam constructed by the Corps of Engineers. Four piers of the bridge are located in the bed of the river. They rested atop concrete pedestals which were above the maximum high water level of the river. Because of the construction of the Lower Monumental project, it was necessary for the bridge owner to raise the tops of the concrete pedestals 43 feet, to protect the steel piers from the water and possible collisions with debris, ice flows, or vessels.

The committee feels that further study is needed before action is taken on S. 2731, which would have prospective application to all bridges on the Columbia and Snake Rivers. The committee is, however, sympathetic toward the problem associated with the Joso Bridge, and feels that there are equities present which would make private relief legislation appropriate.

PEMBILIER DAM, PEMBINA RIVER, N. DAK.

The Committee on October 22, 1970, held a public hearing in Walhalla, North Dakota. The purpose of the hearing, at which more than 500 persons attended, was to hear firsthand, testimony relating to the need for early construction of the Pembilier Dam.

More than 30 witnesses, including The Honorable William Guy, Governor of the State of North Dakota, testified to the destruction that has been wrought by floods throughout the Pembina River Basin. It was unanimously agreed that unless the Pembina River was controlled, floods would continue to plague the region, resulting in great economic and social loss to the Nation.

The Pembina River Basin is approximately 80 miles southwest of Winnipeg, Manitoba and 160 miles north of Bismarck, North Dakota. It lies astride the international boundary between the Red River (known in the United States as the Red River of the North) and the eastern edge of the Souris River Basin.

The Pembina River Basin is approximately 130 miles long and varies in width from 18 miles to 52 miles. The area of the watershed west of Walhalla is 3,220 square miles of which 1,990 are in Canada and 1,340 in the United States.

The main stem of the Pembina River rises in Canada, flows in an easterly direction in a deeply incised glacial valley for 200 miles through southern Manitoba before crossing into North Dakota. It then winds gently to the east for a further 110 miles to its mouth on the Red River, two miles south of the international boundary. It drops from elevation 2,000 feet at its source to elevation 750 feet at its mouth.

The climate of the basin is characterized by wide variations in temperature. Average monthly temperatures vary from 67 degrees Fahrenheit in July to 2 degrees Fahrenheit in January. Extreme temperatures of 112 degrees Fahrenheit and −54 degrees Fahrenheit have been recorded.

The Pembina River Basin is subject to severe floods. A flood of the magnitude of that which occurred in 1950 would, on the basis of 1963 price levels, cause about $2.7 million in damages in the United States and about $1.6 million in Canada.

In view of the severe flood problems in the basin, the Committee on Public Works authorized the Corps of Engineers to investigate the matter in the United States and report its finding to the Congress. These directives date back to 1945, over 25 years ago. Due to various problems and the international aspects the investigation has not been completed.

A representative of the Corps of Engineers testified that the investigation of the Pembina River is presently underway, but that additional funds would be required to complete the study. In view of the need for early resolution of the flood problem in this basin, the Committee recommends that the required additional funds be made available by the Congress to provide for the completion of this study.

The Committee desires to assure the people of North Dakota, especially the residents of the Pembina River Basin, that at such time as the report of the Corps of Engineers on the Pembilier Dam is received, it will be reviewed and the project for the Pembilier Dam considered for authorization at an early date.

MONETARY SUMMARY OF BILL (COST OF NEW WORK)

The following tables summarize the number of projects contained in the bill, together with the total estimated Federal cost of new work. The projects are itemized in detail in sections 101 and 203.

	Number	Amount
Title I:		
Navigation projects	18	$164,791,000
Beach erosion control projects	5	4,882,000
Total, title I	23	169,673,000
Title II: Flood control and multiple purpose projects	23	310,219,000
Grand total	46	479,892,000

LIST OF PROJECTS BY STATES

Project	Estimated Federal cost
Alabama:	
Navigation: Mobile Harbor	$7,254,000
Alaska:	
Navigation: Humboldt Harbor	2,390,000
Arizona	None
Arkansas:	
Flood control: Posten-Bayou	1,379,000
California:	
Flood control:	
Goleta and vicinity, Atascadero Creek	$13,830,000
San Luis Rey River, vicinity Oceanside	7,900,000
Streams in the vicinity of Fairfield	2,740,000
Total, California	24,470,000
Colorado	None
Connecticut	None
Delaware:	
Navigation: Delaware Bay-Chesapeake Bay Waterway (Also Maryland and Virginia)	6,887,000
Florida:	
Navigation:	
Port Sutton, Tampa Harbor	Maintenance
Tampa Harbor	101,060,000
Beach erosion control:	
Lee County	608,000
Lido Key	240,000
Total, beach erosion control	848,000
Flood control:	
Central and Southern Florida, small-boat navigation	4,896,000
Total, Florida	106,804,000
Georgia	None
Hawaii	None
Idaho:	
Flood control: Placer Creek at Wallace, channel improvement	1,510,000
Illinois:	
Navigation: Waukegan Harbor	1,197,000
Flood control:	
Fort Chartres and Ivy Landing drainage district No. 5 and Stringtown drainage and levee district No. 4	2,310,000
Total, Illinois	3,507,000
Indiana	None
Iowa	None
Kansas:	
Flood control:	
Blue River, vicinity of Kansas City (channel improvement and four reservoirs.) (See Missouri.)	
Marion, local protection	2,146,000
Arkansas-Red River Basin, water quality control. (See Oklahoma.)	
Kentucky:	
Flood control: Western Tennessee tributaries. (See Tennessee.)	
Total, Kentucky	None
Louisiana:	
Navigation: Calcasieu River at Devil's Elbow	3,700,000
Flood Control: Eastern Rapides and South-Central Avoyelles Parishes	15,333,000
Total, Louisiana	19,033,000
Maine:	
Navigation: Frenchboro Harbor	$560,000
Maryland:	
Navigation: Delaware Bay-Chesapeake Bay Water (See Delaware).	
Flood control: Potomac River Basin, Sixes Bridge Reservoir	22,475,000
Massachusetts:	
Navigation: Edgartown Harbor	1,755,000
Beach erosion control: Revere and Nantasket Beaches	2,200,000
Total, Massachusetts	3,955,000
Michigan:	
Black River Harbor	484,000
Ludington Harbor	1,650,000
Ottawa River and Harbor	848,000
Total, Michigan	2,982,000
Minnesota:	
Flood control: Wild Rice River Twin Valley Reservoir	8,359,000
Mississippi:	
Flood control: Steele Bayou, Yazoo River	3,970,000
Missouri:	
Flood control: Blue River, Vicinity of Kansas City (Channel improvement and four reservoirs) (Also Kansas)	101,269,000
Montana	None
Nebraska	None
Nevada	None
New Hampshire	None
New Jersey:	
Navigation: New Jersey coastal inlets and beaches	11,750,000
New Mexico	None
New York:	
Navigation: East River	2,230,000
Beach erosion control:	
South Shore of Lake Ontario, Fort Niagara State Park	1,309,000
Flood control:	
Scajaquada Creek and tributaries at Cheektowaga	1,020,000
Total, New York	4,559,000
North Carolina:	
Navigation:	
Manteo (Shallowbag) Bay	10,769,000
Pamlico River and Morehead City	2,642,000
Total, North Carolina	13,411,000
North Dakota:	
Flood control:	
Sheyenne River, Kindred Reservoir	$20,000,000
Souris River, Burlington Reservoir	29,240,000
Total, North Dakota	49,240,000
Ohio:	
Navigation: Geneva-on-the-Lake	605,000
Oklahoma:	
Flood control:	
Deep Fork River, Arcadia Reservoir	24,900,000
Arkansas-Red River Basin, water quality control (also Texas and Kansas)	5,000,000
Total, Oklahoma	29,900,000

LIST OF PROJECTS BY STATES—Continued

Project	Estimated Federal cost
Oregon:	
Navigation:	
Coos Bay	$9,100,000
Pennsylvania	None
Rhode Island	None
South Carolina:	
Flood control: Reedy River, vicinity Greenville	1,609,000
South Dakota	None
Tennessee:	
Flood control: Western Tennessee Tributaries (also Kentucky)	1,924,000
Texas:	
Beach erosion control: Corpus Christi Beach	525,000
Flood control:	
Running Water Draw at Plainview	3,200,000
Arkansas-Red River Basin, water quality control (see Oklahoma)	
Total, Texas	3,725,000
Utah	None
Vermont	None
Virginia:	
Navigation: Delaware Bay-Chesapeakee Bay Waterway (see Delaware)	
Flood control: Potomac River Basin, Verona (Staunton) Reservoir	24,949,000
Washington:	
Flood control:	
Wenatchee, channel improvements	8,400,000
Zintel Canyon, vicinity Kennewick, reservoir and channel improvements	1,860,000
Total, Washington	10,260,000
West Virginia	None
Wisconsin	None
Wyoming	None
Puerto Rico	None
Grand total	479,892,000

COMMITTEE RECOMMENDATIONS

The committee recommends adoption of the projects and plans substantially as set forth in the bill, subject to certain qualifying remarks as follows (details and provisions of all items contained in the bill are set forth elsewhere in this report):

New Jersey coastal inlets and beaches.—The committee has approved the authorization of this project with the provision that the Chief of Engineers, during the planning and construction phase of the project, take appropriate measures to insure that dredged spoil used for beach replenishment does not contain polluted material. And in addition, take such other measures as may be necessary for the protection and enhancement of the environment.

Pamlico River and Morehead City Harbor, N.C.—It is the policy of the committee, generally, not to include those projects in the bill that have not been cleared by all the Federal agencies, including the Office of Management and Budget. However, the committee, from time to time, depending upon the circumstances involved, deviates from this rule. An emergency situation exists at this harbor in that the existing channels are grossly inadequate for the needs of present deep-draft shipping. Therefore, the committee has seen fit to include an item in the bill authorizing the project, with the provision that construction shall not be initiated until approved by the President. This will insure adequate review by the Office of Management and Budget.

Tampa Harbor, Fla.—The committee desires that the Chief of Engineers during preconstruction planning, give full consideration to the feasibility of offshore transfer facilities or shore facilities near the mouth of Tampa Bay, in lieu of channel deepening. The committee also requests that the Chief of Engineers give further consideration to the amount of overdepth dredging required for safety of navigation. The findings in these matters should be made known to the Committee on Public Works at an early date. The committee is well aware of the critical situation in Tampa Harbor and the urgent need for providing improvements to accommodate the needs of existing and expanding commerce. Therefore, the Chief of Engineers is urged to make the desired analysis as quickly as possible and to proceed with all necessary preparatory studies in advance of detailed engineering and design in order that no delay will be experienced in providing the necessary navigation improvements so vital to this harbor.

Mobile Harbor, Ala.—The committee notes that the Chief of Engineers made detailed studies of two plans providing for improvements at this harbor. Plan A, the recommended plan, provides for certain improvements having a benefit-cost ratio of 2.1. Since the alternative plan, plan B, is also economically justified, but less costly, the committee desires that the Chief of Engineers reexamine both plans during preconstruction planning in order to reaffirm the recommendations made in House Document 91–335.

Mr. COOPER. Mr. President, the Senator from Delaware (Mr. BOGGS) also described, in individual views filed in the report with reference to specific projects, difficulties with problems that arise in the authorization of corps projects.

Mr. President, during the consideration of the omnibus bill, it was brought to the attention of the committee that the requirement in the Federal Water Pollution Control Act for evidence of financial responsibility, as it was being implemented by regulations, was causing a hardship to certain owners and operators of vessels that was in no way related to the objectives of the requirement in the act to show financial responsibility. Because of the timing involved, the committee chose to make a clarifying amendment to the financial responsibility subsection of the Water Pollution Control Act in the omnibus bill in order to avoid such hardship and administrative redtape. The very limited amendment provides that owners and operators of non-oil-carrying, non-self-propelled barge units do not have to show evidence of financial responsibility to meet liabilities imposed by the act. It should be pointed out further that the amendment in no way affects liabilities imposed by the act. I ask unanimous consent that at this point in the RECORD the section in the report describing the amendment be printed.

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

SECTION 113

Section 11 of the Federal Water Pollution Control Act as amended was added by the Water Quality Improvement Act of 1970, Public Law 91–224, April 3, 1970. Subsection (p) (1) of the section requires that any vessel, including any barge, over 300 tons using the ports or waters of the United States maintain evidence of financial responsibility "to meet the liability to the United States [to] which such vessel could be subjected under this section." This evidence is to be provided under regulations prescribed by the Federal Maritime Commission pursuant to a delegation from the President.

The regulations (46 CFR 42), of the Federal Maritime Commission require owners and operators of vessels over 300 tons, including dry cargo barges, to apply for certificates of financial responsibility covering all such vessels. The certificates must be obtained before April 3, 1971, and the regulations provide that applications for certificates should be filed by December 31, 1970, to facilitate timely processing. Owners and operators must file supplemental information to inform the Commission of certain transfers of the ownership or control of vessels.

For nonoil carrying inland and coastal owners and operators of non-self-propelled barge units compliance with the regulations would be a time consuming and costly process. Furthermore, many of these barges are chartered to successive operators on an almost daily basis so that frequent updatings of information covering these barges might have to be processed, fees charged, and amended certificates issued. In addition, under proposed regulations of the Commission, each company applying for a certificate would have to pay a $100 application fee, plus additional fees based on the number and sizes of the vessels involved for each new certificate and each amended certificate issued.

Section 11 of the Water Quality Improvement Act of 1970 imposed a form of absolute liability on those who carry oil, and residual liability on those who may cause accidents resulting in the discharge of oil in the navigable waters. Since non-self-propelled dry cargo barges would not be directly liable under the act, it does not at this time seem necessary for owners of such barges to meet the same financial responsibility requirements imposed upon owners of vessels which carry oil as either cargo or fuel. In addition, it should be noted that with only the exception of a very small number in Canada, all owners and operators of such non-oil-carrying barges are domestic corporations with assets readily accessible should a liability under act occur.

It should be clear that the amendment in no way affects the liability imposed by the act. Rather, it simply exempts owners and operators of non-oil-carrying inland and coastal non-self-propelled barge units from the requirement of establishing, with the Federal Maritime Commission, evidence of financial responsibility to meet costs of removal of oil discharged as a result of an act involving barges and for which the act imposes liability.

Mr. COOPER. Mr. President, Senator RANDOLPH joined with me in offering this amendment to the committee as a reasonable and appropriate step to take to remedy this situation which is not necessary in order to fulfill the obligations and responsibilities under the Water Quality Improvement Act.

In looking toward the activity announced by the committee dealing with the corps, I hope and expect that all sectors of our society will communicate their ideas on the corps' activities and performance to the Committee on Public Works so that a complete record may be gathered by the committee and any reauthorization of the corps be based on the most complete evidence available. Also I hope that these hearings will provide a forum for the most innovative ideas for new corps' activities. The issues that will be involved in these hearings will be complex, involving as they do the

many values that attend the development of water resources.

Mr. President, on page 4 of the report there is printed a statement entitled "Value of Civil Works Projects." I ask unanimous consent that the statement on page 4 may be printed in the RECORD.

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

VALUE OF CIVIL WORKS PROJECTS

This committee has become increasingly concerned over mounting public criticisms and efforts directed toward halting or delaying needed water resources improvements. The impacts of water resources developments and the changes they impose on our natural and human environment are valid bases for public inquiry and concern; we must seek to obtain a proper balance between development and preservation in order to sustain and improve the quality of life for both present and future generations. In striving for that objective it is essential that the full range of public interests be considered in arriving at the best decision from the overall public viewpoint. Some controversy is unavoidable, due largely to honest differences of opinion, but the committee believes that the differences should be defined, reconciled, if possible, and brought to decision in due course using democratic processes. It is in this perspective that the committee has acted on the projects contained in this bill.

In all the public discussion of a few controversial projects, the manifold and widespread accomplishments of the many projects that have been constructed under the civil works program are too often overlooked. These projects have served their intended purposes well and have produced widespread public benefits far in excess of what had been anticipated. Flood damages prevented by corps projects to date are estimated to total $19 billion, or over three times the total expenditure for flood control. Harbors and waterways built by the corps carry almost 1.4 billion tons of traffic annually and account for about one-sixth of the Nation's total of intercity traffic. The 12 million kilowatts of installed hydroelectric power capacity in corps dams is a pollution free source of electric power and brings revenues of about $100 million annually. Water storage in corps reservoirs supplies about 4 million people and improves the quality of our streams by augmenting low flows. Construction of harbors, waterways, reservoirs and the restoration of our beaches has created countless new recreational opportunities for our citizens. Recorded visitation at corps projects exceeds 250 million yearly, and perhaps a like number goes unrecorded.

Large as these figures loom, they are but a partial appraisal of the true value of this program to the American people. The effects of this program extend into virtually all aspects of business activity and make significant contributions to the social well being of our people. It is the opinion of this committee that the civil works program has proven to be of inestimable value to the Nation and its continuation at an accelerated rate is in the public interest.

Mr. COOPER. Mr. President, I would just say to demonstrate the benefit of the Corps of Engineers activities in past years that the estimated flood damages prevented by projects which have been authorized and then later funded amounts to a total of $19 billion. Harbors and waterways built by the corps carry almost 1.4 billion tons of traffic annually. The 12 million kilowatts of installed hydroelectric power provide a capacity which can meet the heavy load which falls upon electric systems at peak times during the day. Water storage in corps' reservoirs supplies about 4 million people and improves the quality of our streams by augmenting low flows. Construction of these facilities by the corps has created many new recreation opportunities for our citizens who are interested in recreation, and these visits amount to over 250 million a year.

Although the report records the value of these projects, let me say that our committee, and other committees, are not wholly satisfied to accept without question, the construction of these projects. We have announced in our report (91–1422 a review of the jurisdiction and its basic statutes of the Corps of Engineers in the next 2 years to determine if we can bring them into more modern application.

So I think the bill is one which deserves the support of the Senate, and I hope very much it will be approved.

We do not look at the procedures for project approval established by the Congress lightly. We went over the bill project by project, and with respect to projects for which the Office of Management and Budget had not yet recommended its approval, we either refused the authorization of funding or provided that they be funded only when they were cleared by that Office.

We also called to the attention of the Corps of Engineers, as the Senator from West Virginia (Mr. RANDOLPH) has noted, the requirements for reports on the environmental impact of these projects which accompany the project through the review process, and have insisted that they be provided, again before funding shall be given by the appropriate committee.

While we have no projects involving the expenditure of major sums of money in this bill which affect Kentucky, we have been very well considered in the past by the committee and also by the distinguished chairman of the appropriations subcommittee, the Senator from Louisiana (Mr. ELLENDER).

Mr. RANDOLPH. Mr. President, will the Senator yield momentarily?

Mr. COOPER. I yield.

Mr. RANDOLPH. West Virginia is not included in this measure, but we hope, as before, that in the future we will participate. We do so, however, as the Senator knows, only on the basis of the needs and the development of the facts.

Mr. COOPER. Yes. I did not realize that we were both in a similar position. I am glad that fact has been cited, to show that we are not just taking care of ourselves, as some of our critics think, and to indicate that we look at all projects on their merits and determine if the procedures which have been set by Congress are strictly followed before projects are authorized.

Mr. President, I am very pleased to note, however, that the committee approved several provisions in the omnibus rivers and harbors bill which I had requested. I am grateful for the interest and consideration of the chairman, the able Senator from West Virginia (Mr. RANDOLPH), and to the full committee.

I wrote a provision, which was adopted by the committee as section 219 of S. 4572, to provide the Corps of Engineers with enforcement powers against dumping or disposal of refuse, garbage, rubbish, trash, debris, or litter of any kind at water resource development projects under its jurisdiction. The beauty of many of our manmade lakes is threatened by heaps of trash and litter which are strewn across their banks. I think it is a disgrace that many camping and picnicking areas around corps' lakes are cluttered with debris and trash. Many local groups in my own State of Kentucky have become increasingly concerned about the unsightly conditions at recreational areas. Visitation figures at corps lakes throughout the country are growing rapidly and new authority is needed to preserve the beauty and cleanliness of these areas.

Upon investigation, I found that the Corps of Engineers now has no penalties for littering nor enforcement powers against it. My proposal would provide penalties and enforcement powers for the Corps of Engineers, identical to those already in existence for the National Park Service and the U.S. Forest Service. It would authorize the corps to issue regulations prohibiting dumping and litter, with penalties of not more than $500 or imprisonment for not more than 6 months, or both, for any violation. Persons designated by the Chief of Engineers would have the authority to issue citations for violation. Persons charged with a violation could pay the citation or appear before a U.S. magistrate for trial.

Another provision, section 218, which I authored, would authorize the Corps of Engineers to cooperate with the State of Kentucky, the Forest Service, and the Bureau of Outdoor Recreation of the Department of Interior in planning a national recreation area to encompass the Kentucky River palisades and reservoir projects in the upper Kentucky and Licking River Basin, including the Red River Gorge and the Cave Run Reservoir.

The provision would instruct the Corps of Engineers to help develop plans to meet the needs of the State for improvement of the old locks and dams on the Kentucky River, outdoor recreational facilities, enhancement and conservation of fish and wildlife, and other measures for environmental enhancement, all with a view of encouraging and supporting the economic development of the State. Governor Nunn first approached me about the possibility of establishing a national recreational area in central Kentucky.

The Senate committee bill in section 204 would authorize the Corps to cooperate in a comprehensive undertaking to construct an "open cut" in the hills at Pikeville, Ky. The open cut would rechannel the Levisa Fork of the Big Sandy River and provide for the relocation of U.S. Route 23 and the C. & O. Railway. Portions of the land drained of the Levisa Fork would be filled, creating several hundred acres of land ideally suited for industrial, commercial, and residential and civic development. The plan has recently received national attention. It was developed by the city of Pikeville under its model cities program, with the assistance and cooperation of the State of Kentucky, the Appalachian Regional De-

velopment Commission, and several participating Federal agencies.

The committee also approved section 203 of the bill, a provision authorizing $1,924,000 for channel improvement and a new diversion channel in Bayou du Chien, channel realinement and enlargement in the Lake No. 9 area of Fulton County, Ky., and Reelfoot Lake Basin, Tenn., and a new diversion ditch to the Mississippi River. Flood protection is badly needed in this area. Flooding now occurs nearly every year, which causes extensive crop losses in the Reelfoot Lake Basin.

Mr. President, section 220, a provision which would prohibit the Corps of Engineers from establishing a commercial boat dock within the vicinity of a wildlife refuge or reserve, was also added by the committee at my request. While the provision would have general application, it would apply specifically to a problem at the community of Pleasant Hill on Lake Cumberland, Ky. The 1950 master plan for Lake Cumberland called for a commercial dock at Caney Creek. Since 1950, a community has been established at Caney Creek and the area is now generally known as "Pleasant Hill."

A wildlife reserve is located directly across the lake from Pleasant Hill. It contains the largest deer herd in the State of Kentucky, and is managed by the State department of fish and wildlife. The department has gone on record as opposed to a commercial dock at Pleasant Hill. The department believes a commercial dock would jeopardize the game reserve.

In addition, a commercial boat dock would work a considerable hardship on the Pleasant Hill community. The community was not established in 1950 and many conditions have changed since then. I believe an alternate site can be found which would not jeopardize the community, but would at the same time serve the public interest in a commercial dock, for the use of the general public.

Another provision, in which I was joined by the committee chairman (Mr. RANDOLPH), section 223, authorizes the Corps of Engineers to review and study the effects of strip mining operations upon navigable rivers and their tributaries, including water resource projects under its jurisdiction, and report on such studies to Congress within 1 year from the date of enactment of this act. The provision authorizes the Corps of Engineers to make recommendations as to measures necessary to mitigate any adverse conditions due to strip mining practices.

We had a problem recently on the same lake which I previously mentioned—Lake Cumberland. The situation involves the barging of coal up and down the stream and many people in Kentucky are concerned that the barging may pollute the lake. Barging itself is difficult to stop, because the law requires that these lakes be open to all for navigation. Also, one of the beneficial uses which the Corps of Engineers takes into account in planning these projects is that of navigation.

Barging may or may not pollute Lake Cumberland and its impact depends greatly upon the construction of proper loading and unloading facilities.

However, another potential pollution problem which has been raised by the request for permission to barge coal on Lake Cumberland, is that of acid mine drainage into the lake from strip mines located nearby. Coal from these mines and its proximity to the lake is the reason for the barging permit request, for the coal will be barged to a powerplant at the other end of the lake. In my opinion, the location of the mines so close to the lake could itself endanger the quality of the water.

So, for the first time, we are giving the Corps of Engineers authority to commence a study of the effects of strip mining operations on the water resource projects under their jurisdiction.

I have one other statement to make, and then I shall yield the floor.

There is one additional problem which has developed, and which I know has been particularly noted by the distinguished Senator from Louisiana (Mr. ELLENDER), chairman of the Appropriations Subcommittee on Public Works. That is the problem of a change in the purposes and costs and benefits of a Corps of Engineers project, particularly if it is one authorized for a number of years. Not only must we face the problem of increased costs, but of changes in purpose from time to time. I call to mind specifically a project in the Delaware River Basin, the Tocks Island Dam and Reservoir, which has involved great cost, and which has been modified from time to time.

I think in such cases it is necessary that not only the Appropriations Committee, but the authorizing committee, review the projects which have been approved, to determine whether or not they are in conformity with the initial purposes, or whether they have been so changed that we should reconsider their authorization or provide for their deletion from public works schedules.

Mr. President, I again express my great appreciation, for myself, and on behalf of my Republican colleagues on the committee, for the courtesy, the fairness, and the objectivity of our chairman, the distinguished Senator from West Virginia (Mr. RANDOLPH). I express my appreciation again also for the wonderful and diligent work of our staff, and I expect that Senator RANDOLPH and I, at an appropriate point, will place their names in the RECORD, so that they will know we do appreciate them, and to help establish their qualifications to someday take our places.

Mr. RANDOLPH. Mr. President, I want to comment on the excellent presentation of the Senator from Kentucky. I do so so that I may reemphasize what he has said about the Senate Committee on Public Works.

If there is any partisanship in the committee, I do not know where it exists. The members have their convictions and viewpoints, but I could never have had a finer challenge or a more sincere sense of working with people who were knowledgeable and cooperative than I have had during my tenure as chairman of this committee.

I express this feeling to the members of the committee personally very often, but even in the debate on this measure, I want my colleagues on the committee to know and the RECORD to reflect that I feel very strongly about this matter, and that is the reason I have risen at this time—to express further appreciation for the attitude of cooperation and for the extreme effort, Mr. President, which it is necessary to make sometimes to adjust our thinking, but to come out as nearly as possible with a consensus of the committee membership after well-considered and well-balanced study of each and every item. I believe we have done that on the measure before us today.

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

Mr. RANDOLPH. I am happy to yield to my colleague from North Dakota.

Mr. BURDICK. Mr. President, I should like to add my words of commendation to the Committee on Public Works, chaired by the very able Senator from West Virginia. I know something of that committee, its work, and the diligence that has been expended by its members. They have gone to great lengths in determining the cost-benefit ratios which are necessary to determine the economic viability of these projects.

When we deal with flood control, for example, we are dealing with the preservation of the natural resources of this country; and if Senators will read the committee report, they will find many projects devoted to flood control and similar related endeavors.

I know the committee has done a tremendous job. I know it from my personal vantage point, of which I should like to tell the Senate of one aspect. This committee held field hearings in North Dakota, received evidence at first hand, listened to a great many witnesses, and informed themselves fully on the matters under consideration.

So I wish to say to the chairman and to his committee, on behalf of the people of my State, "We are very grateful for the way you have handled these matters, and express our appreciation to all of you."

Mr. RANDOLPH. Mr. President, I ask my colleague to refresh my memory on the location of the site where we held the hearing in North Dakota on the first day.

Mr. BURDICK. On the first day it was held at Walhalla, up near the Canadian border.

Mr. RANDOLPH. Yes. I do this for a reason, because in a sense it is Indian country, or at least in background.

Mr. BURDICK. Related. The Indian country referred to is the Charging Eagle Bay project.

Mr. RANDOLPH. Yes, that is true.

Mr. President, I think sometimes it is well to pause for 2 or 3 minutes and reflect on our findings, as I do now with reference to a particular area of the country where I had the responsibility to chair these hearings.

There were 1,500 people who came together in that high school gymnasium. I remember this part very well. They were not people who had traveled a few miles, you know, and objected because there was not a subway, but people who had come from hundreds of miles to be present at that hearing.

Those people had many problems, but few complaints. As Senators know, there

is a difference in different parts of the country as to some of those situations. They came there because they were intensely interested in the development of their State, the protection of its wildlife, and the utilization of its water resources.

I am stressing this point because I saw evidence there of something about this country that encourages me.

I, of course, read the headlines and see through television the pictures which so often accentuates the disturbances to our society from the youth of the United States of America. I saw, on this occasion, at least 500 high school boys and girls, who came in relays—I call it relays, because as one group left to go back to their class studies, another group would come in. I believe perhaps 100 at a time would move in and out.

I saw young people who were listening to those hearings, who were concerned, yes, about the environment, as some of them expressed to me personally. But they came. They had a sense of courtesy and propriety. I do not know who taught it, whether it came from parents who are still close to their children in that part of the country, and who give them, not so much of their affluence from the standpoint of finances, but give to their children time.

The child or young person does not always need so much in the way of material things which are so much a part of an affluent society; but the parents, the father and mother, need to give to their young, their children, their time and their attention. And I saw there that someone, including, I am sure, the members of the teaching staffs, had done that.

I realize that young people, of course, are vigorous and active, and they move about, and understandably would not sit, perhaps, as some person 50 years of age would sit. But they were part of that hearing, and I shall never forget this experience, I say to my colleague from North Dakota.

As I have stated, sometimes I think it is important for us in the Senate to speak of the positive rather than to accentuate the negative in reference to our young people, because on this occasion, in what I have said, there is every reason for me to document it as I have done.

I thank the Senator.

Mr. BURDICK. I thank the Senator from West Virginia. I might add, on behalf of those young people and all the citizens of our State, that we appreciate greatly the work and time spent by the committee in seeking solutions to some real problems in our State.

Mr. ELLENDER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 35 after line 21 insert a new section 224, and on line 22 change the section number from 224 to 225:

"SEC. 224. It is the intent of Congress that the objectives of enhancing regional economic development, the quality of the total environment, including its protection and improvement, the well-being of the people of the United States, and the national economic development are the objectives to be included in federally financed water resource projects, and in the evaluation of benefits and costs attributable thereto."

Mr. ELLENDER. Mr. President (Mr. BURDICK), before discussing the amendment, I would like to compliment the senior Senator from West Virginia as well as the senior Senator from Kentucky for the very excellent omnibus river and harbor and flood control bill they and their committee on Public Works have brought to the floor of the Senate. If we are to be worthy stewards of the soil and water resources of the Nation, we must give a high priority to the development and preservation of these pricelss resources. The chairman of the Public Works Committee is recognized as an outstanding leader in the wise use and preservation of our land and water for future generations.

Mr. President, as chairman of the Subcommittee on Appropriations which deals with public works, I worked hand in hand with the chairman of the Public Works Committee as well as with the Senator from Kentucky (Mr. COOPER).

During the course of the last 20 years, we have been able to provide for the beneficial use of our waters in order to provide navigation. I do not know what would happen to our country—particularly in the present situation with respect to our railroads in which we are having a great deal of difficulty now—had we not provided for our inland waterways.

I well remember that of the 14 locks and dams that were constructed on the Ohio River as well as the several locks and dams on the Monongahela River which provides navigation to Pittsburgh and from Pittsburgh down the Ohio and Mississippi Rivers clear on to the Gulf of Mexico. Many of these projects were put into the appropriation bills as unbudgeted items. They were well thought through, not only by the Public Works Committee but also by the Subcommittee on Public Works of the Committee on Appropriations, of which I am chairman. Had we not provided those funds, our country would be in a bad way at the moment in regard to bulk transportation.

Today, we have barge services, as I have just indicated, down the Monongahela River to Pittsburgh, and from Pittsburgh clear on down to the gulf. In the early part of next year, we will have barge service from Tulsa, Okla., on the Arkansas River clear on down to the Gulf of Mexico. On the Missouri River we are providing for navigation from Sioux City, Iowa, so that we now have transportation clear on down to the Mississippi River and on down to the gulf.

We have provided similar facilities in the Northwest, on the Columbia River and Snake Rivers. We have provided for navigation on the Alabama and Coosa Rivers, so that now we are able to have transportation on those streams from Georgia, on down to the Gulf of Mexico. We are now working on a project to provide transportation from the gulf, via the Tennessee and Tombigbee Rivers into the Ohio and Mississippi Rivers. We are doing all of this so that we can make our rivers work for us.

Mr. President, I do not know of anything better Congress could do for the American people than to provide funds for the construction of these projects, which not only protect and preserve the two greatest resources we have—land and water—and at the same time make them work for us.

I am happy that in the past 16 years, since I have been chairman of the Subcommittee on Public Works, of the Committee on Appropriations, I have been able, with the assistance of my colleagues, to provide for all this water transportation, as well as hydroelectric power, flood control, and similar water resource purposes.

Mr. President, my amendment would express the intent of Congress that the objectives of enhancing regional economic development, the quality of the total environment, including its protection and improvement, the well-being of the people of the United States, and the national economic development are objectives to be included in federally financed water resources projects and in the evaluation of benefits and costs attributable thereto. For many reasons it is essential that Congress at this time adopt such a statement of policy.

The Office of Management and Budget appears to be hostile to the entire water resource program. Both last year and this year that Office has recommended the placing in budgetary reserve all congressional add ons for water resource development.

When the Water Resources Council increased the discount rate a commitment was made that the Council would review the standards and procedures for formulating and evaluating water resource projects with a view to including all benefits in project evaluation. The Office of Management and Budget has successfully delayed the implementation of the report of the task force.

I ask unanimous consent to have printed in the RECORD a memorandum from Mr. Donald B. Rice, Assistant Director of the Office of Management and Budget, to W. Don Maughan, Executive Director of the Water Resource Council, dated December 2, 1970.

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

MEMORANDUM

To Mr. W. Don Maughan, Executive Director, Water Resources Council.

Subject: Proposed principles, standards, procedures for formulating and evaluating water resource plans and projects.

This is in response to your letter of October 29, 1970, to Mr. Weinberger on the above subject.

As Mr. Weinberger indicated at our meeting with you and representatives of the members of the Council on October 7, the proposed principles and standards should be carefully scrutinized because of the long range implication of these guidelines on future water resource development. We, therefore, are making an intensive review to assure that this is the best possible planning tool from the Administration's standpoint. As promised, our views will be furnished to the Council within 90 days.

So far, we have noted some changes that we believe should be made in the proposed standards. We believe the following changes are necessary to meet the goal of better decision making in water resource investments.

ADDITIONAL NON-FEDERAL PARTICIPATION IN DEVELOPMENT COSTS

Everyone agreed at the October 7 meeting that beneficiaries of water resource projects should be required to participate more in the costs for project development. Except for recommendations regarding cost sharing for water quality control, the WRC task force recommends no change in current policies regarding apportionment of costs to local interests.

We commend the task force for its proposal for water quality control cost sharing and concur in that recommendation. However, other cost-sharing proposals are also needed. Non-Federal interests should be required to pay substantially more of the investment costs in the future. For example, local cost sharing for flood control projects should be consistent with the Federal flood insurance program. More importantly, equity calls for increased local participation in water development projects.

WRC is considering new cost sharing policies for flood control. We strongly urge that this study be concluded soon since it has been identified as a possible 1972 program reform by the President. This study should be approved prior to approval of the proposed principles and standards.

DISCOUNT RATE

In determining the discount rate for government investments in water resources, we believe that the real opportunity cost of capital should be used. We recognize that the rate of movement from the current level of 5⅛ percent will have to be worked out but a significant increase from the current level should be made immediately.

MULTIPLE-OBJECTIVES

The task force report provides for the recommendation of plans to meet objectives of regional development, environmental quality and quality of life even when costs, on a national income basis exceed the benefits. We strongly disagree and believe no plan should be recommended unless the addition to national income exceeds the costs.

BENEFITS FROM INCREASES IN OUTPUT RESULTING FROM EXTERNAL ECONOMIES

The task force recommends that external economics and diseconomies resulting from water development be included in planning reports. It recognizes that present techniques are not well developed for measuring external economies and diseconomies. We do not agree that those economies or diseconomies attributable to influencing the economies of scale of processors or other producers should be included as benefits to a water resource project. Where such economies exist, they not only are almost impossible to measure but are probably offset by reverse phenomena elsewhere. However, external effects caused by a project such as increased costs imposed on parties other than project beneficiaries can be evaluated with sufficient confidence to warrant their inclusion in the national benefit-to-cost estimates.

BENEFITS FROM UTILIZATION OF UNEMPLOYED AND UNDEREMPLOYED RESOURCES

The task force report states that benefits should be counted when a water plan creates an opportunity to use resources that would be unemployed or underemployed in the absence of the plan. The report states that utilization of such resources may come about (a) as a result of implementing a plan, including construction, operation, maintenance, or replacement; (b) as a result of the use of intermediate goods and services resulting from the plan; or (c) as a result of expansion of output by firms who are indirectly affected by the installation of the project or indirectly affected by consumers and firms who use final and intermediate goods.

Use of unemployed or underemployed resources, namely manpower, on a project is now counted as area redevelopment benefits. Counting benefits under (b) and (c) above are conjectural; for example, the employment of unemployed persons in an area because an industrial plant is expected to locate there because of flood protection to be provided by a project. It is difficult to forecast plant locations. In addition, the plant may only relocate from one region to another so that there is no net addition to national income. Also, a plant planned for one location in a region might locate in another area within the region because of the project, in which case, there is no net addition to the region attributable to the project.

In addition to the question of private investments required to produce these benefits, non-Federal public investments, such as streets, water supply and sewers, may also be required before the benefits will occur. Thus, these types of benefits are not only conjectural but must be allocated among the various investments.

Benefits from the use of underemployed or unemployed resources in (b) and (c) above should not be included in the national income account and only included in the regional development account as a side calculation for information as to possibilities and not enter into the benefit-cost analysis of the cost allocation.

BASIN-WIDE ANALYSIS

The standards will apply to the preparation of framework studies or assessments, regional or river basin studies, and implementation (individual project) studies. Conceptually, basin-wide or regional analysis is the proper way to formulate water resource plans. In particular, one should be careful to eliminate double counting from the same population base; Further, this should assure a multi-agency effort which will facilitate trade-offs among agency objectives. In addition, however, water development should be an integral and necessary part of a regional economic development plan prepared by others than water planners.

INTERNAL EFFICIENCIES (INCREMENTAL ANALYSIS)

The standards need a stronger statement on the use of incremental analysis to determine optimum scale of development. The statement should stress the optimization of each project of a group of projects, and including each separable segment and each purpose of a project, as well as optimizing the scale of physical development.

APPROVAL OF PROPOSED PRINCIPLES, STANDARDS, AND PROCEDURES

We agree that the President should approve the statement of principles. With regard to the approval of the statement of standards, we believe it would be an appropriate task for the Office of Management and Budget. The standards, as well as the principles, will guide the course of future water resources planning and development. The importance of the standards suggests that the review and approval responsibility should be in the Executive Office of the President.

OTHER ISSUES

There are other areas that we are concerned with and now have under deliberation. We will communicate with you on these at a later time. Examples are:

Proposal to apply standards to activities not now covered by water resources standards, primarily land resources.

Proposed procedures for calculating navigation, recreation and agricultural related benefits.

Practicability of the social well-being or quality of life objective as an explicit planning objective.

Implication of publishing a national program for water resource development.

Recommended cost allocation procedures compared to other alternatives.

Validity of projections set forth in the standards to be used in planning.

Criteria for establishing period of analysis for a water resource plan.

We are furnishing this information in order to be more responsive to the Council's request for our views on the proposed principles and standards. This should allow you to focus early on some major areas of disagreement between the Council's task force and OMB. OMB staff, of course, is available to work with you on this matter.

DONALD B. RICE,
Assistant Director.

Mr. ELLENDER. Among other things, it will be noted that the Office of Management and Budget expresses the view that the discount rate should be the opportunity cost of money—that is, somewhere between 10 and 15 percent—and that only national income benefits should be used in determining the benefit-to-cost ratio of water resource projects.

If the Office of Management and Budget is allowed to prevail, it will effectively sound the death knell of water and land resource projects at the very time we should be expanding our efforts in the field.

Mr. President, we have been trying to get this for quite some time. Other departments use such benefits, and, for the life of me, I cannot see why water resource projects cannot do the same. I am very hopeful that my good friend, the Senator from West Virginia, will consider this amendment and take it to conference, because I think it is essential if we are to proceed with the construction of any of the projects that he is now advocating for authorization. In this connection, I believe it is in accordance with his letters to the Chief of Engineers directing that secondary benefits be included in the Corps of Engineers' economic analyses.

Mr. RANDOLPH. I thank my knowledgeable colleague, the distinguished Senator from Louisiana, who presents this amendment for our consideration.

I have had the opportunity to discuss this matter with him prior to the presentation of the committee's action. It is my feeling, a personal feeling—I have not had the opportunity to discuss this matter with the ranking minority member of the committee—that we attempt to cooperate in these matters; but it seems to me that the Office of Management and Budget would like to deny consideration of secondary benefits in project evaluation. Is that correct?

Mr. ELLENDER. That is correct.

Mr. RANDOLPH. That is my understanding.

Not only would they like to deny many valuable resource projects, but also, it seems to me that the policy of the Office of Management and Budget, if carried out, would negate what Congress has done.

Mr. ELLENDER. There is no question about that.

Mr. RANDOLPH. As expressed in section 206——

Mr. ELLENDER. That is right.

Mr. RANDOLPH. Of the Appalachian Regional Development Act which was passed in 1965. I feel that this matter should go to conference. I hope that we

can accept the amendment and take it to conference.

Mr. COOPER. Yes.

Mr. RANDOLPH. I would wish for my colleague from Kentucky to discuss this matter but I am in agreement with what has been correctly stated by the Senator from Louisiana.

Mr. COOPER. Mr. President, I have not had an opportunity to look at the amendment but listening to the Senator from Louisiana, I believe I understand it. As an ex officio member of the Committee on Appropriations along with the Senator from West Virginia, I observe that the Senator from Louisiana sits there day after day and hour after hour and hears every witness on any project before him. I have heard him question the Corps of Engineers diligently, with ardor and with force, just to be sure they are sustaining the intentions of Congress. I have heard the Senator express some displeasure that the original purposes of the act, that is, to provide navigation, flood protection, and the ancillary uses such as power development, recreation, and water supply——

Mr. ELLENDER. Water pollution.

Mr. COOPER. Yes, water pollution. The Senator has always felt the main emphasis in corps activities should be on the principal purposes of the act.

Mr. ELLENDER. That is right.

Mr. COOPER. The subject of the amendment goes, as I understand it, to what has been called a secondary benefit.

Mr. ELLENDER. That is right. That should be considered in evaluating the benefit-to-cost ratio.

Mr. COOPER. The Senator is not prescribing any particular evaluation.

Mr. ELLENDER. No, none at all.

Mr. COOPER. So that the matter of whether it should be approved or funded would be decided in the authorization committee and also the Subcommittee on Appropriations.

Mr. ELLENDER. That is right.

Mr. COOPER. Because of the experience I have had, not only on the Public Works Committee, but sitting as an ex officio member of the Senator's Appropriations Committee, and knowing his position on many projects, I think it is a valuable amendment and I am happy to join with the Senator from West Virginia in supporting it.

Mr. BOGGS. Mr. President, I wish to state my support for S. 4572, the omnibus rivers and harbors and flood control authorization bill.

The 50 authorized projects, together with various changes incorporated in this bill, have been detailed in a most persuasive manner by Chairman RANDOLPH and Senator COOPER, the distinguished ranking Republican member of the Committee on Public Works. They have explained the many benefits this legislation brings to our Nation. I do not wish to be repetitive, so I will concentrate my remarks on a couple of points.

One project in this legislation has particular benefits for the citizens of my State of Delaware. This is the Delaware Bay-Chesapeake Bay Waterway, authorized at an estimated Federal cost of $6,887,000 and described in House Document 91-400.

According to Army Corps of Engineers estimates, the project will create benefits of $969,000 annually at a benefit-cost ratio of 1.3 to 1.

Stretching from Lewes, Del., 145 miles southward to Cape Charles, Va., this project would improve the existing waterways along the route and create a new, protected channel for small craft in other spots on the route.

Construction of the waterway will create new boating opportunities for residents and vacationers along the Atlantic coast of the Delmarva Peninsula, and enable them to realize more fully the area's recreational potential.

When completed, the waterway would have a minimum depth of 6 feet and a width of no less than 100 feet along most of its length. This will necessitate widening and deepening the channel in various sections of Delaware. The Assawoman Canal near Bethany Beach, for example, would be dredged to a depth of 6 feet from its present depth of 4 feet, and widened to 60 feet from the existing 20 feet.

But this project offers more than increased recreational opportunity when our Nation seeks to leave our polluted cities for the cleaner environment of our coasts and mountains. The project will provide a safe and secure passage for vessels that now must face the perils of the open sea at several stretches along the route.

This waterway project, I must note, calls for a significant local contribution in conjunction with the Federal expense. Some $3,316,000, most of it to be provided by the State of Delaware for replacement of bridges over existing segments of the waterway, will be spent by the three participating States. With this indication of local support, I believe this project should be authorized in this bill. I commend it to my colleagues.

Turning to another topic, I wish to point out a most significant development in connection with this bill. This is the submission of the statements on the environmental impact of these projects.

Several provisos were added to the language of the bill incorporating views contained in these statements as well as the views of the Office of Management and Budget. The provisos are intended to assure that each project receives ongoing examination during both the planning and construction stages.

In closing, Mr. President, I wish to reiterate my support for this bill. I filed individual views that discussed some specific interest of mine looking toward future omnibus legislation. These individual views in no way lessen my belief that this is a sound and necessary bill. I support it.

Mr. ELLENDER. I wish to thank the Senator from Kentucky very much.

The PRESIDING OFFICER (Mr. BURDICK). The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. YARBOROUGH. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 24, between lines 10 and 11 insert the following:

"Sabine River Basin

"The project for flood protection and other purposes in the Sabine River Basin, Texas and Louisiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91-000, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of the project."

Mr. YARBOROUGH. Mr. President, this language is identical to the language in the House bill, on page 21, lines 17 through 23. It was not included in the Senate bill because the Bureau of the Budget had not cleared it at that time. The Corps of Engineers and the Bureau of the Budget now advise that they have cleared this project to the extent of $40 million. The whole project totals $190 million. They will not be constructing part of it until 1990, but Texas will go ahead and build part of it itself, at its own expense, because the project cannot be delayed that long. The Corps of Engineers and the Bureau of the Budget have cleared this unit for the comprehensive Sabine River Basin Development Project, for $40 million. That is just a segment, about one-fifth of the total project, and all that is authorized. We are not asking for authorization of the entire comprehensive basin plan but only the emergency part which would cost $40 million.

I hold a report in my hand, Mr. President, showing the strong need for this project.

The Sabine River is in the easternmost part of Texas, forming for 265 miles a boundary line between Louisiana and Texas. It has been slower getting developed, because it is a boundary line river. But on its upper reaches the river is entirely within the State and on the lower reaches it is a boundary between the States. We have here testimony by the Corps of Engineers before the House Public Works Committee on September 30 which gives the size and location of the drainage area, which covers 9,756 square miles. Of that drainage area, 7,426 square miles are in Texas and 2,330 square miles are in Louisiana. While three-quarters of the drainage area is in my State, the river constitutes the boundary line between Texas and Louisiana for 265 miles. The river rises in Collin and Hunt Counties in Texas about 35 miles northeast of Dallas, and flows southeasterly about 310 miles to the Texas-Louisiana State line, then southerly along the State line for about 265 miles to the head of Sabine Lake near Orange, Tex. The Sabine Lake is a brackish, salt water lake, opening on the Gulf of Mexico.

This report is in response to resolutions of the Committee on Flood Control in the House of Representatives, which were adopted on March 20, 1945, and the Committee on Public Works of the House, adopted on June 3, 1959.

There are no major Federal flood control or multipurpose reservoirs in the basin. That is unusual for that large a

basin, but because of the fact that it is a boundary line and has been the subject of disputes between the States which now have been happily resolved.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire statement by the Corps of Engineers, covering the cost estimates, of the benefit-to-cost ratios, the status of the two States, the Department of Transportation's favorable report, as well as HUD's, the Army Engineers, together with a letter to me dated October 1, 1970, by RAY ROBERTS, the Representative from Texas in whose district a considerable portion of this watershed lies.

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

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 1, 1970.

Hon. RALPH YARBOROUGH,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR: Attached is testimony presented by the Corps of Engineers on the Sabine River Basin Development project before the House Public Works Committee on September 30.

As you know, this project has been in the development stages for some twenty years and involves flood control on the Sabine from its source in Hunt County to where it flows into Sabine Bay. The Chief of Engineers has recommended three major reservoirs at Mineola, Lake Fork, and Big Sandy. In addition, navigation improvement is recommended from Morgan Bluff to Echo and a local flood protection project for Greenville, Texas. The State and local sponsors will provide more than $80 million for the project.

This was the first Plan II Basin Development project to receive approval of the President's Water Resources Council. The report was submitted to President Nixon in December, 1969. Subsequent hearings were ordered by the Rivers and Harbors Review Board to insure that ecological factors were properly considered. There is every reason to expect that the House will recommend the Sabine River Development project as a model for future basin water resource development.

The project did not clear the Federal Agencies in time to be submitted to the Senate Public Works Committee. I appreciate the work you have done on this project, and I hope you will contact the Members of the Committee who are likely to be Conferees on the Omnibus Flood Control bill and seek their assistance in holding the project in the Conference Report.

Sincerely,

RAY.

SABINE RIVER BASIN, TEXAS AND LOUISIANA

Location: The Sabine River Basin includes all or portions of 20 counties in eastern Texas and seven parishes in western Louisiana. The Sabine River and its tributaries drain an area of 9,756 square miles, of which 7,426 square miles are in Texas and 2,330 square miles in Louisiana. The river rises in Collin and Hunt Counties, Texas, about 35 miles northeast of Dallas and flows southeasterly about 310 miles to the Texas-Louisiana stateline, then southerly along the stateline for about 265 miles to the head of Sabine Lake near Orange, Texas.

Authority: The report is in response to resolutions of the Committee on Flood Control, United States House of Representatives, adopted 20 March 1945, and the Committee on Public Works of the United States House of Representatives, adopted 3 June 1949.

Existing Projects: There are no major Federal flood control or multiple purpose reservoirs in the basin. Existing Federal navigation projects in the basin include the Gulf Intracoastal Waterway, the deep draft Sabine River channel to Orange, Texas and the Shallow draft channel in Adams and Cow Bayous. A PL 566 watershed projection and flood prevention project has been developed on the Upper Lake Fork Creek drainage. Non-Federal interests have constructed 11 reservoirs with individual storage capacities of more than 5,000 acre-feet and one group of 5 off-channel reservoirs having an aggregate storage of 7,550 acre-feet primarily for water supply. The Sabine River Authority of Texas has developed the Lake Tawakoni project for water supply and recreation and the Sabine River Authority of Texas and Louisiana has developed the Toledo Bend project for water supply, hydroelectric power and recreation.

Problems: Frequent flooding occurs throughout the Sabine River basin with over 500,000 acres of land along the main stem and lower reaches of major tributaries subject to flooding. Local efforts to protect flood plain lands by construction of levees or channel straightening have been ineffective and costly since the improvements have been repeatedly overtopped, broken, or destroyed. Average annual flood damages on the main stem and major tributaries are estimated at approximately $5.2 million. By the year 2020, municipal and industrial water supply requirements are projected to increase 9 times the 1960 use of 77.4 million gallons per day. Present water-oriented outdoor recreational demands on the basin are estimated at 7.5 million recreation-days, of which fishing accounts for about one-half of this total. By the year 1980 these demands are expected to double and by 2020 a nearly 5-fold increase can be expected.

Recommended Improvements: Construction is recommended for the Mineola, Lake Fork and Big Sandy multiple-purpose dam and reservoir projects for flood control, water supply and recreation; the local flood protection project at Greenville, Texas; and the commercial barge navigation channel about 5.3 miles long from Echo to Morgan Bluff, Texas. The reservoir projects constitute a system that would meet immediately foreseeable and projected water supply needs in the basin and provide a surplus of about 200,000 acre-feet annually for export to the Dallas area. The reservoir projects and the Greenville local protection project will meet urgent flood control problems in the basin. The conservation pools formed by the reservoirs would provide opportunities for public water-oriented outdoor recreation.

Estimated total construction cost (January 1970 prices):

Project	*Federal cost*
Mineola Reservoir	[1] $87,869,000
Lake Fork Reservoir	[1] 68,589,000
Big Sandy Reservoir	[1] 33,511,000
Greenville local protection	[2] 100,300
Navigation channel	[3] 1,765,200
Total	191,834,500

[1] Includes reimbursable non-Federal water supply and recreation costs listed in the following table.

[2] Excludes non-Federal costs for lands, easements, rights-of-way and relocations of $80,700.

[3] Excludes non-Federal costs for lands, easements, rights-of-way and alterations of $287,800.

[In thousands of dollars]

Project	Reimbursable costs		
	Water supply	Recreation	Total
Mineola Reservoir	29,224	4,454	33,678
Lake Fork Reservoir	33,079	2,045	35,124
Big Sandy Reservoir	13,908	2,923	16,831
Total	76,211	9,422	85,633

Project economics:

Mineola (4⅞%, 100 years)

[Annual charges]

Int. & Amort.	$4,201,200
O, M & R (4)	676,000
Total	4,877,200

[Annual benefits]

Flood Control	$2,105,000
Water Supply	2,961,400
Recr. & F&WL	1,229,400
Redevelopment	75,100
Total	$6,370,900

(4) Includes non-Federal O, M & R costs of $155,200 annually for water supply and $429,000 annually for recreation and fish and wildlife.

Lake Fork (4⅞%, 100 years)

[Annual charges]

Int. & Amort.	$3,135,600
O, M & R (5)	463,400
Total	3,599,000

[Annual benefits]

Flood Control	$1,405,500
Water Supply	3,949,100
Recr. & F&WL	792,200
Redevelopment	57,700
Total	6,204,500

(5) Includes non-Federal O, M & R costs of $115,700 annually for water supply and $226,400 annually for recreation and fish and wildlife.

Big Sandy (4⅞%, 100 years)

[Annual charges]

Int. & Amort.	1,473,700
O, M & R (6)	454,700
Total	1,928,400

[Annual benefits]

Flood Control	$ 425,700
Water Supply	1,766,700
Recr. & F&WL	793,200
Redevelopment	30,800
Total	3,016,400

(6) Includes non-Federal O, M & R costs of $144,600 annually for water supply and $274,700 annually for recreation and fish and wildlife.

Greenville Local Protection (4⅞%, 100 years)

[Annual charges]

Int. & Amort.	$9,700
O, M & R (7)	2,100
Total	11,800

[Annual benefits]

Flood Control	$13,000
Total	13,000

(7) O, M & R costs are non-Federal.

Navigation channel (4⅞%, 50 years)

[Annual charges]

Int. & Amort.	$110,200
O, M & R (8)	59,800
Total	170,000

[Annual benefits]

Transp. savings	$616,000
Total	616,000

(8) Includes non-Federal O, M & R costs of $28,800 annually.

Benefit-cost ratios (5⅛%)

Mineola Reservoir	1.3
Lake Fork Reservoir	1.7
Big Sandy Reservoir	1.6
Greenville Local Protect	1.1
Navigation Channel	3.7

Local cooperation:

Reservoir projects: Repay all costs allocated to water supply in accordance with the Water Supply Act of 1958, such costs presently estimated at $76,211,000 for construction and $415,500 for operation and maintenance; obtain without cost to the United States all water rights necessary for operation of the project for water supply; and in accordance with the Federal Water Project Recreation Act, administer project land and water areas for recreation and fish and wildlife enhancement; pay, contribute in kind or repay (which may be through user fees) with interest, one-half of the separable construction cost of the projects allocated to recreation and fish and wildlife enhancement, presently estimated at $9,422,000 and bear all costs of operation, maintenance and replacement of recreation and fish and wildlife facilities presently estimated at $930,100 annually.

Greenville Local Protection Project: Provide without cost to the United States all lands, easements, rights-of-way and necessary relocations and alterations; provide assurances that encroachment on improved channels and floodways will not be permitted; hold and save; maintain and operate the project; adopt such regulations or disseminate basic flood information as may be necessary to insure compatibility between development and protection levels; and inform affected interests, at least annually, that the project will not provide complete protection.

Navigation Channel, Echo to Morgan Bluff. Provide lands, easements, rights-of-way, aids to navigation, and suitable areas for spoil disposal including necessary dikes, bulkheads, and embankments or the cost of such retaining works required for disposal of spoil; hold and save; provide and maintain adequate public terminal facilities open to all on equal terms and depths in berthing areas and access channels commensurate with project depths; accomplish without cost to the United States alterations of utilities and their maintenance as required for construction of the project; provide proportionate share of costs of bridge alterations over existing channels in accordance with Section 6 of the Bridge Alterations Act; assume all obligations of owning, maintaining and operating all highway and railway bridges altered or constructed as part of the project; prohibit erection of any structure within 75 feet of the channels or turning basin; establish regulations prohibiting discharge of pollutants into the waters of the improved channels; and contribute annually, until such time as multiple use of the channel occurs, 50 percent of the annual charge for interest and amortization of the Federal investment, such share presently estimated at $47,400 annually. Responsible interests have provided adequate assurances.

Comments of States and Federal agencies:
State of Texas—Favorable.
State of Louisiana—Generally Favorable.
Department of Transportation—Favorable.
Department of HUD—Favorable.
Department of Agriculture—Generally Favorable.

Mr. YARBOROUGH. Mr. President, I urge very strongly that the Senator from Kentucky and the manager of the bill accept the amendment.

It is only one-fifth of the total amount of many for which authorization has been sought for the watershed, which development has been long delayed due to the former dispute between Texas and Louisiana now resolved. This is a modest amount. The authorization covers $40 million out of $190 million needed, but this amount will lead to a great development of that area between the two States. It is about the only area in Texas where there is an adequate rainfall—60 inches a year. That is a lot of water, and with proper development will be of vast benefit to the western part of Louisiana and the eastern part of Texas. I am, therefore, very hopeful that the distinguished manager of the bill and the interested Senators who are so ably aiding him will accept this modest amendment.

Mr. RANDOLPH. Mr. President, the amendment is, of course, of interest. It is of concern to the committee. It is my feeling that if the Senator would modify his amendment to include certain language that we have placed in the bill at other points—and I call the attention of my colleagues to page 19 of S. 4572 and would ask the Senator from Texas to turn to that same page—and note that we have in the measure certain situations and provisos, "Provided that construction shall not be initiated until approved by the President." I think that the Senator from Texas should modify his amendment, if I suggest to him—which I do only by way of a suggestion—to include the language to which I have made reference. I think this will be protective and would help us in connection with the consideration of the matter.

Mr. YARBOROUGH. Mr. President, I am very grateful for the action of the distinguished Senator from West Virginia in calling my attention to the matter. May I ask the Senator the page number of the bill to which he referred?

Mr. COOPER. Mr. President, that language is contained on page 19 of the bill as reported, S. 4572. We have used the language in connection with the Arkansas-Red River Basin. It would be my feeling that we should use it in connection with the amendment of the Senator from Texas.

Mr. YARBOROUGH. Mr. President, in keeping with the suggestion of the distinguished Senator from West Virginia, I modify my amendment now at the desk by adding a further proviso on the last line thereof as follows:

Provided, That construction shall not be initiated until approved by the President.

The PRESIDING OFFICER (Mr. HUGHES). The amendment is accordingly modified.

Mr. RANDOLPH. Mr. President, insofar as I am concerned, I would be willing to accept the amendment and take it to conference. I always work with my colleague, the Senator from Kentucky. If for any reason he would feel otherwise and believe that this matter should be an expression of the Senate voting either for or against the amendment as modified, I would understand such action. I think we should take it to conference.

Mr. YARBOROUGH. Mr. President, I am hopeful that the great Senator from Kentucky will agree to accept the amendment. I recall that when Texas was in the throes of its revolution, a band of men was formed in Kentucky. The citizens of Cincinnati by public subscription raised money and bought two cannons to give to the Kentuckians. The Kentucky volunteers came down the Ohio and Mississippi Rivers and arrived in Texas in time to join Sam Houston's army before San Jacinto, bringing with them the only cannon the Texans had at the battle of San Jacinto.

I hope that Kentucky will again come to our aid in this instance, as they did in the days of the infancy of the Republic of Texas.

Mr. COOPER. Mr. President, I am very much impressed by the appeal which the Senator from Texas has made. There were great battles fought in Texas.

As I recall my history, there was a flag made by the ladies from Newport, Ky., but it did not arrive in Texas in time to be raised at the Alamo.

Mr. YARBOROUGH. Mr. President, the Texans had lost their flags at the Alamo and Goliad. The flag made by the ladies of Kentucky was the only flag they had at San Jacinto. That flag is on display now behind the rostrum used by the Speaker of the House of the Texas Legislature in the State capitol of Texas. The flag was handmade by the ladies of Kentucky. It is a beautiful flag with a statue of liberty woven on it.

Mr. COOPER. Mr. President, in the list of the dead at the Alamo, there are the names of a number of Kentuckians.

Mr. YARBOROUGH. Yes, Kentuckians fell in the Alamo and entire companies of Kentuckians aided us at San Jacinto.

Mr. COOPER. I further recall, Mr. President, that Jim Bowie, for whom the knife was named, was also a Kentuckian. I do not know whether the Senator from Texas knows that Jim Bowie was a native Kentuckian.

Mr. YARBOROUGH. I did not know that because Louisiana claims him. He fought a famous battle in Louisiana, on an island in the Mississippi, and killed four or five men with the Bowie knife. He and his brother came to Texas from Louisiana.

Louisiana claims him, too. I would give the State of Kentucky unlimited credit except that the distinguished senior Senator from Louisiana is present on the floor.

Mr. COOPER. Mr. President, he was born in Christian County, Ky., near Hopkinsville.

Mr. YARBOROUGH. Mr. President, he died a hero's death. He was the last man to die in the Alamo.

Mr. COOPER. The Senator is correct about that. Mr. President, I hate to see the distinguished Senator from Texas leave the Senate. I will miss the discussions of history by the Senator from Texas and the influence of the State of Kentucky on Texas. He is correct in saying that thousands of Kentuckians went to Texas.

Some of my ancestors went there and lived there. One of them became a Confederate in the Civil War while the members of my immediate family were members of the Union army.

Mr. YARBOROUGH. Mr. President, I hope that Albert Sidney Johnston was one of those. He had a great career. He was at Shiloh and on the verge of victory when he was struck down and died. He bled to death because of humanitarianism. He sent his surgeon to treat some boys in the battlefield. The doctor said 20 years later that had he been there to treat Albert Sidney Johnston, that U. S. Grant would have been a prisoner before he became President.

Mr. COOPER. Mr. President, the Senator from Texas has now transferred his interest to Tennessee. Of course, Albert Sidney Johnston was a great man. He was from Washington, Ky. He was also a Kentuckian.

I hate to leave this discussion of those glorious days, but we must proceed with our consideration of the flood control rivers and harbors legislation. A few moments ago it was said that our committee followed the precedent laid down by Members of Congress in its deliberations. We did not approve any project unless it had been approved at all levels, including the Office of Management and Budget, except a few upon which we have had hearings and upon which has been placed this limitation which the Senator from West Virginia mentioned. The limitation would not allow construction to begin until the consent of the President which actually means conclusion of review and approval by the Office of Management and Budget.

May I ask now if the project has been approved by the Office of Management and Budget?

Mr. YARBOROUGH. It has been approved for up to $40 million. The whole project would involve $190 million. Only $40 million has been approved by the Office of Management and Budget.

Mr. COOPER. Has the project been approved by the House?

Mr. YARBOROUGH. It is in the House bill.

Mr. COOPER. Mr. President, if we go to conference with the House of Representatives, we will deal with this project at that time.

Mr. YARBOROUGH. It will be in conference.

Mr. COOPER. Mr. President, just for the RECORD, I am not in any way questioning the Senator. However, when was it approved by the Office of Management and Budget?

Mr. YARBOROUGH. We had this testimony of the Army Engineers under date, I believe, of September 30. I understand that the members of the staff have been notified.

Mr. RANDOLPH. That is correct. We have been notified. It is of recent date, within the past few weeks.

Mr. COOPER. Mr. President, I know that the Senator from Hawaii is about to offer an amendment to add additional projects. We should consider it in the course of this deliberation to see if the situation is similar.

If we accept these additional projects without any limitation such as the proviso attached to the Senator from Texas amendment, our action would overturn the whole purpose prescribed by Congress.

How much is involved under the amendment of the Senator from Hawaii?

Mr. FONG. One project is for $7 million, and the other is for nearly $2 million.

Mr. COOPER. Mr. President, have they been approved by the office of Management and Budget?

Mr. FONG. The Bureau of the Budget has not yet received the project now pending before it. One project is still with the Secretary of the Army and has not yet gone to the Bureau of the Budget. All other agencies have approved it. My amendment would subject both projects to the approval of the President.

Mr. COOPER. Are these projects included in the House bill?

Mr. FONG. My amendment is not in the House bill. Both projects are under $10 million, and so are not included in the House bill.

Mr. COOPER. Mr. President, I would address my question to my colleague, the distinguished Senator from West Virginia. There are many projects in the bill reported by the Senate Public Works Committee upon which the Senate would have to act, but upon which the House has not acted because they cost less than $10 million and can therefore be authorized by resolution of the House and Senate Public Work Committees.

Mr. RANDOLPH. That is correct.

Mr. COOPER. In other words, proposed projects which have met the approval of the Corps and, I assume, the Office of Management and Budget, can be constructed without full congressional approval if the cost is less than $10 million. That is under section 201 of the act of 1965.

Mr. RANDOLPH. As the Senator knows, in this legislation there are many projects under $10 million, which we could have reported by resolution under section 201 of the act of 1965.

Mr. COOPER. I know that.

Mr. RANDOLPH. There are many projects under $10 million that we put in our bill. The House has not voted to concur.

Mr. COOPER. I think our method is better because it requires every project to come through full congressional review.

I understand my friend, the Senator from New York (Mr. JAVITS), also has a project he will offer.

Mr. RANDOLPH. I do want to accommodate my colleague from Kentucky in discussing all of them. As the Senator knows, if we have votes, we will have to take them on the individual matters.

Mr. COOPER. Senators have said to me that unless some limitation is placed on these amendments, they will press for rollcall votes, and I would, too. However, I would like to ask the Senator from New York what his projects are.

Mr. JAVITS. I shall propose two amendments, one dealing with a very serious situation in respect of beach erosion and hurricane projects. I know that has been discussed in committee. I wish to bring up that matter and have the judgment of the members of the committee on it. The other matter relates to the clearing of New York harbor, which is a very difficult problem and represents a very serious emergency to the greatest port in the United States. It is marginal in money and in about 8 years comes to about $16 million for the Federal share. New York also has a third project, but I hope to engage in colloquy on that matter, as that is in the House bill, without offering an amendment.

Mr. COOPER. With regard to the beach erosion amendment, I presented that amendment in committee on behalf of the Senator from New York. I thought it should have been approved, but the committee did not approve it. I reserve my right to support the amendment because I think it is a very fair amendment.

Mr. JAVITS. I thank the Senator.

Mr. COOPER. I understand these are the only amendments that are going to be offered, but I do not know for sure.

Mr. HOLLAND. Mr. President, I wish to participate in the colloquy, but I have no amendment.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. RANDOLPH. Mr. President, I do not understand my colleague from Kentucky to oppose the amendment offered by the Senator from Texas. That is in a different category than the amendments that are presumably to be offered by the Senators from Hawaii and New York. Here we have no budget approval. We have budget clearance on the project that is embraced in the amendment of the Senator from Texas, plus the modification the protective provision that has been agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

Mr. COOPER. Mr. President, I want to hear again the limitation on the amendment. Will the clerk read the amendment as modified?

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 24, between lines 10 and 11 insert the following:

"Sabine River Basin

"The project for flood protection and other purposes in the Sabine River Basin, Texas and Louisiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of the project, *Provided*, That construction shall not be initiated until approved by the President."

Mr. COOPER. Mr. President, as I understand, this project is not for just $40 million alone, but will total something like $200 million. We have had no hearings. Even with this limitation, as much as I like and respect my friend from Texas, and I would like to help him as he is leaving the Senate, I feel that at some point we have to take a position and vote on it.

Mr. RANDOLPH. It is in the House bill and it would be taken to conference. I am ready to vote, if that is necessary. I would think it is unnecessary, but I want to be cooperative.

Mr. COOPER. I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COOPER. 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. COOPER. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. BYRD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Pennsylvania (Mr. RUSSELL), and the Senator from Virginia (Mr. SPONG) are necessarily absent.

Mr. GRIFFITH. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from New York (Mr. GOODELL) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota, Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Maryland (Mr. MATHIAS) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Colorado (Mr. DOMINICK). If present and voting, the Senator from Texas would vote "yea" and the Senator from Colorado would vote "nay."

The result was announced—yeas 54, nays 32, as follows:

[No. 418 Leg.]

YEAS—54

Anderson	Hartke	Montoya
Bible	Holland	Moss
Boggs	Hollings	Muskie
Burdick	Hughes	Nelson
Byrd, W. Va.	Inouye	Pastore
Cannon	Jackson	Pell
Church	Javits	Randolph
Cranston	Jordan, N.C.	Ribicoff
Dodd	Kennedy	Sparkman
Eagleton	Long	Stennis
Eastland	Magnuson	Stevens
Ellender	Mansfield	Stevenson
Ervin	McClellan	Symington
Fong	McGee	Talmadge
Fulbright	McGovern	Tydings
Gore	McIntyre	Williams, N.J.
Gravel	Metcalf	Yarborough
Hart	Mondale	Young, Ohio

NAYS—32

Aiken	Curtis	Pearson
Allen	Dole	Prouty
Allott	Fannin	Proxmire
Baker	Griffin	Saxbe
Bellmon	Gurney	Schweiker
Bennett	Hansen	Scott
Brooke	Hruska	Smith
Case	Jordan, Idaho	Thurmond
Cook	Miller	Williams, Del.
Cooper	Murphy	Young, N. Dak.
Cotton	Packwood	

NOT VOTING—14

Bayh	Harris	Percy
Byrd, Va.	Hatfield	Russell
Dominick	Mathias	Spong
Goldwater	McCarthy	Tower
Goodell	Mundt	

So Mr. YARBOROUGH'S amendment was agreed to.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. YARBOROUGH and Mr. BYRD of West Virginia moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCLELLAN. Mr. President, the proposed National Wildlife Refuge at Felsenthal is vital to the State of Arkansas. A brief history will demonstrate the need for both approval and completion of this project.

HISTORY

The Ouachita and Black Rivers navigation project, Arkansas and Louisiana, was authorized by the Rivers and Harbors Act of 1950. The 1950 act authorized the dredging of the Ouachita River to provide a channel of a minimum depth of 9 feet. However, before the plans under the 1950 Rivers and Harbors Act could be activated, the Senate Public Works Committee adopted a resolution on August 10, 1965, to review the project. The review resulted in the enactment of provisions in the Rivers and Harbors Act of 1960—Public Law 86–645—for the construction of 4 new locks and dams. The new plan called for raising the height of the dams approximately 3.5 feet to obtain a 9-foot minimum depth navigation channel instead of digging the channel deeper as provided under the authorization of 1950.

The Felsenthal area is unique. All the lands in the vicinity of the Ouachita River are low and flat and raising the height of the dam as required by the authorization of 1960 involves the flooding of thousands of acres. Under the authorization of 1950, local interests were required to furnish all lands, easements and rights-of-way necessary for the construction and operation of the Ouachita and Black Rivers Navigation project, which amounted to approximately 325 acres of land. However, under the Rivers and Harbors Act of 1960, local interests have to provide many thousands of additional acres of land. To date the local entities have been unable to comply with the authorization of 1960. Arkansas law is such that it prohibits counties—local interests in this case—from making appropriations exceeding 90 percent of the taxes levied in any one year—Arkansas statistic 17–411. Also, no county court can make a contract in excess of the annual appropriations—Arkansas statistic 17–416. Additional State constitutional provisions also act as deterrents. Because of the inability of the local interests to provide the exceedingly large amount of acreage required, the navigation project has been at a virtual standstill in Arkansas for a number of years.

In 1968, in an effort to resolve the dilemma, I proposed an amendment to the omnibus public works bill which would modify the requirements for local cooperation. After consideration the Senate Public Works Committee issued a directive (title I, Public Law 90–483) to the Secretary of the Army to review the requirements of local cooperation for the Ouachita and Black Rivers and report back to Congress. The board of engineers for rivers and harbors, after a thorough study, has recommended that there be no change in the local interest requirements.

PROPOSED NATIONAL WILDLIFE REFUGE

However, the Bureau of Sport Fisheries and Wildlife has recommended to the Corps of Engineers that the Ouachita and Black Rivers navigation project be modified to provide for acquisition of lands for establishment of a National Wildlife Refuge at Felsenthal Lock and Dam under Public Law 85–624 and section 6(c) of Public Law 89–72. The proposed refuge would contain approximately 65,000 acres of the land and water area at Felsenthal Lock and Dam. This plan is wholeheartedly supported by the Arkansas Game and Fish Commission, and the Louisiana Department of Public Works.

I heartily agree with the Bureau of Sport Fisheries and Wildlife that the acquisition of lands in the Felsenthal area would contribute to the national goals of conservation of migratory waterfowl by providing an important and necessary winter habitat in the Mississippi flyway. The area contains a significant acreage of hardwood forest essential to migratory birds and resident wildlife species. The preservation of these hardwood forests is vital and would provide substantial benefit to the country because such forests have been decreasing rapidly in quantity in recent years. Specifically, in the Felsenthal locality there have been clearing activities which constitute a threat to the ecology of the area.

Public ownership and management would enhance the project area for the endangered southern Bald Eagle which presently uses this area. In addition, this is a habitat for the American alligator and a number of other species. Controlled flooding will provide vast quantities of food for fish and space for spawning and early growth. There are remaining in the area sizable stands of virgin cypress and tupelo gum which are becoming increasingly scarce and should be preserved for the enjoyment of future generations. The area above the Felsenthal lock and dam included in the project has the potential for providing future generations of Americans the benefits and enjoyment associated with wildlife, fisheries and wilderness areas.

This proposal as reported by the Senate Public Works Committee would authorize the establishment of the National Wildlife Refuge contingent upon final approval by the Secretary of the Army, the President and Congress. The refuge is tremendously important because it not only would carry out the national migratory bird improvements program and provide wide range benefits, both recreational and economical, it would eliminate the bottleneck delaying the completion of the navigation project on the Ouachita and Black Rivers.

The committee language would allow the refuge to be authorized this year and occur if it is postponed until 1972, when the next omnibus public works bill will probably be forthcoming. At the same time, it will provide flexibility so that if the project is not approved by the Secretary of the Army and the President or

disapproved by the Congress it could not become law.

If approved by the Secretary and the President, we will have the opportunity to reverse today's decision should any new consideration mandate such action. Thus, today's bill actually gives the Senate two chances to disapprove the project instead of one, and Senate control has been increased, not diminished by this procedure.

I ask the Senate to approve this worthwhile project.

AMENDMENT OF THE SECURITIES AND EXCHANGE ACT OF 1934

Mr. WILLIAMS of New Jersey. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3431.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3431) to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors, which were, on page 1, line 3, after "That", insert "(a)".

On page 2, after line 2, insert:

(b) Paragraph (5) of subsection (d) of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(5)) is redesignated as paragraph (6) and the following new paragraph is inserted immediately after paragraph (4).

"(5) The Commission, by rule or regulation or by order, may permit any person to file in lieu of the statement required by paragraph (1) of this subsection or the rules and regulations thereunder, a notice stating the name of such person, the number of shares of any equity securities subject to paragraph (1) which are owned by him, the date of their acquisition and such other information as the Commission may specify, if it appears to the Commission that such securities were acquired by such person in the ordinary course of his business and were not acquired for the purpose of and do not have the effect of changing or influencing the control of the issuer nor in connection with or as a participant in any transaction having such purpose or effect."

Mr. WILLIAMS of New Jersey. Mr. President, S. 3431 was passed by the Senate on August 18, 1970. The House version now pending at the desk was passed by the House of Representatives this Monday, December 7, 1970.

There is only one difference between the House-passed version and the Senate bill. I have reviewed this difference with other members of the Senate Banking and Currency Committee including Senator SPARKMAN, the chairman of the committee, and Senator BENNETT, the committee's manking minority member. Since this difference is relatively minor and of little consequence as far as the purposes of the bill are concerned, we all agree that the Senate should accept the House amendment.

The difference which I have mentioned above is that section 1 of the House bill would permit the Securities and Exchange Commission by rule or regulation to allow any person to file in lieu of the other full disclosures required by section 13 of the Securities Exchange Act an abbreviated statement of disclosure. The intent of this exemption is to make the disclosure filings for stock exchange specialists, over-the-counter marketmakers, and investment companies less stringent since these individuals were not the ones which the act was intended to cover. I would also like to stress that this exemption can only be given at the discretion of the SEC and is not mandatory. I am, therefore, willing to accept the House version with the understanding that it will be properly and fairly administered and that in no instance will the exemption be granted without a thorough review of all the facts by the Securities and Exchange Commission.

I move that the Senate concur in the House amendments.

Mr. SPARKMAN. Mr. President, earlier this year Congress amended the securities laws by providing an exemption for certain industrial revenue bonds. Many communities all over the country have been moving ahead on projects which this change in the law made possible.

Inadvertently, the rewrite of the exemptive provisions of the securities laws contained in the Investment Company Amendments Act of 1970 omitted this change. The bill is now on the President's desk, and, unless Congress moves quickly to correct this omission, communities all over the country will be seriously disadvantaged.

The conference committee on the Investment Company Amendments Act of 1970 amended section (3)(a)(2) of the Securities Act in order to preserve the longstanding interpretation of the Securities and Exchange with respect to the status under that act of employees' plans which invest in securities of the employer. Inadvertently, the language as inserted was somewhat too broad.

Accordingly, I offer an amendment to the House amendments to S. 3431, which will correct these mistakes. My amendment has been checked with Senator WILLIAMS, the chairman of the subcommittee, and with Senator BENNETT, the ranking minority member of the full committee, and it has their approval.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

S. 3431, 91st Congress, 2d Session, is amended by adding a new Section 6 thereto to read as follows:

SEC. 6(a) Section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) is amended to read as follows:

"(2) Any security issued or guaranteed by the United States or any territory thereof, or by the District of Columbia, or by any State of the United States, or by any political subdivision of a State or territory, or by any public instrumentality of one or more States or territories, or by any person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States; or any certificate of deposit for any of the foregoing; or any security issued or guaranteed by any bank; or any security issued by or representing an interest in or a direct obligation of a Federal Reserve bank; or any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian; or any security which is an industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code of 1954) the interest on which is excludable from gross income under section 103(a)(1) of such Code if, by reason of the application of paragraph (4) or (6) of section 103(c) of such Code (determined as if paragraphs (4), (A), (5), and (7) were not included in such section 103(c)), paragraph (1) of such section 103(c) does not apply to such security; or any interest or participation in a single or collective trust fund maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (A) a stock bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (B) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a)(2) of such Code, other than any plan described in clause (A) or (B) of this paragraph (i) the contributions under which are held in a single trust fund maintained by a bank or in a separate account maintained by an insurance company for a single employer and under which an amount in excess of the employer's contribution is allocated to the purchase of securities (other than interests or participations in the trust or separate account itself) issued by the employer or by any company directly or indirectly controlling, controlled by or under common control with the employer or (ii) which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of such Code. The Commission, by rules and regulations or order, shall exempt from the provisions of section 5 of this title any interest or participation issued in connection with a stock bonus, pension, profit-sharing, or annuity plan which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of the Internal Revenue Code of 1954, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and previsions of this title. For purposes of this paragraph, a security issued or guaranteed by a bank shall not include any interest or participation in any collective trust fund maintained by a bank; and the term 'bank' means any national bank, or any banking institution organized under the laws of any State, territory, or the District of Columbia, the business of which is substantially confined to banking and is supervised by the State or territorial banking commission or similar official; except that in the case of a common trust fund or similar fund, or a collective trust fund, the term 'bank' has the same meaning as in the Investment Company Act of 1940."

(b) Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c) (relating to exempted securities) is amended by inserting after "any municipal corporate instrumentality of one or more States;" in paragraph (12) the following: "or any security which is an industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code of 1954) the interest on which is excludable from gross income under section 103(a)(1) of such Code if, by reason of the application of paragraph (4) or (6) of section 103(c) of such Code (determined as if paragraphs (4)(A), (5), and (7) were not included in such section 103(c)),

paragraph (1) of such section 103(c) does not apply to such security;

(c) Section 304(a) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd) (relating to exempted securities) is amended by reclassifying the present text of paragraph (4) thereof as paragraph (4)(A), and by adding a new subparagraph (B) at the end of such paragraph (4), to read as follows:

"(B) any security exempted from the provisions of the Securities Act of 1933, as amended, by paragraph (2) of subsection 3(a) thereof, as amended by Section 401 of the Employment Security Amendments of 1970."

(d) The amendments made by this section shall apply with respect to securities sold after January 1, 1970.

Mr. JAVITS. Mr. President, may we know what this amendment does?

Mr. SPARKMAN. This language has been approved by all the parties concerned. It is legislation that we passed previously, but through a mistake, it was omitted in the mutual fund bill, and this reinstates it.

Mr. JAVITS. It relates to mutual funds?

Mr. SPARKMAN. No. It relates to industrial bonds, the small bonds that we exempted.

Mr. JAVITS. The industrial bonds of municipalities and so forth?

Mr. SPARKMAN. That is correct.

Mr. JAVITS. Does it make any major change?

Mr. SPARKMAN. None whatever. It is simply the language we passed previously.

Mr. JAVITS. I rely on the statement of the Senator.

Mr. SPARKMAN. Mr. President, I move that my amendment be adopted.

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

The motion was agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, I move that the Senate concur in the amendments of the House as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendments as amended.

The motion was agreed to.

RAILROAD LEGISLATION

Mr. SCOTT. Mr. President, I should like to address a question to the distinguished majority leader, as to whether we are likely to have a vote today on possible rail legislation.

Mr. MANSFIELD. Mr. President, in response to the question raised by my distinguished colleague, the minority leader, let me say that I have discussed this matter with several members of the committee on this side, as I am sure he has with members on his side, and it is my understanding that the Committee on Labor and Public Welfare intends to report a resolution of some nature this afternoon. I would hazard a guess, that it may be around 4 o'clock.

If such a resolution is reported, of course, we will turn to its consideration immediately. The Senate should therefore be prepared to stay in session until midnight, if need be, in order to face up to its responsibilities and dispose of any resolution reported by the committee, whether or not it is amended, one way or the other.

Mr. SCOTT. Yes. I think it is better to let darkness fall on this Chamber rather than upon the Nation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 3070) to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest, with amendments, in which it requested the concurrence of the Senate.

DEVELOPMENT OF CERTAIN PLANTS

Mr. JORDAN of North Carolina. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3070.

The PRESIDING OFFICER (Mr. HUGHES), laid before the Senate the amendments of the House of Representatives to the bill (S. 3070) to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest, which were on page 9, line 25, strike out all after "authorized" over through and including "Act." in line 4, page 10, and insert "shall be recovered to the Treasury of the United States of America, and expenses needed for the administration of this act shall come through the Nation's regular budgetary, authorization, and appropriations process."

On page 43, immediately above line 18, insert:

(d) In section 1498 add the following new subsection:

"(d) Hereafter, whenever a plant variety protected by a certificate of plant variety protection under the laws of the United States shall be infringed by the United States, by a corporation owned or controlled by the United States, or by a contractor, subcontractor, or any person, firm, or corporation acting for the Government and with the authorization and consent of the Government, the exclusive remedy of the owner of such certificate shall be by action against the United States in the Court of Claims for the recovery of his reasonable and entire compensation as damages for such infringement: *Provided*, That a Government employee shall have a right of action against the Government under this subsection except where he was in a position to order, influence, or induce use of the protected plant variety by the Government: *Provided, however*, That this subsection shall not confer a right of action on any certificate owner or any assignee of such owner with respect to any protected plant variety made by a person while in the employment or service of the United States, where such variety was prepared as a part of the official functions of the employee, or in the preparation of which Government time, material, or facilities were used: *And provided further*, That before such action against the United States has been instituted, the appropriate corporation owned or controlled by the United States or the head of the appropriate agency of the Government, as the case may be, is authorized to enter into an agreement with the certificate owner in full settlement and compromise, for the damages accrued to him by reason of such infringement and to settle the claim administratively out of available appropriations."

Mr. JORDAN of North Carolina. Mr. President, I move that the Senate concur in the amendments of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was agreed to.

PUBLIC WORKS AUTHORIZATIONS, 1970

The Senate resumed the consideration of the bill (S. 4572) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

Mr. HOLLAND. Mr. President, I should like the attention of the distinguished Senator from West Virginia and the distinguished Senator from Kentucky.

I note with pleasure that two beach erosion programs in my State have been approved—one with reference to Lee County, affecting three islands there, and one with reference to Sarasota County, affecting Lido Key there.

I note that the local contributions required are very high, and I take for granted that that is because most of the beach is privately owned. Am I correct in that?

Mr. RANDOLPH. Yes; the able Senator from Florida is correct. Most of the area is privately controlled.

Mr. HOLLAND. One more question: With reference to Lido Key, I note that the Bureau of the Budget suggested that, instead of approving the item as it came to the committee originally, the item be moved over to come under section 201 of the flood control bill because it could qualify for reimbursements or contributions already made prior to authorization. What was done by the committee in meeting or declining to meet that recommendation of the Bureau of the Budget?

Mr. RANDOLPH. We acted upon the recommendation of the Bureau of the Budget and placed the project in the status which has been indicated.

Mr. HOLLAND. In other words, the status under which the prior expenditures—and they were very necessitus—made by local people to prevent the increase of the great damage, could be considered and repaid.

Mr. RANDOLPH. They would be reimbursed under the language of the Corps of Engineers reports.

Mr. HOLLAND. I thank the Senator.

I should like to ask one more question. With reference to both of these projects, there is no environmental question, is there? It seems to me that they protect all environmental and conservation values, rather than destroy anything in that field.

Mr. RANDOLPH. The committee was concerned in these projects, as in all

projects, that the environmental factors be fully understood. There is no contamination of the environment, as we have studied the matter, which would flow from the projects in which the Senator is interested.

Mr. HOLLAND. In fact, these projects do tend to conserve natural values and to conserve development values and to protect environmental values in each respect, as the Senator from Florida understands.

Mr. RANDOLPH. The Senator is correct. There is a protection. There is even, perhaps, a development that will take place that might conserve and strengthen the environment.

Mr. HOLLAND. I thank the Senator. One more question with reference to the Tampa Harbor. It is the largest harbor in Florida with an annual tonnage of commerce exceeding 30 million tons. I heard with some trepidation the statement made relative to the additional study that would be required as to the environmental aspects of the project which, in effect, would deepen the channel and would widen it coming up from the Gulf of Mexico to the port. It is my understanding, instead of involving any hurt to environmental values, that this would tend to prevent such a disaster as we had not long ago, when a foreign vessel coming in with oil, because of the tortuous nature of the present channel and its narrow width, came to grief and there was a large oil spillage there, which brought great damage to the beaches and many property owners, both public and private.

Just what was the statement of the distinguished chairman of the committee with reference to what has to be done in the future on this project?

Mr. RANDOLPH. There would be a restudy of what is called overdredging which is the 5 feet that is involved. There is no disposition to delay the project.

Mr. HOLLAND. There is no requirement in this case for future approval, but the project is ready to move ahead, as I understand it. There is a requirement that local interests make available $600,000 in cash, at once, so that the project can, in its planning stages, move ahead. Am I correct in my understanding on that?

Mr. RANDOLPH. That is correct. That contribution has been noted.

Mr. HOLLAND. The Tampa Port Authority is prepared to meet its responsibilities as local sponsors as it has in the past and support appropriate and necessary environmental standards. This is evidenced by the fact that the Port of Tampa has engaged the Geological Survey of the Department of the Interior to collect data so that responsible decisions can be made for maximum environmental use of the bays.

Mr. President, I thank the Senator for his answers. I want to add one thing to the record: Not only is the Port of Tampa aided by this but a new port, the Port of Manatee, which is closer to the Gulf of Mexico, has the advantage of part of this deepening. The deeper channel is being put in at Port Manatee in order to reach from the main channel into its own harbor. I suspect this matter was made clear to the committee, but I find no reference to it in the report. Am I correct?

Mr. RANDOLPH. Yes; it was discussed in our considerations in the subcommittee and it was mentioned in the full committee, although the explanation which has been indicated and documented by the Senator from Florida is not in the report. There is recognition of the need not only for the development of one harbor but also for the development of other harbors. That has been spelled out, and the Senator from Florida, knowledgeable in these matters, does well to call this to our attention during colloquy today.

Mr. HOLLAND. I thank the Senator. I call attention, likewise, to the fact that that very situation will probably raise the benefit-to-cost ratio, which is stated here as 2.1, to a figure above that, because Port Manatee is already operating and there will be some upping of that figure, because it does not involve any more Federal costs to complete the service to Port Manatee, because it is putting in its own channel at the required depth to the main channel.

Mr. RANDOLPH. That would result probably in an improved cost-benefit ratio for the project.

Mr. HOLLAND. Mr. President, I want to thank the distinguished Senator from West Virginia, the distinguished Senator from Kentucky (Mr. COOPER), and the committee, for recognizing these real needs in my State. For the State, I wish to thank them.

I apologize to Senators that I have not been able to yield because I am due to attend a conference which begins right now.

Mr. COOPER. If I may respond to the Senator from Florida, I should like to say that the discussion between the Senator from Florida and the Senator from West Virginia is correct. The proviso was put in because of certain questions raised by the Office of Management and Budget, but our language is, as the proviso states:

The Chief of Engineers shall proceed without delay with preconstruction planning of the project.

Mr. FONG. Mr. President——

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator from Hawaii is recognized.

Mr. FONG. Mr. President, I call up my amendments and ask that they be stated.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read the amendments, as follows:

S. 4572

On page 5, between lines 7 and 8, insert the following:

"Nawiliwili Harbor and Port Allen Harbor, Kauai, Hawaii: November 24, 1970, report of the Chief of Engineers, at an estimated cost of $1,952,000: *Provided*, That construction shall not be initiated until approved by the President."

On page 24, between lines 10 and 11, insert the following:

"Kaneohe-Kailua Area, Oahu, Hawaii

"The project for flood protection in the Kaneohe-Kailua area on the east coast of the island of Cabu, Hawaii is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report of November 23, 1970, at an estimated cost of $7,249,000: *Provided*, That construction shall not be initiated until approved by the President."

Mr. FONG. Mr. President, this amendment, in which my colleague, the junior Senator from Hawaii (Mr. INOUYE) has joined me, proposes that the Kaneohe-Kailua flood control project and the Nawiliwili harbor improvement project, both in Hawaii be authorized, with construction of both projects contingent upon the President's approval.

Survey reports on both projects prepared by the U.S. Army Corps of Engineers have been cleared and approved by the State of Hawaii and by all the Federal departments and agencies that have reviewed them.

The Kaneohe-Kailua flood project is currently pending before the Office of Management and Budget for review in behalf of the President. The Nawiliwili harbor improvement project is awaiting clearance by the Secretary of the Army prior to submission to the Office of Management and Budget.

I am not aware of any objections to the projects, either by residents of Hawaii or by Federal agencies. Of course, the views of the Office of Management and Budget are still awaited.

In the meantime, however, as the Senate is considering an omnibus river and harbor authorization bill, my colleague and I are proposing that the Senate approve these two projects, contingent upon subsequent approval by the President. Congress would be amply protected by language of our amendment, which would prohibit construction unless the President gives his approval to the projects.

Although the Senate Subcommittee on Flood Control-Rivers and Harbors did not hold hearings on these two projects, I have checked with the staff of the subcommittee and the full Public Works Committee and am advised these projects are in order.

I understand the House Public Works Subcommittee on Flood Control-Rivers and Harbors held hearings on these two projects taking testimony from the Corps of Engineers.

So that other Senators will know what is involved in the two Hawaii projects, I shall summarize the need for flood control in the Kaneohe-Kailua area and the need for a larger harbor for safety of navigation at Nawiliwili, together with essential data about the projects proposed to remedy these two situations.

The Kaneohe-Kailua area on the windward side of Hawaii's most populated island, Oahu, has a long history of intense rainstorms and subsequent floods, including very destructive flash floods.

The city and county of Honolulu, which has jurisdiction in this area, has constructed flood measures over the past 6 years. For example, in 1964, the city and county of Honolulu widened and realined the channel at the mouth of Kaneohe Stream at a cost of $50,000. During 1967 through 1969, the city and county of Honolulu built substantial flood control improvements on Anolani Stream, one of the tributaries of Kaneohe Stream, at a cost of $650,000. The city and county anticipates spending an additional $500,000 on further improvements.

But even all these measures do not provide adequate protection against major floods such as occurred in February 1965 and 1969. However, these local flood control improvements will be incorporated into the proposed Corps of Engineers project.

To illustrate the flood problem, let me just cite a few instances. On February 4, 1965, torrential rains fell on the windward coast of Oahu, with over 7.5 inches drenching Kaneohe during a 24-hour period. Two lives were lost from drowning. The Keapuka residential area suffered severely when Kamooalii Stream overflowed and damaged 43 homes, 30 automobiles, streets and yards. A wooden foot-bridge was destroyed and the concrete-lined channel was severely damaged.

In May of that same year, storms resulted in 22.6 inches of rainfall in Kaneohe during a 3-day period. The Keaahala, Kawa, and Kamooalii Streams overflowed their banks, flooding homes and roads, depositing mud and debris, and damaging yards, tools, and equipment. Many families were evacuated because of high water. Channel and culvert damage and bank erosion were extensive in the Keapuka and Kapunahala subdivisions. Crop damages, from erosion near the mountain slopes and flooding in the lower areas, resulted in heavy losses to truck farmers.

A third major storm hit the Kaneohe area in November of that same year—1965—with 25.3 inches of rainfall in 5 days. There was no loss of life, as two children swept downstream by the rising water were fortunately rescued. But again property damage was extensive. Agricultural losses, including fruits and vegetables, from wind and rain were heavy.

On February 1 last year, 6 hours of heavy rain with intermittent bursts of very intense rainfall caused the greatest known flood in the Kamooalii Stream Basin. Accumulations of up to 18 inches in 6 hours were recorded nearby. Six houses in Keapuka were virtually destroyed and 43 others suffered varying degrees of damage but remained habitable.

To give protection against future floods, the engineers propose to build an earth fill dam and reservoir at the Kamooalii Stream site, with a gross capacity of 2,500 acre-feet and channel improvements and realinement at the mouth of Kaneohe Stream.

Annual benefits, primarily from flood control, are estimated at $708,000, while annual costs are estimated at $448,000, giving a benefit-to-cost ratio of 1.6. The estimated construction cost totals $7,579,000, of which the Federal share would be $7,249,000 and non-Federal local share would be $330,000.

The State of Hawaii favors this project and it has been favorably reviewed by the U.S. Departments of the Interior, Agriculture, Transportation, and Health, Education, and Welfare. As I said before, it only awaits review by the Office of Management and Budget.

I ask unanimous consent that a summary fact sheet prepared by the U.S. Army Engineers be printed in the RECORD at this point.

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

KANEOHE-KAILUA AREA, OAHU, HAWAII

Location: Kaneohe-Kailua Area is on the windward (east) coast of Oahu, Hawaii about 5 highway miles from Honolulu.

Authority: River and Harbor Act of 1965.

Existing Project: There are no existing Federal flood control projects in the study area. Local agencies have constructed 8000 feet of flood control improvements on Kamooalii-Kaneohe Stream. These local flood control improvements will be incorporated into the proposed plan.

Flood Problem: Existing flood control improvements do not provide a sufficient degree of protection. Flash floods have caused the loss of lives and severe property damage in the highly urbanized flood plains of the Kamooalii-Kaneohe Stream.

Recommended Plan of Improvement: Provides for an earth fill dam and reservoir for flood control and recreation with channel improvements at the mouth of the Kaneohe Stream mouth.

Estimated cost (price level of March 1970)

Federal	[1] $7,249,000
Non-Federal	330,000
Total	7,579,000

[1] Includes $500,500 reimbursable by local interests in accordance with the Federal Water Project Recreation Act of 1965.

PROJECT ECONOMICS

[Interest rate 5⅛ percent]

Annual charges	Federal	Non-Federal	Total
Interest and amortization	$349,000	$43,500	$392,500
Maintenance and operation		55,500	55,500
Total	349,000	99,000	448,000

Kaneohe-Kailua Area, Oahu, Hawaii

Annual benefits:

Damages prevented	$300,000
Land enhancement	70,000
Recreation	333,000
Fish and wildlife enhancement	5,000
Total	708,000

Benefit-cost ratio: 1.6.

Local cooperation: Provide lands, easements, rights-of-way, and relocations necessary for the reservoir and channel features of the project whose costs are presently estimated at $330,000 after credit by the Federal government of $50,000 for joint costs, allocated to recreation fish and wildlife enhancement. Maintain and operate the dam, reservoir and channel improvements and prevent encroachments which would interfer with the recommended improvements. Hold and save the United States free from damages. Pay with interest one-half of the separable costs of the project allocated to recreation at a cost which is presently estimated at $500,500. Bear all costs of maintenance, operation and replacements which is estimated as an annual cost of $55,500.

Comments of the State and Federal Agencies:

State of Hawaii: Favorable.

Department of the Interior: Favorable.

Department of Agriculture: Favorable.

Department of Transportation: Favorable.

Department of Health, Education, and Welfare: Favorable.

Comments of the Office of Management and Budget.

Mr. FONG. Mr. President, the second project for which my amendment cosponsored by Senator INOUYE requests authorization contingent on the President's approval is a safe navigation project at Nawiliwili Harbor on the Island of Kauai. No changes are requested in the nearby Port Allen Harbor. Federal projects already exist at both harbors.

The existing harbor at Nawiliwili was designed for the C–3 class vessel, with a length of 492 feet, a beam of 70 feet, and a draft when fully and evenly loaded of 29 feet. The jumboized C–4 freighter, in general use since 1965, however, has a length of 633 feet, a beam of 72 feet, and a draft of 33 feet. The larger tankers presently serving Hawaii have lengths of 547 feet and a loaded draft of 30 feet. The S-shaped entrance to the harbor and the 35-foot basin are inadequate to these vessels making Nawiliwili a port of call. Adding to the hazards of navigating the channel and turning basin are large swells and adverse winds.

In the interest of public safety, therefore, it is proposed to widen a 1,700-foot length of the northern site of the entrance channel by about 120 feet; to widen the northern side of the transition area by about 60 feet; and to increase the area of the basin by about 17.3 acres. No modification to the existing federally constructed harbor at Port Allen is recommended at this time.

Estimated cost of the project is $2,380,000, of which the Federal share of construction would be $1,952,000 and non-Federal share would be $428,000. Annual costs would total $139,100, of which the Federal share would be $114,900 and the non-Federal, $24,200.

Local interests have indicated willingness to furnish items of local cooperation, that is, the usual Federal requirements such as land, terminal facilities, berthing areas, relocations plus a cash contribution of 9.6 percent of Federal construction costs for increased utilization of lands.

The State of Hawaii supports the project and it has received favorable reviews from the U.S. Departments of the Interior, Transportation, and Health, Education, and Welfare. The project is expected to be forwarded soon by the Secretary of the Army to the Office of Management and Budget for review in behalf of the President.

As the benefits from this project are navigational safety—for crews and ships—no benefit-cost ratio is computed, for safety is an intangible factor.

There are precedents for projects of this nature, which are purely for safety, namely, the Thimble Shoal Channel, Va., submitted to Congress as Senate Document 122, 83d Congress, on September 3, 1954. This was later approved by Congress in Public Law 780 of the 83d Congress.

Another precedent is a turning basin on the James River at Richmond Harbor, Va., submitted as House Document 738, 77th Congress, March 2, 1945. This was later approved by Congress in Public Law 14 of the 79th Congress.

Mr. President, I ask unanimous consent that a fact sheet on the proposed improvements at Nawiliwili Harbor be printed in the RECORD at this point.

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

MAWILIWILI HARBOR AND PORT ALLEN HARBOR KAUAI, HAWAII

Location: Nawiliwili Harbor and Port Allen Harbor are located on the south coast of the island of Kauai, Hawaii.

Authority: House Committee on Public Works resolution adopted 5 October 1966; House Committee on Public Works resolution adopted 3 June 1959 and Senate Committee on Public Works resolution adopted 9 September 1966.

Existing Project: The existing Federal projects are: *At, Nawiliwili Harbor:* a breakwater 2045 feet in length and "S" shaped entrance channel, 40 feet deep, 600 feet wide and 2400 feet long, a harbor basin 35 feet deep with surface area of about 63.3 acres. *At, Port Allen Harbor:* a rubblemound breakwater about 1200 feet long, a harbor basin of about 50 acres and an entrance channel 500 feet wide, all to a depth of 55 feet.

Navigational Problem: Under existing conditions at Nawiliwili Harbor, jumboized C4 and large passenger liners cannot safely use the harbor because of the difficulty of navigation of the entrance channel and lack of maneuvering room in the basin.

Recommended Plan of Improvement: At Nawiliwili the proposed plan would widen a 1700 foot length of the northern site of the entrance channel by about 120 feet, widen the northern side of the transition area by about 60 feet; increase the area of the basin by about 17.3 acres.

No modification to the existing Federally constructed harbor at Port Allen is recommended at this time.

ESTIMATED COST
[March 1970 price level]

	Federal	Non-Federal	Total
Construction	$1,952,000	[1] $208,000	$2,160,000
Lands of relocation		220,000	220,000
Total	1,952,000	428,000	2,380,000

[1] $208,000 cash contribution toward initial construction cost for increased land utilization.

PROJECT ECONOMICS
[Interest rate of 5⅛ percent]

Annual charges	Federal	Non-Federal	Total
Interest and amortization	$108,700	$24,200	$132,900
Maintenance and operation	[1] 6,200		6,200
Total	114,900	24,200	139,100

[1] Additional maintenance beyond that presently required.

Annual Benefits: Benefits are intangible relating to navigational safety.

NAWILIWILI HARBOR AND PORT ALLEN HARBOR, KAUAI, HAWAII

Benefit-Cost ratio: Not computed.

Local Cooperation: The usual Federal requirements for navigation improvements such as lands, terminal facilities, berthing areas, and relocations plus a cash contribution of 9.6% of Federal construction costs for increased utilization of lands. The contribution is presently estimated to be $208,000. Local interests have indicated willingness to furnish items of local cooperation.

Comments of the State and Federal Agencies:

Department of the Interior: Favorable

Department of Health, Education, and Welfare: Favorable

Department of Transportation: Favorable

State of Hawaii: Favorable

Comments of Office Management and Budget:

Mr. FONG. Mr. President, both these projects are meritorious and necessary. I hope the Senate will approve the amendment offered by myself and my colleague from Hawaii (Mr. INOUYE).

Mr. President, I have spoken to the chairman of the Committee on Public Works about these amendments and he is willing to accept them.

Mr. INOUYE. Mr. President, I speak in support of the amendment offered by my senior colleague from Hawaii (Mr. FONG), and myself to authorize the construction of a flood control project in the Kaneohe area and to authorize the widening of an entrance channel to Nawiliwili Harbor.

If accepted, this amendment would authorize the construction of a retention dam and reservoir with the auxiliary recreational development of Kamooalii Stream in Kaneohe, Hawaii. The area in which this flood control project is to be constructed has been subjected to extensive and heavy flooding over the past several years. In 1968, such a flood caused property damages in the millions of dollars and also the loss of life of one of the residents in the area. Following these disastrous floods, preliminary work on this project was accelerated by the Corps of Engineers, and final authorization is now being obtained from the responsible agencies of the Federal Government.

This amendment, if accepted, would also authorize the widening and deepening of the inner entrance channel of Nawiliwili Harbor. Nawiliwili Harbor is the major port for the Island of Kauai, and due to its limited size there is a probability of a vessel becoming grounded and thereby closing the harbor to normal navigation until the vessel can be removed. Therefore, these modifications are necessary to fulfill the need for a safer harbor. This threat is aggravated by the almost total dependence of the island of Kauai on imports by ocean transportation. Further, the alternative port on Kauai, Port Allen Harbor, is not equipped to adequately serve the needs of the Island of Kauai.

Both of these projects have received the approval of the Board of Engineers for Rivers and Harbors. The Kaneohe flood control project has also received the favorable comments of the Department of Agriculture, Interior, Transportation, and Health, Education, and Welfare, and was submitted last week to the Office of Management and Budget for their review and comments. The comments from the appropriate Federal agencies are also expected to be forthcoming shortly on Nawiliwili Harbor. Since the Senate Public Works Committee considered the omnibus public works bill, prior to the submission of the necessary agency reports on these two projects, the committee was unable to include either of these two projects in the bill. The adoption of this amendment is necessary to forestall a possible 2-year wait for the authorization of the Kaneohe and Nawiliwili projects. However, this amendment also provides that work on these projects would only be initiated if these projects receive the approval of the President.

In view of the urgent need to begin work as soon as possible on the Kaneohe flood control project and the modification of Nawiliwili Harbor, I urge the Senate to adopt this amendment.

Mr. RANDOLPH. Mr. President, all members of the committee are knowledgeable on these projects, not only in their own States but those throughout the country. They work not on a provincial basis; they examine all the projects, including this project, from the standpoint of the economy and the benefit to the United States.

This project is in an area of our Republic which is far from the mainland of California. But the project contains a proviso which satisfies the chairman of the committee, so I feel that we could take it to conference or could allow the Senate to vote on it, as I feel certain the Senator from Kentucky (Mr. COOPER) would want us to do, possibly by a voice vote.

The distinguished senior Senator from Hawaii was a member of our committee, and has cosponsored the amendment with his able colleague and Democratic counterpart from Hawaii (Mr. INOUYE), who is also a former member of the Public Works Committee. These two Senators value the project. The committee has reviewed it, and it includes the protective proviso. I hope the Senate will approve the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Hawaii.

Mr. COOPER. Mr. President, my position with respect to this amendment is not taken upon its merits. I know that amendments offered by the Senators from Hawaii are meritorious. These projects have been surveyed by the Corps of Engineers and have been submitted to the various agencies, and the agencies have commented on them. As to the second project, it has been submitted to the Office of Management Budget. The first project has not been cleared by the Department of the Army.

I must say that, after many years of being the ranking member of the Senate Committee on Public Works, I, of course, want in every way I can to go along with the position of my chairman and also to help, as far as I can, all of my colleagues in the Senate. However, I will have to say that if we were to put these projects in without a hearing—and, in this instance, one project has not even been cleared by the Secretary of the Army—and without the approval of the Office of Management Budget, we could put in any project.

I am not talking about the merits. Certainly my colleagues know my respect for them.

My reason for opposing the last amendment, the amendment offered by the Senator from Texas, was that it was a $40 million authorization. The entire project would actually cost $192 million.

I have to raise these questions. I will not say anything more about it. My position was soundly defeated in the last rollcall vote. I will not ask for a rollcall but I oppose the amendment.

The PRESIDING OFFICER (Mr. GOLDWATER). The question is on agreeing to the amendments of the Senator from Hawaii.

The amendments were agreed to.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. INOUYE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, section 221 of the bill reads as follows:

The project for Libby Dam, Kootenai River, Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers is authorized and directed, as part of the relocation of municipal facilities of Rexford, Montana, to design and construct a central sewage collection and sewage treatment facility.

The Senator will recall that I discussed this matter with him relative to the removal of the town of Rexford because of the treaty dam, Libby, being built on the Kootenai.

While I visited Rexford this past fall, I met with the mayor, Jack Parish, and other interested citizens. They had been told at that time that the Army Engineers would not allow a water and sewerage system to be built, but that they ought to install septic tanks.

Am I correct in stating that on the basis of the efforts of the Committee on Public Works, there is contained in the pending proposal sufficient authority—authority which the Army Engineers said they lacked before. This authority would pave the way for the construction of not only a central sewerage collecting and sewerage treatment facility which now can be and must be and will be created—but the construction of a water facility as well?

Mr. RANDOLPH. Mr. President, the able majority leader—and, in this instance, I call him the senior Senator from Montana—is correct in his interpretation of what the committee has done.

Before I answer specifically as to the language in the legislation, as reflected on page 34 of the bill, and the language in the report on page 117, I wish to commend the majority leader for realizing that the contamination of the environment is being continued in certain portions of the United States through the excessive use of septic tanks.

It is encouraging to have a proposal brought to us which would, in a sense, say that the outmoded septic tank does not meet the situation in Montana, but the sewage treatment plant does meet the problem of the contamination of the environment.

I do not want to belabor the point except to say that some parts of the United States today are growing endlessly. For example, Broward County, Fla., is the fasting growing county in the United States, and much of its appeal depends on its beaches and on the recreational facilities there.

I am fearful of what could happen because of the 65,000 or 70,000 septic tanks that are now in use in Broward County, Fla. I do not want anything like that to happen any place in the country. I have also noted the press reports that Suffolk County, Long Island, which relies on septic tanks, will ban nearly all detergents after March, 1971. I think a better way to handle water pollution would be to abandon septic tanks and build modern sewers and sewage treatment facilities. It is encouraging to have the majority leader bring up this matter in his own State.

We have on page 34 authorized and directed the Army Engineers to design and construct a central sewage treatment collection and sewage treatment facility at Rexford, Mont., as has been indicated by the majority leader. We have then spelled out in the report the reason that this is being done.

I also commend the people of the area because they have been cognizant of their problem.

Mr. President, the language that was included by the committee, as the Senator from Kentucky (Mr. COOPER) knows, will assure that the replacement sewerage facilities will meet the applicable water quality standards and prevent the pollution of the Kootenai River.

Mr. MANSFIELD. Mr. President, I express my personal thanks to the distinguished chairman of the committee, the Senator from West Virginia (Mr. RANDOLPH), and to the distinguished ranking minority member of the committee, the Senator from Kentucky (Mr. COOPER). They, as always, have exhibited their great understanding and concern. As they know, this is a town which is being involuntarily moved because of a dam that is being built under a treaty arrangement with Canada. This act—the inclusion of this authority in this measure—is an indication that a small town and its people, who are deeply concerned, can come to the Senate of the United States and can be understood in what they request and can be given consideration, accommodation, and in this instance, justice.

I thank both Senators and members of the committee for their understanding of this particular problem, which is small in the overall, but big in the minds of the people up in Lincoln country.

Mr. COOPER. Mr. President, I support what has been said by the Senator from West Virginia and the Senator from Montana. I think it should indicate to people all over the country that no matter how small a community may be, it can be heard in the Congress. In this instance the people of the community were heard by a very influential Senator, but we have other instances in this bill where small communities have been heard.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that section 221 of the report of the Committee on Public Works on page 117 and section 221 in the bill on page 34 be printed in the RECORD at this point.

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

SECTION 221

This section authorizes the Chief of Engineers to construct sewer facilities, including collection and treatment works, for the town of Rexford, Mont., as part of the relocation features being made in connection with the construction of the Libby Dam and Reservoir.

Libby Dam, located on the Kootenai River in Montana, was authorized by the Congress in 1950 as a major unit in the Corps of Engineers comprehensive plan for development of water resources of the Columbia River Basin. The project is well underway with completion expected in 1974.

The town of Rexford with a population of about 1,000 persons, is located in the reservoir area and will be inundated when the dam is closed and water stored for project purposes. The Corps of Engineers as a mitigation measure is relocating the town to higher ground and providing certain municipal services, such as water, streets, school, fire, and police facilities, and other pertinent municipal services. Improvements in the private sector are being relocated by the individuals since the government has compensated them for the interest in their properties. In the absence of sewer treatment facilities, home and business owners will be required to install septic tanks.

Inasmuch as a septic tank system is outmoded and unsatisfactory, the town of Rexford has requested the Corps of Engineers as part of the relocation plan to include the construction of necessary sewer collection and treatment facilities. The Corps, while noting the desirability of such facilities, has indicated it is without authority for such work since it can only replace in kind those facilities being relocated. Local interests have therefore requested Congressional action to provide the necessary authority for the Corps of Engineers to provide the required sewage facilities. The language included in the bill by the committee will insure that the replacement sewage facilities will meet applicable water quality standards and prevent pollution of the Kootenai River.

SEC. 221. The project for Libby Dam, Kootenai River, Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers is authorized and directed, as part of the relocation of municipal facilities of Rexford, Montana, to design and construct a central sewage collection and sewage treatment facility.

Mr. JAVITS. Mr. President, I shall raise a number of matters and I hope that the committee and the ranking minority member will bear with me. The first matter I wish to deal with, upon which I am not presenting an amendment, is the Sandridge Dam project, listed in the bill from the other body as Ellicott Creek, N.Y.

This is a very essential project for the people of the western part of the State of New York. It has been authorized by the House bill subject to an accommodation extended to one of the Representatives from New York, BARBER CONABLE, who felt the relocation problem was extremely serious and wanted some way to ascertain if there was an alternate to the one chosen for this project.

In view of the fact that the matter was not in balance in the other body, with one Representative ardently desiring the project and another desiring to have it looked at to see if there were any alternatives, it struck me that, on the part of the State of New York, we should make clear our great interest in having the project approved in conference, but not try to amend it here, which might change the agreement arrived at there.

I think it serves my State best if I have printed in the RECORD the telegram from Governor Rockefeller pointing out the high urgency of this project to our State and a letter addressed to me from the junior Senator from New York (Mr. GOODELL), generally to the same effect, and expressing to the chairman of the committee and the ranking minority

member the deep interest of the State in this project and the great necessity it represents to us in terms of conservation of land and the hope that the balance which has been attained in the other body may be retained, assuming, and I hope that it is, that the conferees agree on allowing this project as it appears in the House bill.

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

ALBANY, N.Y.

Hon. JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

Your support is requested for inclusion of the project for Ellicott Creek Basin, New York, in the Omnibus Rivers and Harbors Act of 1970. The project consisting of the Sandridge Dam and Reservoir together with downstream channel improvements, has been recommended by the Chief, Army Corps of Engineers as urgently needed in the interests of flood control, water supply, recreation, and fish and wildlife enhancement.

New York State attaches the greatest urgency to implementation of the Ellicott Creek project and stands ready to meet all requirements of local cooperation. Early construction is needed to meet the flood control and water-related needs of the region, including those of the new campus of the State University at Buffalo and to keep abreast of activities of the State's urban development corporation.

I am pleased that the State was able to make a significant contribution through funds and personnel to expedite completion of the survey. The recommended Sandridge Reservoir and Ellicott Creek channel improvements are included in the early action plan of the Erie-Niagara basin regional water resources planning board and have been assigned the highest priority for implementation. This project is part of the statewide program for water resources development.

Your assistance to assure inclusion of the Ellicott Creek project in the Omnibus Rivers and Harbors Act of 1970 will be greatly appreciated.

NELSON A. ROCKEFELLER.

U.S. SENATE, COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., December 9, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate, Washington, D.C.

DEAR JACK: It is my understanding that the Senate will consider the Rivers and Harbors Authorization Bill, S. 4572, today, and that you plan to introduce an amendment to include the Ellicott Creek-Sandridge Dam project. Unfortunately, I plan to be in New York later today, and will not be present when the Senate considers this legislation. Therefore, I would appreciate it if you would include me as a cosponsor to your amendment, to authorize $19,070,000 in Federal funds for this flood control project.

The amendment calls for an investigation of all possible alternatives to the Ellicott Creek project prior to commencement of the project, and also provides that construction shall not be initiated until it has been approved by the President.

I believe a thorough investigation of all alternatives is essential, and that Congress should have an opportunity to review all aspects of the project. This is an essential provision, in view of the fact that time did not permit exhaustive hearings on the proposal by either the Senate or the House Public Works Committees.

There is no doubt that a serious flood problem exists along Ellicott Creek. A flood in 1960 inundated 890 acres in the Town of Lancaster, where a new domed stadium is to be built, and 3,200 acres in the Town of Amherst, along with extensive flooding in the Towns of Tonawanda and Cheektowaga.

To delay authorization of this project for two years would have a very serious effect upon the orderly development of the Buffalo-Amherst Corridor. An investment of $1.8 billion from State and private sources has been planned for the largest construction undertaking in Western New York's history. A key to this plan is construction of the new $650 million Amherst campus of the State University of New York. In addition, the State plans to construct in Amherst a $650 million housing development containing 10,000 units.

A delay could have a serious economic impact on the area, and would threaten the prospect of year-round employment of tens of thousands of construction workers, not only in the Buffalo-Amherst Corridor, but in the Town of Lancaster.

I would appreciate it if you would include this letter as part of the Record during discussion of your amendment.

With best wishes,
Sincerely,

CHARLES E. GOODELL.

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

Mr. JAVITS. I yield.

Mr. RANDOLPH. Mr. President, I think the Senator is well reasoned in his procedure this afternoon. He has documented the situation. He has called to our attention the seriousness of the matter, and in a sense it is a crisis. This documentation will be a part of the RECORD. Rather than to have a test here of something that would not be really advantageous, we understand the problem and we will take a look at it, and we hope in the concept of the legislative record we make we will be of some help.

Mr. JAVITS. I thank the Senator. He is very gracious and understanding.

Mr. President, I have another matter I shall raise, and I shall have one other after this one.

I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 14, between line 9 and 10, insert the following:

"The New York Harbor Collection and Removal of Drift project is hereby modified substantially in accordance with the plans on file in the Office, Chief of Engineers, subject to the approval of such plans and recommendations for requirements of local cooperation by the Secretary of the Army and the President. Any disposal of materials in carrying out this project shall be in accordance with Federal and State laws and regulations with respect to the control of air and water pollution."

Mr. JAVITS. Mr. President, this amendment is offered on behalf of myself and Senators GOODELL, WILLIAMS of New Jersey, and CASE.

This involves a cleanup project for New York Harbor, the principal harbor in our country, for all practical purposes. The amount involved on the Federal level is $16 million. The State and municipality will contribute an additional $13 million as the aggregate value of the project is something in the area of $28.8 million.

The project, naturally, as in the case of all of these projects, will extend over a period of years. The most urgent representations are made by the Port of New York Authority as to the very, very dangerous situation of rotting hulks, rundown piers, shoreline rubble, and the dilapidated shoreline structures. In addition to the actual dangers to navigation, there are the unsightly conditions which prevail in this, probably the most used harbor in the United States.

I press this matter, and it is in the House bill, because I think it does not quite fall within the purview of the rule expressed by the Senator from Kentucky as to a budget authorization. In this case, what has been surveyed in terms of the budget is a very broad scale idea of clearing all the harbors of the United States. The Budget rejected that in favor of a harbor-by-harbor proposition, based on the plans, the contributions, and the importance of each harbor situation.

We believe that, if both the House and the Senate say they would like this that the President would allow it to go forward, with the permission of the Budget, because they are dealing with it on a case-by-case basis.

I think the committee knows infinitely better than I the technical problems, but I know New York Harbor, and it is a mess. I can assure Senators of that. As a practical matter, if any Senator has taken the ferry line to Staten Island or the Statue of Liberty, he can see it for himself. In view of the attitude of the Budget that they will take this on a case-by-case basis, I would like to suggest the possibility, so that it does not fall afoul of the prohibition of the Senator from Kentucky (Mr. COOPER), that is, the prohibition against something not authorized by the Budget, that we include the proviso which the Senator from West Virginia included in other amendments he accepted. That provides that the President expressly shall authorize the work to go forward before anything can be done.

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

Mr. JAVITS. I yield.

Mr. AIKEN. Mr. President, I am very interested in the discussion of the Senator in regard to cleaning up the sludge in New York Harbor. That may affect New Jersey.

Would the Senator also be concerned with cleaning up about 300 acres of sludge which New York State allowed to be dumped on the floor of Lake Champlain, three-fourths of which is in Vermont, which so pollutes the lake that we cannot use the waters in the lake. I refer to papermill sludge.

I realize that about 800,000 cubic yards of the sludge have been dumped in the lake over a long period of years. I also realize this papermill at Ticonderoga has furnished employment for several hundred people in New York and a market for the pulpwood of New York and some from Vermont, and possibly New Hampshire, and that it has provided taxes for both the State of New York and the Federal Government.

It seems to me that now that the Senator has gotten them to say they will consider these cleanup jobs on a case by case basis that it would be the neighborly thing to do if New York State would get all the assistance possible from the Federal Government and undo the damage they have done to a neighboring State.

I realize that the paper company will fight to the bitter end against cleaning that up, if it has to do it, because it fears

it will establish a precedent requiring it to clean up the pollution generated by its mill everywhere. I realize, too, that the Federal departments may not want to establish a precedent for cleaning up all these unsavory industrial messes in the waters of the United States. But it seems to me if they are willing to take this matter up on a spot-by-spot basis, as the Senator has indicated, it would only be a neighborly thing to do if they would undertake to undo the damage that has been done to Lake Champlain so that the people may use that water. Three-fourths of the water is in Vermont.

I did persuade them, in building the new mill, which is two or three times larger than the old one, to dump the sludge on the New York side of the boundary. I think they are dumping it about 50 or 100 feet on the New York side, which is not far from the underwater Vermont boundary. But this is an opportunity for New York to come clean and undo the damage which it has done to a neighboring State.

I am not objecting to cleaning up New York Harbor. I agree that that may be a mess, too. But I do want the waters of Lake Champlain made pure for the people of Vermont, who own three-fourths of the lakebed.

Mr. JAVITS. Mr. President, in reply to our dean, Senator AIKEN, may I say the following: One, I thoroughly agree that our State should do everything possible, with Vermont, because it involves both jurisdictions, to clean up Lake Champlain. Second, we have a bond issue of $1 billion. We have done infinitely more than any other State for clean waters. I know the Governor wants to use it. I enlist myself in the effort which the Senator from Vermont is suggesting.

Last, I have a piece of information for the Senator from Vermont. We have actually been in touch with the New York authorities on this subject and we are trying to work out an arrangement between New York and Vermont to deal with the matter. I did not know that. My staff just advised me. New York is working with the Water Quality Administration very closely on this particular subject.

Certainly it is my pleasure—it is not anything the Senator exacts of me—to enlist myself with the Senator from Vermont in doing my utmost to clean up this very beautiful lake. I know it well. It is a magnificent body of water.

Mr. AIKEN. I knew the Senator from New York would appreciate the situation. The estimated cost of removing the sludge was put at about $4.4 million by the Army Engineers. I assume it will be $5 million before they get through. The Army Engineers have given the new paper mill, which is owned by the International Paper Co., authority to go ahead, regardless of the effect on the lake. I understand, and I have had information from the paper company itself, that they have devised means whereby they can control 90 percent of the pollution which is dumped into the water. I am also advised by the State of Vermont engineers that if the old sludge is cleaned out, it probably would not be too harmful for the new paper mill to operate, but if the 10 percent which they cannot control is added to that which is already in the lake, the only result will be to contaminate a greater part of the lake.

I appreciate the remarks of the Senator from New York. I knew that once he knew the situation he would cooperate. It would seem like a good, neighborly act.

Incidentally, we are building a good, four-lane road from Rutland to the New York border. I hope New York will reciprocate and build a four-lane road to meet ours.

Mr. JAVITS. I thank my colleague. As I have said, I enlist myself with him. We are already at work to save this beautiful lake.

Returning to the amendment I have pending on New York Harbor, I might say that we have written into the amendment a provision that any disposal of the materials in carrying out the project will be in accordance with Federal and State laws respecting the control of air and water pollution. So we are very cognizant of what happens even with the materials which are to be taken out of the seriously congested waters.

Also, as I said when I presented the amendment, if the managers of the bill feel it is necessary, notwithstanding plans and recommendations for local cooperation—that it be subject to the approval of the Secretary of the Army and the President, I am prepared to add the additional proviso which the Senator from West Virginia (Mr. RANDOLPH), has insisted in other amendments—namely; provided, that construction shall not be initiated until approved by the President.

Mr. COOPER. Mr. President, the manager of the bill, the Senator from West Virginia (Mr. RANDOLPH), is absent for a few moments, and he asked me to respond.

May I ask if this project has been completed by the Corps of Engineers as far as survey and preconstruction planning are concerned?

Mr. JAVITS. It is my understanding it has. That part, as far as New York Harbor is concerned, is done. Also, it is my understanding that it is a completely cooperative venture between New York and New Jersey. The Senators from New Jersey have joined in the amendment as evidence of that fact.

Mr. COOPER. What is the total cost of the project?

Mr. JAVITS. The total cost is $28,800,000—$16 million from Federal sources and $12.8 million from State and local sources.

Mr. JAVITS. Mr. President, I wish to point out that in 1963 the Congress authorized the Army Engineers to conduct a study and gave them $95,000 for the purpose; that 5 years later, in January 1969, the Engineers made public their findings, and their cost estimate was $28.8 million, of which the local contribution would be $12.8 million.

My amendment also provides that if the local contribution is to be approved by the Secretary of the Army and the President, if they are not satisfied that $12.8 million is the right amount, they can insist on what they think is the right amount.

Mr. COOPER. Mr. President, again, I find myself in the position that I have established on the previous amendment. Again, I have no doubt that the project has great merit. I have no doubt it will be acted on and be completed sometime in the future.

My investigation, after I learned about the Senator's project this afternoon, has disclosed facts which I cannot assure the Senate are correct, because I have not talked directly with the Corps of Engineers; but this is the information which has been given to me:

First, the Division Engineer has reported the project to the Chief of Engineers, but it has not been acted upon by the Chief of Engineers.

Second, it has not been cleared by any of the Federal agencies, and, of course, it has not been cleared by the Office of Management and Budget.

Finally, we have never had any hearings on it, although there have been House hearings.

So I am in the same position that I have been losing on. I feel I cannot support the Senator's proposal. That is the position that we are in.

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

Mr. JAVITS. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am reminded that in an earlier day, there was a distinguished Member of this body, a Senator from a State other than Kentucky, who said to a Senator from a State other than New York, when that Senator offered an amendment:

> I would swim the deepest ocean to be by your side. I would climb the highest mountain if I could be there and help you. I would walk through the searing sands if I could be of some assistance. I would even plow my way through the deepest snows if I could aid you in this matter. But I must oppose your amendment.

I know the Senator from Kentucky loves the Senator from New York. And yet the Senator must oppose his amendment. I understand that. I respect, always, the integrity of the Senator from Kentucky. He continues, regardless of persons involved, to take a position and to adhere to it.

The reason that I shall go along with the amendment offered by the Senator from New York is that there is such a provision in the House bill; is that not correct?

Mr. JAVITS. That is correct.

Mr. RANDOLPH. It would, therefore, be in conference.

Mr. JAVITS. Correct.

Mr. RANDOLPH. And by amendment the Senator has added the proviso which we have already approved in connection with the project for Texas?

Mr. JAVITS. I shall in a moment.

Mr. RANDOLPH. Yes. I have checked the amendment, and for that reason I would agree personally, and I am sure we can take a vote, perhaps without a rollcall.

Mr. JAVITS. I thank my colleague very much.

Mr. President, I modify my amendment so that, at the end of the first sentence, appearing on line 5, the following proviso is inserted:

Provided, that construction shall not be initiated until approved by the President.

The PRESIDING OFFICER. The amendment will be so modified.

Does the Chair correctly understand that the chairman has accepted that amendment as modified?

Mr. RANDOLPH. I accept it, but there is a difference of opinion, as we recognize here, and so we should, of course, vote upon the matter.

The PRESIDING OFFICER (Mr. GOLDWATER). The question is on agreeing to the amendment, as modified, of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I send to the desk another amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. 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 will be printed in full in the RECORD.

Mr. JAVITS's amendment is as follows:

On page 11 starting on line 11 strike all through line 20 and insert the following in lieu thereof:

"SEC. 111. Subsection (b) of the first section of the Act entitled 'An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property.', approved August 13, 1946 (33 U.S.C. 426e(b)), is amended by inserting '(1)' after 'except that', by striking out 'and, further, that' and inserting '(2)' in lieu thereof, and by inserting before the period at the end thereof a comma and the following: 'and (3) Federal participation in the cost of a project providing hurricane protection may be, in the discretion of the Secretary of the Army, acting through the Chief of Engineers, not more than 70 per centum of the total cost exclusive of land costs'."

Mr. JAVITS. Mr. President, this amendment raises a question as to what should be the division of Federal and local costs in respect to hurricane protection and beach erosion projects.

We have a problem which I shall describe, but first let me say what the amendment would do.

The amendment would give the power—and I wish to emphasize that the amendment is not operative in its text—or the authority to the Secretary of the Army, acting through the Chief of Engineers, to go up to 70 percent, exclusive of land costs, on multiple purpose projects which provide hurricane protection on beaches.

This is a matter of great interest to Senators from States which have beaches, and when I read the list of sponsors, Mr. President, I think the Senate will have that very clearly before it. No ideology separates us, I can assure you.

The list of sponsors includes, aside from myself, Senators BROOKE, CASE, EASTLAND, MUSKIE, GOODELL, THURMOND, TOWER, and WILLIAMS of New Jersey. We all sponsor this measure, Mr. President.

Mr. JAVITS. Mr. President, this amendment has had thorough consideration by the committee, and I am deeply indebted to the Senator from Kentucky (Mr. COOPER), who took up the cudgels for us in the committee. Our effort was not sustained, but he really tried very hard for us all; and I am indebted as well to the Senator from West Virginia (Mr. RANDOLPH), who took the matter seriously enough to include a study provision, which is in the bill, on this matter. It will be my burden to explain why we are still pressing forward, even though he has included a study provision. I shall attempt to carry that burden.

Mr. President, the facts are simply these: On projects where the Federal Government pays for a part of the cost of a project involving hurricane protection and beach erosion the chief of engineers has tried to apportion what part of the project he considers would be hurricane protection, which is on a 70–30 cost-sharing formula, and what part of the project he considers to be beach erosion, which involves a proportion of 50–50 or less.

Hence the average Federal participation in what all of us, as sponsors, consider to be hurricane protection projects amounts only to 56.2 percent.

What we compare that with is that when we come to inland flood control projects, for example, where there is a relatively similar situation, no such distinctions are made, and we end up with an average Federal financial participation of 74.8 percent.

I also wish to point out that in State conservation areas, that is, wilderness type areas, the Federal contribution for similar work is up to 70 percent. We deeply believe that there is a real discrimination being suffered by projects just because they happen to be on the beaches of the various oceans, as distinguished from projects of the same nature in other parts of the country, which have the benefit of the provision of up to 70 percent.

So we wish to make it crystal clear, still leaving the authority in the Secretary of the Army and the Chief of Engineers, that as far as Congress is concerned, he can go up to 70 percent on these projects, and that he does not have to apportion them between hurricane protection and beach erosion, if the primary purpose is hurricane protection.

I said a moment ago that the committee had written in a study provision. Why, then, do we not just let it alone?

The reason we do not, Mr. President, is, first, before the study provided for can be acted on it will be 2 years.

Second, we believe the committee knows about as much about the problem as it will know when it gets the study. This is a matter which, with the advice of the Government departments in question, can be settled right now, and the 2-year delay saved for all of us.

For those reasons, Mr. President, a group of us, as I say, of very diverse views on many things, but, having a similar view on this matter, have gotten together and proposed this amendment.

I realize that, if adopted, the amendment will not have to go to conference. However, in view of the fact that the sponsors of the amendment are convinced that they know as much about it now as they are going to know about it in a year, and that if we ask for a report it will be a minimum of 2 years before we can get action, the Senate ought to get a definitive settlement, especially as the definitive settlement will still leave the whole issue in the hands of the Chief of Engineers.

Again I wish to point out that the primary argument I make regarding the study is that we know as much about this now as we are going to know then. It is just a matter of delaying us for 2 years in many projects and disadvantaging the States accordingly. For practical purposes, no danger is involved, because it remains in the direction of the Secretary of the Army and the Chief of Engineers, who I am sure would not operate without the permission of the Budget. The only thing we do is to raise the maximum and make it clear to them that, where a project is preponderantly hurricane protection, we expect them to feel free—they may not do it—as a matter of law to go up to 70 percent.

Mr. President, I hope very much that this long-needed reform and discrimination against States with ocean-front shorelines could now be corrected.

Mr. RANDOLPH. Mr. President, I want to inquire of the Senator from New York—I realize, of course, the broad sweep of cosponsorship and the interest in the amendment—as to the proviso in reference to approval by the President before the work could begin.

Mr. JAVITS. Oh, yes. I think it is endemic in everything we do. I have no desire to bypass what now appears to be the ground rule of the committee that work on any of these things shall be subject to the authority of the President.

If the Senator wished that—the Senator will correct me, because he knows this bill like the back of his hand and I do not—I think what we would then have to say in the amendment is, "Nothing here contained shall affect the authority of the President in respect of any individual project which may be affected."

This amendment does not affect any individual project. I would negate the fact that we are trying to change anything in respect of all projects in the bill or otherwise by this amendment. I do not know what else we could do in order to carry out the Senator's desires.

Mr. RANDOLPH. I must say that the Senator has indicated that we are working within the ground rules of the committee, but we have been stretching the ground rules here this afternoon in reference to some amendments that have been offered on projects. I have attempted to accommodate various Senators by accepting their amendments with the proviso which sets forth this protective language and because the matters will be in conference; therefore I shall not oppose the amendment.

Mr. JAVITS. I thank my colleague.

Mr. COOPER. Mr. President, this proposition is dissimilar to the ones to which I have been opposed. In those cases, we had no hearings, no approval

of the Office of Management and Budget. Even with the added clause, I did not think we should burden the President for that decision as to a problem on projects which have never even come before us formally.

However, Senator JAVITS and Senator GOODELL testified before our committee on this proposal and had good reception from the committee. I think we understand what it means. I would think that it would help the Chief of Engineers, when he is confronted with projects which affect both hurricane and beach erosion, so that, without going through some elaborate process to determine which is affected most, he knows that if it affects hurricane protection, he would give this percentage of Federal support.

The House has already passed it. It is in the House bill. I would be very happy if we could accept the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that a statement by Senator GOODELL be printed at this point in the RECORD.

There being no objection, the statement by Senator GOODELL was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GOODELL ON NEED TO CHANGE COST SHARING FORMULA FOR HURRICANE PROTECTION PROJECTS

Mr. President. As a coauthor of this amendment with my senior colleague from New York. Mr. Javits, I urge its adoption by the Senate.

The purpose of this amendment is to provide additional protection for our nation's shores. As priceless assets, our shores must be carefully protected and nurtured, or else they will be lost. The longer we wait to take such action, the greater is the probability that we will have to undertake more and more protective work in the future.

This amendment will change the existing cost-sharing formula covering multiple-purpose hurricane protection programs. This formula must be changed because it is needlessly complex and unbalanced. It has had the effect of preventing needed protection projects from being constructed because some local communities have not been able to proceed with authorized projects due to a lack of matching funds. Other areas in need of shore protection may not even have applied for aid because the magnitude of the needed project is beyond the means of the localities under the present formula.

What this amendment seeks to do is to allow the federal government to bear up to 70 per cent of the costs of hurricane protection projects which may in fact involve incidental beach erosion control. It in no way alters the cost sharing formula for single purpose beach erosion projects. Nor do we intend to amend present procedures regarding the protection of privately owned property as provided in Section 426 (a), (d), Title 33, U.S.C.

This amendment is identical to S. 3744, a bill introduced by Senator Javits and myself on April 30, 1970. I testified before the Senate Public Works Committee on behalf of this bill on June 18. Senator Javits and I were joined by Senators Brooke, Case, Eastland, Muskie, Pell, Thurmond, Tower, and Williams (N.J.) as cosponsors of this legislation. An identical bill, introduced at the same time in the House by Representative Celler, passed the House on December 6, 1970 as part of H.R. 19877.

Regrettably, the Senate Public Works Committee has not approved this change in the formula. Instead, the Committee has authorized the Army Corps to conduct a review of this formula and report back to the Congress within a year.

Mr. President, I cannot concur in the Committee's recommendation on this matter. There has been ample evidence presented, in my view, to document the need for immediate action to change this formula. While we delay, our priceless shores lack the necessary protection against the vagaries of nature. How many more Hurricane Camilles must we endure before we finally act on the notion that preventative—not restorative—action is by far the wiser course.

I urge the Senate to adopt this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York (Mr. JAVITS).

The amendment was agreed to.

Mr. HART. Mr. President, on April 15, 1970, President Nixon sent to the Congress a message on waste disposal, dealing with disposal of polluted dredge spoil. In the message, insofar as the Great Lakes are concerned, he proposed legislation which would:

Discontinue disposal of polluted dredged materials into the Great Lakes by the Corps of Engineers and private interests as soon as land disposal sites are available.

Require the disposal of polluted dredged spoil in containment areas located at sites established by the Corps of Engineers and approved by the Secretary of the Interior.

Require States and other non-Federal interests to provide one-half the cost of constructing containment areas and also provide needed lands and other rights.

Require the Secretary of the Army, after one year, to suspend dredging if local interests were not making resasonable progress in attaining disposal sites.

On April 23, 1970, Senator COOPER and other Senators introduced S. 3743 to accomplish these purposes, and the bill was referred to the Senate Public Works Committee.

After consultation with the Michigan Department of Natural Resources, I voiced strong objection to this bill to the Public Works Committee. Our department had protested the new requirement that States and other non-Federal interests provide 50 percent of the cost of constructing containment areas and also provide needed land and other rights, a provision which, by the terms of S. 3743, applies only to the Great Lakes and their connecting channels.

The Senate Public Works Committee took no action on S. 3743. I was informed that the committee expected to hold hearings on this issue next year.

Meanwhile, there came over to us from the other body the omnibus rivers and harbors bill (H.R. 19877), which contained in section 111 a modified version of the provisions contained in S. 3743. It cut the non-Federal contribution for construction costs from 50 to 25 percent and added a new subsection (e):

(e) The requirement for appropriate non-Federal interest or interests to furnish an agreement to contribute 25 per centum of the construction costs as set forth in subsection (d) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that the State or States involved, interstate agency, municipality, or other appropriate political subdivision of the State or industrial concern is participating in an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and is making progress satisfactory to the Administrator.

Mr. President, those of us representing the Great Lakes States yield to no one in our desire to speed up pollution control in that area. But we do not look favorably on legislation which writes into law a State and/or local contribution feature which is applicable only in our area and on which hearings have not been held.

We are, therefore, grateful to our Senate Public Works Committee for striking the Great Lakes cost-sharing section—or for not including it in the Senate bill. We commend the chairman and the members of his committee and hope they will hold firmly to the Senate bill in this respect in conference.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 20, insert the following paragraph between lines 20 and 21:

"The project for flood protection on the Mississippi River at Davenport, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document 91———, at an estimated cost of $12,263,000. *Provided*, That construction shall not be initiated until approved by the President."

Mr. MILLER. Mr. President, this amendment is designed to put in our bill a portion of the House-passed bill under "Upper Mississippi River Basin projects."

The House report on this particular item points out that Davenport—for those Senators who have not visited there—is a part of the Quad Cities complex, consisting of Davenport and Bettendorf, Iowa, and Rock Island and Moline, Ill.

Resolutions of the House Committee on Public Works were adopted as long ago as September 18, 1944, and, more recently, section 208 of the 1965 Flood Control Act. The latter is not entirely accidental. In 1965, the highest flood on record occurred in the Quad Cities area and caused a great amount of damage. Some Senators will recall that a most unusual natural phenomenon occurred when there was a large, jammed-up ice floe which became known as the largest inland iceberg in the history of the United States. All kinds of efforts were being made to manage this so that there would not be any disaster from the flooding. Fortunately, the weather did not thaw it unduly, and, as a result, an even greater disaster did not befall the Quad Cities area.

However, quite apart from that, there have been hundreds of thousands of dollars of damage occurring in this area from floods in the last several years. I have visited Davenport and the Quad Cities area and observed some of the damage that has occurred, and it has been severe.

As pointed out in the House report, on page 49, flooding has been relatively frequent and severe. The cost-benefit ratio, 1 note, is 1.3, which is quite in line with the projects we have been approving.

It is my hope that the distinguished chairman of the committee, the Senator

from West Virginia, would take this amendment to conference.

I believe that information regarding the damage has been provided the committee over the last few years. I cannot recall whether there was a specific hearing on this point in the Senate Public Works Committee, but there certainly was in the House.

It would be my judgment that this would have a good chance of acceptance in the Conference Committee because there has been strong support for it in the House. I would appreciate it if the Senator from West Virginia could see fit to take the amendment to conference.

Mr. RANDOLPH. And still they come, these amendments and projects on which we have had no hearings. I ask now if there was a report on this project in recent weeks and if it is in the House bill?

Mr. MILLER. That is correct.

Mr. RANDOLPH. As the Senator has indicated, and as I understand it, the amendment will contain the provisory language as requested early today?

Mr. MILLER. That is correct.

Mr. RANDOLPH. The damage is not only considerable, it is, as the Senator has indicated, heavy; is that correct?

Mr. MILLER. The House Committee used the word "severe." May I say to my good friend from West Virginia it has been my personal observation that it has been severe, because I was amazed at the time of each flood crisis, when those areas were stricken, and I have had occasion to do this four different times in 4 different years in my 10 years of service in the Senate with respect to the Davenport area.

Mr. RANDOLPH. This project, as I understand it, embraces an area both in Iowa and Illinois?

Mr. MILLER. That is correct. There is the Quad Cities area, part of a group together, two on the Illinois side—Rock Island and Moline; and two on the Iowa side, Davenport and Benttendorf.

May I say that some of this would affect Davenport directly but the whole project will have a bearing upon the flooding in the Quad Cities area, so it is not just a Davenport, Iowa, benefit alone that we are talking about here; although, I might say, this is where the bulk of the damage has taken place so that I am sure, in evaluating the benefit-to-cost ratio, which is 1.3, that the Corps of Engineers would have taken into account the major damage which has occurred in Davenport.

There are some well-populated and industrialized cities in Moline and Rock Island which have also been affected by these same floods.

Mr. RANDOLPH. Mr. President, just before we vote, I know that the position of the Senator from Kentucky has been stated, but since the matter will be in conference, and since the proviso has been included in the language of the amendment offered by the Senator from Iowa, I shall not object to the amendment and will take it to conference.

The PRESIDING OFFICER (Mr. PACKWOOD). The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. COOPER. Mr. President, I wish to be recorded as having voted "nay."

Mr. DOLE. Mr. President, I rise in support of S. 4572, authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and other purposes. The Rivers and Harbors-Flood Control Subcommittee and the full Senate Public Works Committee have spent many hours in hearings and executive session deliberating on the contents of this bill. I commend the subcommmittee chairman, (Mr. YOUNG) and the chairman of the full committee (Mr. RANDOLPH) and the ranking minority member, Mr. COOPER, for their diligence in reporting this bill.

S. 4572 contains two water projects that are of particular interest to Kansans. A flood protection project on Mud Creek and the Cottonwood River at Marion, Kans., is authorized at an estimated cost of $2,146,000. The report on this project by the Corps of Engineers discloses that runoff from the drainage of the Cottonwood River and its tributaries frequently exceeds stream channel capacities. As a result, the city of Marion is subjected to flood damage that will be prevented by construction of a new channel and a protective levee.

The other project is part of the Blue River Basin and affects both Kansas City, Kans., and Kansas City, Mo. Because of severe flooding in the basin, particulaly in the low-lying industrialized portions, the Corps of Engineers has recommended channel improvements and the construction of a system of four upstream multiple-purpose reservoirs, namely, Wolfe-Coffee Creek Reservoir, Tomahawk Creek Reservoir, Indian Creek Reservoir, and Mill Creek Reservoir, at an estimated cost of $106,269,000. Besides prevention of future flood damage, the system will allow regulation of stream flow and provide a tremendous opportunity for water recreation.

In the course of examining the proposed Blue River project, the River and Harbors-Flood Control Subcommittee heard extensive testimony on the advisability of constructing this project and particularly the Tomahawk Creek Reservoir. Questions were raised by opponents of the Tomahawk Creek Reservoir concerning the Corps of Engineers' estimates of the cost of construction of that reservoir. In response to these questions, the corps provided additional information that was sufficiently persuasive to the committee. However, to protect the rights of all interested parties, a provision was included in the authorization that required the Corps of Engineers to thoroughly study the project to determine the necessity and feasibility of all aspects of the project. This provision does not require a restudy of the Blue River project or the Tomahawk Creek Reservoir. It does, however, emphasize the concern of Congress that all alternatives to construction of the Tomahawk Creek Reservoir have been thoroughly considered. It is intended by the Committee that this review be conducted during preconstruction planning for the project.

The general questions raised by the Blue River project have been discussed in the report on this bill, Senate Report No. 91–1422. For some time, I have been particularly interested in the question raised by the section in the report that discusses the impact of water resource development on the environment, and I specifically concurred in the need for oversight hearings during the next session of Congress.

On February 1 of this year, in a speech to the Mississippi Valley Association, I raised many of the same issues. I ask unanimous request that the text of that speech be printed in the RECORD.

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

ADDRESS BY SENATOR DOLE BEFORE THE MISSISSIPPI VALLEY ASSOCIATION

I am delighted to be here today to share some of my thoughts on the development of America's great water resources. Recognition of the importance of taking affirmative action to protect our environment has long been a concern of your organization. Since 1919, you have continuously fought for a coordination of our total water uses with soil improvement, fish and wildlife development and the needs of the American people. Because of your established interest and expertise, the nation must look to you for guidance as it awakens to what President Nixon described as the "major concern of the American people in the decade of the seventies."

Water projects, their design and construction as well as the procedures by which they are approved are an important part of this concern. Over the years an elaborate procedure for approval of these projects, which appears to have its own momentum, has evolved. Because of these procedures, it is difficult to identify the weak and unnecessary elements. It is safe to say, however, that Congress shares a great deal of the blame for most of the archaic authorities under which the civil works programs of the Corps of Engineers presently operates. Authorities enacted in the late 1800's and early 1900's may not be suitable for the 1970's.

Not only the authority, but the enormous body of rules, regulations, guidelines, and other materials have become extremely complex and at the very minimum extremely confusing to the public. This work places a burden on the committee on public works as it carries out its role in the biennial approval of the Omnibus Rivers and Harbors Act. Several of my colleagues and I on the public works committee are considering the best means by which the committee can exercise its other constitutionally charged function to conduct oversight hearings on the general program of the corps. It is hoped that we may begin this review during this session of Congress and that your organization will play a meaningful role in identifying inefficiencies and recommending alternatives to the existing program. Specific questions involve such things as the benefit/cost ratio, relocation of individuals or communities and, of course, the considerable amount of time between the authorization of a project and its construction. This last factor often adds to the complexity and difficulty of the previous two. As you are well aware, it is not unusual for a project once authorized to not be initiated—much less completed—for several years following the studies and data upon which the project was authorized. This, of course, adds to the burden that the public must shoulder.

One of my own observations regarding the present system for the development of water resource projects is that the public does not participate in as meaningful a way as projects of this substance and magnitude dictate. Too often the public's role in the present administrative process occurs so late in the procedure as to put them at a distinct disadvantage. By that time, the corps has developed a tremendous documentation in support of or in opposition to a particular

project. We must incorporate into this system public participation at an earlier stage.

The thrust of President Nixon's state of the union message and an earlier address concerning the environment was that we must develop an integrated and comprehensive approach to environmental problems. This message, of course, applies to water resource projects. We must consider such projects in the total context of the environment and utilization of the environment. We must consider the effects of water resource projects on adjacent land use, population distribution, concentration of industry, and a whole myriad of factors that contribute to either environmental degradation or environmental quality. It should be acknowledged at the outset, however, that the achievement of a comprehensive approach is extremely difficult and one which will take dedication and commitment from all levels of our society and, of course, all levels of government. We are now coming full cycle to realize that decision-making regarding the environment cannot be left solely to the Federal Government or even the Federal Government working with State governments. To achieve an environment of quality, we must have the participation and help of all citizens. Your role, therefore, is not one of waiting for decisions from government. I would hope Congress will exercise its responsibility to make such participation legally possible and that your organization and your members, as citizens, will endeavor to participate in a meaningful way.

Mr. DOLE. Mr. President, although valid questions may be raised concerning the Corps of Engineers and its practices and procedures for recommending water projects to Congress, it is necessary to consider the whole picture and not deal with the problems in a piecemeal manner. Hearings next year by our committee should disclose the central problems and provide us with possible answers.

In the meantime, I urge affirmative action by the Senate on this bill and want to emphasize the need for approving a full authorization for the Blue River project. The House Public Works Committee has approved only $40 million for that project, which is clearly insufficient and will require Congress to go through this whole process again in 2 years. In order to provide the land owners and communities involved maximum notice, and to allow land acquisition to begin as soon as possible, I urge the Senate conferees on this bill to work for full authorization for the water projects contained in this legislation.

Mr. TOWER subsequently said: Mr. President, I should like to point out some of the merits of the Sabine River Basin project that the House has included in their rivers and harbors bill for this year, but which the Senate committee has omitted, along with a number of other projects, because the Office of Management and Budget has not yet finished its final review of these particular items. The project, the Sabine River Basin project, has been approved through all of the stages of development and review which are involved in such a major project. Recently, the following governmental units stamped their final seal of approval on the project: the State of Texas, the State of Louisiana, the Department of Transportation, the Department of Housing and Urban Development, the Department of Agriculture, the Department of Interior, the Department of Health, Education and Welfare, the Department of Commerce, the Federal Power Commission, and the Water Resources Council. I understand that the final review by the Office of Management and Budget is forthcoming. The House, in expectation of final approval from OMB, went ahead and placed the project in their bill, although the Senate committee preferred not to do so.

The project will affect 20 counties in east Texas and seven parishes in Louisiana. The Sabine River originates in Collin and Hunt Counties, just north of Dallas, flows 310 miles to the Texas-Louisiana State line, and then goes south for 265 more miles to the Sabine Lake, adjoining the Gulf of Mexico. In recognition of the importance of this large basin to the economy of much of the huge east Texas area, Congress authorized a report on a basin plan in 1945 and again in 1959. There are currently no federal flood control or multiple purpose reservoirs in the basin. Non-Federal interests have built several reservoirs on the River, but the sheer size of the basin makes a comprehensive basin project too large for state and private financial capacity.

There has been a continual flooding problem in the Sabine River Basin for years, and the local efforts to prevent this with levees and channel straightening have been ineffective. Average annual flood damage is roughly $5.2 million. By the year 2020, municipal and industrial water supply requirements will increase nine times over the 1960 usage. The additional need for increasing recreational usage will also be an important factor in considering the benefits of the comprehensive plan.

The major items to be constructed under the plan are the Mineola, Lake Fork, and Big Sandy Reservoirs for flood control, water supply, and recreation; local flood protection at Greenville, Tex.; and a commercial barge-navigation channel from Echo to Morgan Bluff, Tex. The reservoirs are necessary to help supply the rapidly growing Dallas area with water in the future, and are extremely critical to the future of this great metropolitan area.

In sum, Texas is vitally interested in this project, and must have this plan authorized by Congress as soon as possible in order to allow the various State and local authorities to begin their part of the preparatory actions for the eventual implementation of the basic plan. Federal budgeting and funding still lie ahead for this project, and I urge the Senate to take favorable action on this item so that steps can be taken on it as soon as possible.

Mr. HART. Mr. President, the Omnibus Rivers and Harbors Act now pending before the Senate authorizes a wealth of projects which will have a substantial impact on the environment. It is my understanding that some controversy exists, with regard to several of the projects, as to whether this impact is justifiable.

The National Environmental Policy Act of 1969 is designed to cope with this precise type of controversy. Section 102 of the act requires all Federal agencies to:

(a) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(b) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(c) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on:

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local and short-term use of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The act further requires that:

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental pact involved. Copies of such statements and the comments and views of the appropriated Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes.

Unfortunately, the Corps of Engineers, in proposing the projects included in S. 4572, has failed to comply both with the spirit and the letter of section 102 of the act. That section requires that environmental impact statements, the so-called "102 statements," be prepared for each proposal significantly affecting the environment. The corps, however, originally submitted its proposals without a single 102 statement. In so doing, it would appear to be a violation of the act. Even today there might not be a single statement had it not been for the considerable pressure exerted by concerned conservation groups and the Senate and House Public Works Committees. As it was, the statements were received by the committees after hearings had been completed and certainly too late for any detailed analysis and input from the public prior to congressional action.

Moreover, section 102(2)(c) requires that the final 102 statement and the comments and views of the appropriate Federal, State, and local agencies are to accompany the proposal through the existing agency review procedure. This also was not done until long after the proposal had been submitted to Congress. Surely this sequence of events was not that contemplated by section 102.

The redeeming feature of this story is that today we are only considering authorizing legislation. These projects must still be funded, which requires another act of Congress. Prior to that act,

the public will have the opportunity to consider the section 102 statements, and it is my hope and expectation that they will make good use of that opportunity.

It is my intention to vote for the Rivers and Harbors Act. It should be made absolutely clear, however, that my vote does not in any way approve of the performance of the Corps of Engineers in complying with the National Environmental Policy Act. The possibility of future consideration of the section 102 statements is, in my view, justification to proceed on this matter. In the future, however, I believe we must insist on complete compliance with an act which is of great potential value to us all. It is my sincere hope that this view is shared by all of my colleagues voting today.

The PRESIDING OFFICER (Mr. PACKWOOD). The bill is open to further amendment. If there be no further amendments 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.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 19877.

The PRESIDING OFFICER. The bill will be stated.

The legislative clerk read as follows:

The bill (H.R. 19877) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. RANDOLPH. Mr. President, I move that all after the enacting clause be stricken and that the text of Senate bill 4572, as amended, be substituted therefor.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The bill (H.R. 19877) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. RANDOLPH. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. COOPER. Mr. President, I move that the motion to reconsider be laid on the table.

The motion was agreed to.

Mr. RANDOLPH. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. PACKWOOD) appointed Mr. RANDOLPH, Mr. YOUNG of Ohio, Mr. MUSKIE, Mr. JORDAN of North Carolina, Mr. COOPER, Mr. DOLE, and Mr. GURNEY conferees on the part of the Senate.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that S. 4572 be indefinitely postponed.

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

Mr. MANSFIELD. Mr. President, may I say that the Senator from West Virginia (Mr. RANDOLPH) the very able and distinguished chairman of the Senate Public Works Committee has again demonstrated his outstanding legislative skill and ability. He brought to the Senate a clear and convincing understanding of this measure and his outstanding presentation was largely responsible for its expeditious and overwhelming approval today. Once again the Senate is indebted deeply to Senator RANDOLPH, to his expert legislative skills, to his immense competence. The extremely important omnibus rivers and harbors proposal has again been steered to overwhelming Senate approval and the Senate again has Senator RANDOLPH to thank.

I should say, too, that the ranking minority member, the very distinguished and capable senior Senator from Kentucky (Mr. COOPER) played a large role in this success. We are all aware of his extensive and knowledgeable interest in this very important area and are deeply grateful to him for lending his support and advocacy.

Our thanks go also to others who contributed to the high quality of the debate on this measure. I wish to commend the distinguished Senator from Delaware (Mr. BOGGS), the distinguished Senator from Ohio (Mr. YOUNG), and the distinguished Senator from Texas (Mr. YARBOROUGH). They together with Senator JAVITS and Senator DOLE, are to be commended. Each gave us the benefit of thoughtful and thorough views and the Senate is indebted.

As a whole, the Senate can be proud of a job well done.

THE CALENDAR

Mr. MANSFIELD. Mr. President, with the approval of the Republican side of the aisle, I would like to call up two unobjected to bills at this time, Calendar Nos. 1426 and 1219, and ask unanimous consent that the Senate proceed to their immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered.

WALDEMAR E. KUNSTMANN

The Senate proceeded to consider the bill (S. 106) for the relief of Waldemar E. Kunstmann, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That the Foreign Claims Settlement Commission is authorized and directed to determine and certify, under the terms of the Polish Claims Agreement of 1960, the validity and amount of any claims which Ida Kunstmann, Waldemar F. Kunstmann, and Anneliese E. Kunstmann, as heirs of the late Waldemar E. Kunstmann of Almont, Michigan, may have against the Government of Poland arising out of the loss of farmland with improvements owned by the said Waldemar E. Kunstmann, located near Lubicz (formerly Blumenfelde), Germany, now under Polish administration.

The amendment was agreed to.

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

The title was amended so as to read: "For the relief of Ida Kunstmann, Waldemar F. Kunstmann, and Anneliese E. Kunstmann."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1413), explaining the purposes of the measure.

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

PURPOSE OF AMENDMENTS

The purpose of the amendments is to require that any payment of moneys be made from the Polish Claim Fund instead of the U.S. Treasury.

PURPOSE OF BILL AS AMENDED

The purpose of S. 106, as amended, is that the Foreign Claims Settlement Commission be authorized and directed to determine and certify, under the terms of the Polish Claims Agreement of 1960, the validity and amount of any claims which Ida Kunstmann, Waldemar F. Kunstmann, and Anneliese E. Kunstmann, as heirs of the late Waldemar E. Kunstmann of Almont, Mich., may have against the Government of Poland arising out of the loss of farmland with improvements owned by the said Waldemar E. Kunstmann, located near Lubicz (formerly Blumenfelde), Germany, now under Polish administration.

STATEMENT

The Foreign Claims Settlement Commission is opposed to enactment of this bill. In its report to the committee, the Foreign Claims Settlement Commission set forth the facts of the case as follows:

"The bill directs the Secretary of the Treasury to pay Waldemar E. Kunstmann of Pontiac, Mich., the sum of $27,397 out of any money in the Treasury not otherwise appropriated in full satisfaction of all his claims against the United States based on the loss of certain real property.

"The bill does not specify the exact nature of Mr. Kunstmann's losses but it appears that they may relate to losses included under a claim which he filed with this Commission pursuant to the provisions of title II of the War Claims Act of 1948, as amended (Public Law 87-846).

"Mr. Kunstmann asserted a claim under the above-mentioned act based upon the loss of certain personal and real property located at Blumenfelde, Germany (now Lubicz, Poland) which was alleged to have occurred during World War II.

"Section II of the War Claims Act of 1948, as amended, provided, among other things, for claims of nationals of the United States for loss or destruction of, or physical damage to, real and tangible personal property located in certain European countries as the boundaries of such countries existed on December 1, 1937, including Germany and Poland, which loss, destruction, or physical damage occurred during the period beginning September 1, 1939, and ending May 6, 1945, as a direct consequence of military operations of war or special measures directed against property because of its enemy ownership. The special measures provision has been construed to mean a wartime confiscation of American-owned property in areas under Communist control at the end of hostilities thereby precluding restoration and for which loss compensation had not been provided previously.

"Mr. Kunstmann's claim related to the loss of 140 acres of farmland, four brick farm structures, including a house, and personal property consisting of livestock, farm machinery and implements, and household furnishings. Based on the evidence of record, the Commission issued its proposed decision granting claimant $8,700 for the loss of his

personal property and $5,978 for damage to the real property for a total award of $14,678. The remaining portion of the claim based upon the asserted loss of farmland and the remainder of the improvements not subject to war damages was denied for losses not under the "special measures" provisions of the statute.

"Objections were filed by the claimant contending that the value of the property was more than the Commission had allowed and, therefore, requested that the award be increased accordingly. Objections were also filed concerning the denial of that portion of the claim in regard to the farmland which claimant had valued at $21,000. The claimant had valued his improved real property at $13,720.

"Upon review of the entire record and testimony received during the course of an oral hearing held before the Commission in connection with the subject claim, the award with respect to damages to his improved real property was increased from $5,978 to $7,323 for a total of $16,023 which included the $8,700 for personal property losses previously granted. No award was granted for the farmland.

"In view of the foregoing, it appears that the amount of $27,397 referred to in the bill represents the difference of $6,397 between the value claimant had placed on his improved real property ($13,720) and the amount awarded by the Commission ($7,323) plus $21,000 for his farmland. The amount of the difference, $6,397, and the amount of the farmland totals, of course, the sum of $27,397.

"It is pointed out that while the farmland and the improvements were seized as alien property by the German authorities only that portion of the property which sustained damages as a direct consequence of military operations was determined compensable under title II of the War Claims Act. That portion of the claim based on property which did not sustain war damages but was lost as a result of nationalization or confiscatory decree of the Polish Government at the end of hostilities would appear to have been covered under the Polish Claims Agreement of July 16, 1960, if otherwise qualified. Mr. Kunstmann, unfortunately, did not file a claim under the 1960 agreement. Moreover, no determination was ever made by the Commission in regard to the value of the farmland.

"In effect, the bill S. 106, would provide compensation for the loss of property which, normally, would have been covered in the Polish Claims Agreement of July 16, 1960, *provided a claim had been timely filed under such agreement by Mr. Kunstmann.*

"Under the terms of the Polish Claims Agreements of July 16, 1960, the Government of Poland agreed to pay the Government of the United States the sum of $40 million in 20 annual installments, commencing in January 1961, for the payment of awards as determined by the Commission with respect to claims of nationals of the United States for:

"'(*a*) The nationalization or other taking by Poland of property and rights and interests in and with respect to property;

"'(*b*) the appropriation or the loss of use or enjoyment of property under Polish laws, decrees or other measures limiting or restricting rights and interests in and with respect to property; and

"'(*c*) debts owed by enterprises which have been nationalized, appropriated, or otherwise taken by Poland, which occurred prior to July 16, 1960.'

"Pursuant to the provisions of title I of the International Claims Settlement Act, the filing period was established during the period beginning August 16 and ending March 31, 1962, although some claims were, in fact, accepted up to March 31, 1965, under certain circumstances. The date of March 31, 1966, was established as the completion date of the program and the Commission completed its affairs with respect to the Polish claims on that date.

"A total of 10,169 claims were filed under the Polish Agreement of July 16, 1960, in which 5,022 awards were approved upon completion of the program on March 31, 1966, in the principal amount of $100.7 million plus $51 million in interest, for a total of $151.7 million against a fund which will ultimately consist of only $40 million. This, of course, assumes that the Polish Government continues to make its annual installment payments of $2 million under the Polish Agreement. Poland has met these installment payments and thus far, it has paid the United States the sum of $18 million. The Secretary of the Treasury, pursuant to statutory payment priorities, has paid all awards in full up to $1,000. Awards in excess of $1,000 have been paid $1,000 plus prorated amounts in the aggregate of 13.7 percent on account of the balance of the principal amounts of awards which includes the current 1969 installment payment. Assuming that the Polish Government continues to make its annual installment payments of $2 million, payments of approximately 36 percent of the principal amount of the award balances over $1,000 will be ultimately authorized to be made by 1980 when the final Polish installment payment is expected; each payment will be subject to the 5 percent deduction for administrative expenses. No payments on account of the interest portion of such awards will be possible.

"As indicated above, no claim was filed by Mr. Kunstmann under the Polish Claims Agreement. Moreover, there is nothing in the files of either the Commission or the Department of State which would suggest a claim under such agreement. Consequently, forms for filing such claims were not furnished Mr. Kunstmann upon commencement of the Polish program. In this connection, it was not until the adjudication of his war damage claim under title II of the War Claims Act did it become obvious that a portion of his claim was one of the types covered under the Polish agreement. When this discovery was made, the Polish claims program had already been completed.

"The bill, S. 106, provides payment in full for all of Mr. Kunstmann's claims to the extent of $27,397 out of money in the Treasury not otherwise appropriated. Accordingly, the bill, if enacted, would not affect future payments out of the War Claims Fund or the Polish Claims Fund.

"The Commission is not aware of any special extenuating circumstances which sets Mr. Kunstmann apart from others who did not file timely claims under the Polish Agreement or those who filed timely claims but were restricted to the payment priorities and the small amount of payments out of the Polish Claims Fund. In the absence of such circumstances and because the Commission is of the opinion that the use of unappropriated funds in the Treasury for the payment to these claims would establish a highly undesirable precedent for other unsatisfied claimants under other similar claims programs administered by the Commission, it would be opposed to the enactment of S. 106."

The Department of State concurs in the views of the foreign Claims Settlement Commission.

After a review of the foregoing, the committee has made an amendment in the nature of a substitute to S. 106 and recommends that the bill as amended do pass.

BOGDAN BEREZNICKI

The bill (S. 1779) for the redief of Bogdan Bereznicki was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 211 of title II of the War Claims Act of 1948 (50 U.S.C. app. 2017j) or any other provision of such title, or any regulations issued thereunder, the Foreign Claims Settlement Commission of the United States is authorized to receive, consider, and act upon evidence presented by Bogdan Bereznicki of Detroit, Michigan, in connection with the Commission's claim numbered W–12570, to establish that the said Bogdan Bereznicki was a national of the United States continuously from the time he suffered a loss of property in Rudki, Poland, to the date of filing such claim, the Immigration and Naturalization Service having determined, after the Commission had no further statutory jurisdiction of such claim, (1) that its earlier ruling that the said Bogdan Bereznicki was not a citizen of the United States was erroneous, and (2) that he had been a citizen of the United States from birth.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1198), explaining the purposes of the measure.

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

PURPOSE

The purpose of the bill is that, notwithstanding the provisions of section 211 of title II of the War Claims Act of 1948 (50 U.S.C. app. 2017j) or any other provision of such title, or any regulations issued thereunder, the Foreign Claims Settlement Commission of the United States is authorized to receive, consider, and act upon evidence presented by Bogdan Bereznicki of Detroit, Mich., in connection with the Commission's claim numbered W–12570, to establish that the said Bogdan Bereznicki was a national of the United States continuously from the time he suffered a loss of property in Rudki, Poland, to the date of filing such claim, the Immigration and Naturalization Service having determined, after the Commission had no further statutory jurisdiction of such claim, (1) that its earlier ruling that the said Bogdan Bereznicki was not a citizen of the United States was erroneous, and (2) that he had been a citizen of the United States from birth.

STATEMENT

The facts of the case as contained in the report of the Foreign Claims Settlement Commission are as follows:

"The subject claim, numbered W–12570, was denied by the Commission for claimant's failure to meet the nationality requirements under the act in that he had expatriated himself on June 14, 1945, for entering and serving in the Polish Army.

"It is apparent that the bill is designed to compensate Bogdan Bereznicki the same amount which he would have been entitled to receive for his interests in property in Poland if he had met the nationality requirements under section 214 of title II of the act, during the period in which the Commission had jurisdiction with respect to these claims. Payment of any award to Mr. Bereznicki under the bill would be made out of the War Claims Fund.

"Title II of the War Claims Act provided, among other things, for claims of nationals of the United States for loss or destruction of, or physical damage to, real and tangible personal property located in certain European countries, including Poland, which loss, destruction, or physical damage occurred during the period beginning September 1, 1939, and ending May 8, 1945, as a direct consequence of military operations of war or

special measures directed against property because of its enemy ownership.

"Section 204 of title II of the act expressly precluded the Commission from granting awards in these claims unless the property involved (or the portion thereof involved) was owned by a national of the United States on the date of the loss, damage, or destruction and unless the claim arising therefrom had been continuously owned thereafter by a national of the United States until the date of filing with the Commission.

"Bogdan Bereznicki, his brother Eugene W. Bereznicki, and halfsisters, Helen A. Kohman and Kazimiera Rojek, filed a claim (No. W–12570) based upon the loss during World War II of certain real and personal property located at Rudki and Rozdzialowice, Poland, in which they had respective ownership interests. By its final decision dated May 17, 1969, the Commission found that the total value of the property lost was $13,280 and that claimants, Eugene W. Bereznicki, Helen A. Kohman, and Kazimiera Rojek, were entitled to an award for their respective interests of three-eighths, one-sixteenth and one-sixteenth in the property. Accordingly, awards in the amounts of $4,980, $830 and $830, respectively, were granted to three claimants which have been paid in full.

"Claimant awards were nationals of the United States on the date of loss and had maintained this status continuously to the date that the claim was filed with the Commission on July 17, 1964. On the other hand, Bogdan Bereznicki, who acquired U.S. citizenship at birth on August 20, 1925, in Rozdzialowice, Poland, through his father, Walter Bereznicki, who was then a citizen of the United States as a result of his naturalization on November 8, 1920, expatriated himself on June 14, 1945, in accordance with a finding on December 22, 1947, by the American vice consul at London, England, under section 401(c) of the Nationality Act of 1940 (54 Stat. 1137, as amended, 38 Stat. 746, 8 U.S.C. 901(c)), by reason of his entering and serving in the Polish Army. On March 1, 1948, Bogdan Bereznicki was repatriated pursuant to section 323 of the Nationality Act of 1940 (8 U.S.C. 723), as amended by the act of April 2, 1942 (156 Stat. 198), by taking, before U.S. consul in London, the naturalization oath prescribed by section 335 of the Nationality Act of 1940 (8 U.S.C. 735).

"Based on the foregoing, the claim of Bogdan Bereznicki, based upon his three-eighths ownership interest in such property, was denied because of his expatriation and, therefore, his claim had not been continuously owned by a national of the United States from the date of loss to the date of filing with the Commission, a statutory requirement for granting an award. The remaining one-eighth interest in the property was owned by two other half sisters in Poland for which no claim was filed under the statute.

"The war damage claims program under title II of the War Claims Act of 1948, as amended, was completed by the Commission on May 17, 1967, in accordance with an express statutory mandate. Consequently, the Commission has not had jurisdiction to review or change its decisions regarding these claims since that date.

"In view of the circumstances described above, there is no present administrative remedy available under which Mr. Bereznicki might obtain the relief requested.

"The Commission is informed by the Immigration and Naturalization Service, Department of Justice, that Mr. Bereznicki on February 16, 1968, applied for the issuance of a certificate of citizenship, claiming to have acquired the status of U.S. citizenship at birth through his father, and alleging that the consular finding of expatriation in 1947 was invalid because it was predicated upon action which was involuntary on his part. According to a report of the Immigration and Naturalization Service, a hearing and investigation conducted in connection with the application developed evidence which clearly warranted a finding that Mr. Bereznicki's entry into and service in the Polish Army occurred under circumstances amounting to duress, and therefore lacked the voluntariness which the courts have uniformly required as an essential element of expatriation. Moreover, it is also manifest from evidence of record that Mr. Bereznicki did not intend to relinquish his U.S. citizenship when he entered and served in the Polish Army, and consequently under the rationale of *Afroyim* v. *Rusk*, 387 U.S. 253 (1967), such activities cannot be regarded as having caused his expatriation.

Upon the basis set forth above, the Immigration and Nationalization Service concluded that Bogdan Bereznicki did not expatriate himself under section 401(c) of the Nationality Act of 1940, and further Service inquiry failed to disclose any other valid premise for holding that he had ever lost his citizenship of the United States. Accordingly, on July 29, 1968, he was issued Certificate of Citizenship No. AA–274192.

The certificate of citizenship, issued pursuant to authority set forth in section 341 of the Immigration and Nationality Act (8 U.S.C. 1452), attests that Bogdan Bereznicki became a U.S. citizen on August 20, 1925, and that from such date to July 29, 1968, he was continuously a citizen of the United States.

"In case Mr. Bereznicki had been issued a certificate of citizenship showing continuous U.S. nationality and submitted same to the Commission before the May 17, 1967, completion date, the Commission would have, of course, acted further on his claim. Undoubtedly an award in the amount of $4,980 would have been granted to Bogdan Bereznicki for his interest in the lost property. In this connection, however, it is to be noted that the issuance of the certificate of citizenship in question was based on the rationale in the *Afroyim* case which was decided on May 26, 1967, a period of 12 days after the completion date of the war claims program. Obviously, therefore, the certificate of citizenship could not have been issued and submitted to the Commission for consideration prior to May 17, 1967.

"In view of the unusual circumstances involved in this case, the Commission would have no objection to the enactment of this legislation but it is pointed out that there is presently no money in the war claims fund with which to pay additional claims by private relief measures such as proposed by the bill, S. 1779, or under any other proposal under the act. It is anticipated, however, that additional money may be made available by the Attorney General for transfer into the fund which may be utilized for the payment of a claim such as this one."

In agreement with the views of the Foreign Claims Settlement Commission the committee recommends the bill favorably.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1259, H.R. 18306.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

H.R. 18306, to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes, reported with amendments.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER FOR RECOGNITION OF SENATOR MURPHY TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished senior Senator from California (Mr. MURPHY) be recognized for not to exceed 35 minutes immediately after the distinguished Senator from Massachusetts (Mr. BROOKE) completes his remarks on tomorrow.

The PRESIDING OFFICER (Mr. PACKWOOD). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW INSTEAD OF SENATOR MURPHY

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the order to recognize the Senator from California (Mr. MURPHY) be vitiated and that, instead, the Senator from New York (Mr. JAVITS) be recognized for not to exceed 30 minutes following the remarks of the Senator from Massachusetts (Mr. BROOKE).

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

AWARDS CEREMONY FOR THE SON TAY JOINT TASK FORCE, FORT BRAGG, N.C.

Mr. DOLE. Mr. President, earlier today I was privileged to attend an honor and awards ceremony at Fort Bragg, N.C., at which time those men who participated in the heroic and courageous raid on the prison camp near Son Tay on November 21 were decorated by the Secretary of Defense, Melvin Laird. Some of those present were awarded the Distinguished Service Cross, others the Air Force Cross, others the Silver Star, and others the Distingiushed Flying Cross.

Mr. President, during the ceremony representatives of the House of Repre-

sentatives participated in the program by reading the resolution passed by the House of Representatives. It had been the hope of the junior Senator from Kansas to read the resolution passed by this body, but, unfortunately, the resolution has not yet been acted upon in the Senate, though I trust it may be before the Senate adjourns. In any event, it was a most impressive ceremony.

It demonstrated to those present that America cares about the prisoners of war and the men missing in action in South Vietnam. It demonstrated again that we can take pride—yes—in our country and—yes—in those who serve in the Armed Forces. But above and beyond that and far more important than any other consideration is the basic fact that in America we find other Americans who are literally willing to risk their lives, as these men did on the Son Tay mission, to rescue distressed Americans.

After the formal ceremony, I had an opportunity to visit personally with some of the children and the wives of the men and with some of the men who were on that mission.

I advised Colonel Simons and others that there was a feeling that perhaps the mission was undertaken knowing that prisoners were not there. They said, without exception, that of course they hoped they would find prisoners; that that was the purpose of the mission; and, of course, they felt very badly when they arrived and found the prisoners had been moved.

I certainly feel that before Congress adjourns, and certainly hope that before Congress adjourns, this body will act on Senate Resolution 486; and that hearings will be held at the earliest possible time by the Foreign Relations Committee.

Mr. President, let me emphasize again that it was a most impressive ceremony. It does make one proud to be an American. It does make one proud of those who serve in the Armed Forces. It was a fitting tribute. I know there are those in America who ridicule those in uniform, who ridicule those who are decorated for heroic achievement, for extraordinary courage and for acts of heroism; but the junior Senator from Kansas believes that the great majority of Americans applaud the efforts of those who participated in this dangerous mission.

As Secretary Laird said this morning during the ceremony, if an opportunity presents itself in the future to rescue some American prisoners, then he will suggest that that opportunity be taken advantage of.

Participating in the ceremony was Mrs. Joan Vinson, whose husband has been a prisoner of war for some time. In thanking the men who participated in the dangerous mission, Mrs. Vinson said every American stands a little taller today and every American walks a little straighter today because of the courageous act carried on by men who knew that the chances were 50–50 that they might not return.

Mr. President, they were tall men, short men, white men, black men, Mexican-Americans, but all Americans—Americans proud of their country, Americans proud of their service, and Americans who are concerned about American prisoners of war and Americans missing in action, many who have been missing in action and have been prisoners of war for some 3, 4, 5, and even 6 years.

How long must we wait, how long must the wives and the children and the mothers wait, before the American prisoners of war and the Americans missing in action are repatriated? How long must we wait for these distressed Americans to receive humane treatment at the hands of the enemy? How long must they wait for the right to communicate with their children, with their parents, and with their families? How long must they wait for proper medical attention? How long must the sick and the wounded wait for repatriation? How long must we wait for the enemy to comply with the Geneva Conventions with reference to the treatment of prisoners of war?

Some persons suggest that, well, we should negotiate; the only way to free the prisoners is through negotiation. Well, the Senator from Kansas would suggest that we have been negotiating in good faith. We will continue to negotiate in good faith. But I see no great evidence of any consideration given by the Hanoi government to the American prisoners because of the negotiations. Not one single American prisoner has been released because of the negotiations.

How many men must die while those who say we must negotiate prevail?

The Senator from Kansas is not suggesting, as he has said before on the Senate floor, invasion of North Vietnam. The Senator from Kansas is not suggesting a reckless raid. But he is suggesting that if the opportunity presents itself in which brave Americans can, with some assurance, carry out—yes—a hazardous mission, but in the process save some American prisoners, or what may be left of American prisoners who have been held in a cage for 4 or 5 years, then we should take advantage of that opportunity.

I can say to Senators in the Chamber that the men who participated in the mission asked nothing. They asked for no medal. They asked for no decoration. They asked for no kind statement from the President of the United States. They asked for no resolution from the House of Representatives. They asked for no resolution from the U.S. Senate. They asked for no special consideration.

Their act was a selfless one, carried out at great personal risk, because of their concern for more unfortunate Americans. And I would hope, Mr. President, with all the seriousness that I can muster, that this body will take appropriate action to commend their act of bravery. There can be no doubt or question about it. You do not get the Distinguished Flying Cross, the Distinguished Service Cross, the Air Force Cross, or the Silver Star without an act of bravery, and without some risk of life or personal danger.

So, Mr. President, let me again say, on behalf of those who participated this morning: They are proud to be Americans. They are proud to live in the greatest country on earth. They are proud to have participated in what they themselves consider a small effort to help their fellow men.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the remarks made by the Honorable Melvin Laird, Secretary of Defense, at the special award ceremony this morning at Fort Bragg, N.C.

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

REMARKS BY HON. MELVIN R. LAIRD, SECRETARY OF DEFENSE

We are here to honor brave and dedicated men.

We confer on them today awards that express their country's gratitude and admiration.

The mission for which these men volunteered called for undaunted courage and deep compassion. They were asked to go deep into enemy territory to search for—and, if possible, to rescue—their comrades in arms who are prisoners of war. They performed their mission flawlessly.

It was my pleasure to stand beside the President at the White House two weeks ago when he decorated four of your number, including General Manor and Colonel Simons. I assured the Commander-in-Chief that afternoon that I would personally be here with the rest of the Task Force for this ceremony, and that I would personally convey to you for him—for all Americans—our thanks for what you did.

From the outset, the President, the nation's top military leadership, and I gave total and unqualified support to this mission. I knew—as these men did—how grave were the risks they willingly undertook. I knew—as these men did—that there was a chance of disappointment—and even of failure.

But the reasonable chance to return to freedom Americans held captive made this mission well worth the risk. If a similar chance to save Americans were to arise tomorrow, I would act just as I did in approving and supporting the effort at Son Tay.

The mission to Son Tay was in one respect a heartbreaking disappointment. The prisoners had been moved. But it was not a failure. For these men who went to Son Tay showed the world that we will not forget or abandon the lonely and suffering Americans who are prisoners in Southeast Asia. Because of what was done at Son Tay, the flame of hope now burns brighter, I believe, in the hearts of the wives and parents and children of our prisoners of war and missing in action—and, I believe, in the hearts of the prisoners themselves.

We honor these men who went to Son Tay for their skill, for their courage, and for more. They and their families have earned the respect of the entire civilized world because they were willing to endure extraordinary risk, hardship, and even death in an attempt to save other men.

To the officers and men of this Joint Task Force, I say that your Commander-in-Chief, your countrymen, and all of us in the Department of Defense are proud of you. The deeds for which you are honored today will always remain a lustrous page in the annals of our military forces and of your services. I cannot fail to note with particular pride how many of those who are receiving awards wear the Green Beret.

It is a privilege for me to salute you and to convey to you the heartfelt thanks of your fellow countrymen.

Mr. DOLE. Mr. President, I further ask unanimous consent to have printed in the RECORD at this point the program of the honor and award ceremony, including the names of those who were

honored this morning and the decorations of honor they received.

There being no objection, the program and list of names were ordered to be printed in the RECORD, as follows:

HONOR AND AWARDS CEREMONY—OPERATION IVORY COAST—FORT BRAGG, N.C., DECEMBER 9, 1970

SEQUENCE OF EVENTS

10:15–11:45—Honor/award ceremony, Main Post Parade Field.
12:00–12:30—Reception and luncheon, Fort Bragg officers open mess.
14:30–15:10—Observe Airborne Operation, Sicily Drop Zone.

The following individuals are to be awarded the Distinguished Service Cross:
Lieutenant Colonel Elliott P. Sydnor.
Captain Richard J. Meadows.
Master Sergeant Thomas J. Kemmer.
Staff Sergeant Thomas E. Powell.

The following individuals are to be awarded the Air Force Cross:
Lieutenant Colonel John V. Allison.
Lieutenant Colonel Warner A. Britton.
Major Frederic M. Donohue.
Major Herbert D. Kalen.

The following individuals are to be awarded the Silver Star:
Lieutenant Colonel Joseph P. Cataldo.
Captain Thomas W. Jaegar.
Captain James W. McClam.
Captain Eric J. Nelson.
Captain Dan H. McKinney.
Captain Glenn R. Rouse.
Captain Daniel Turner.
Captain Udo H. Walther.
First Lieutenant George W. Petrie, Jr.
Master Sergeant Galen C. Kittleson.
Master Sergeant Joseph W. Lupyak.
Master Sergeant Billy K. Moore.
Master CSergeant Herman Spencer.
Sergeant First Class Donald D. Blackard.
Sergeant First Class Earl Bleacher, Jr.
Sergeant First Class Leroy N. Carlson.
Sergeant First Class Anthony Dodge.
Sergeant First Class Freddie D. Doss.
Sergeant First Class Jerry W. Hill.
Sergeant First Class Marion S. Howell.
Sergeant First Class Donald E. Taapken.
Sergeant First Class John Jakovenko.
Sergeant First Class Jack G. Joplin.
Sergeant First Class Daniel Jurich.
Sergeant First Class David A. Lawhon, Jr.
Sergeant First Class Billy R. Martin.
Sergeant First Class Charles Masten.
Sergeant First Class Gregory T. McGuire.
Sergeant First Class Joseph M. Murray.
Sergeant First Class Noe Quezada.
Sergeant First Class Lorenzo Robbins.
Sergeant First Class Ronnie Strahan.
Sergeant First Class Salvador M. Suarez.
Sergeant First Class William L. Tapley.
Sergeant First Class Richard W. Valentine.
Sergeant First Class Donald R. Mingrove.
Staff Sergeant Charles G. Erickson.
Staff Sergeant Walter L. Miller.
Staff Sergeant Kenneth E. McMullin.
Staff Sergeant Robert F. Nelson.
Staff Sergeant David Nickerson.
Staff Sergeant Paul F. Poole.
Staff Sergeant John E. Rodriquez.
Staff Sergeant Lawrence Young.
Sergeant Terry L. Buckler.
Sergeant Gary D. Keel.
Sergeant Keith R. Medenski.
Sergeant Franklin D. Roe.
Sergeant Patrick St. Clair.
Sergeant Marshal A. Thomas.

The following individuals of the United States Air Force are to be awarded the Silver Star:
Lieutenant Colonel Albert P. Blosch.
Lieutenant Colonel Royal A. Brown, Jr.
Lieutenant Colonel Herbert R. Zehnder.
Major Eustace M. Bunn.
Major Irl L. Franklin.
Major John Gargus.
Major James R. Grochnauer.
Major Alfred C. Montrem.
Major Kenneth D. Murphy.
Major Harry L. Pannill.
Major Edwin J. Rhein.
Major Richard S. Skeels.
Major John C. Squires.
Captain John M. Connaughton.
Captain David M. Kender.
Captain Norman C. Mazurek.
Captain Thomas L. Stiles.
Captain William D. Stripling.
Captain Thomas R. Waldron.
Master Sergeant Harold W. Harvey.
Master Sergeant David V. McLeod, Jr.
Master Sergeant Maurice F. Tasker.
Technical Sergeant Dallas R. Criner.
Technical Sergeant Billy J. Elliston.
Technical Sergeant William E. Lester.
Technical Sergeant Charles J. Montgomery, Jr.
Technical Sergeant Paul W. Stierwalt.
Technical Sergeant Jimmie O. Riggs.
Technical Sergeant Lawrence Wellington.
Staff Sergeant Daniel E. Galde.
Staff Sergeant Melvin B. D. Gibson.
Staff Sergeant Aron P. Hodges.
Staff Sergeant Donald LaBarre.
Staff Sergeant James J. Rogers.
Staff Sergant Angus W. Sowell III.

The following individuals are to be awarded the Distinguished Flying Cross:
First Lieutenant George W. Williams.
Chief Warrant Officer Donald J. Exley.
Chief Warrant Officer Jackie H. Keele.
Chief Warrant Officer John J. Ward.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

The Senate continued with the consideration of the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes.

Mr. GORE. Mr. President, the birth of the Alliance for Progress initiated a dramatic new chapter in cooperation between the United States on the one hand and the countries of Central and South America on the other. This was really an extension of the Good Neighbor policy which had been inaugurated during the Roosevelt administration. During the years of the Eisenhower administration, relations with Latin America tended to be neglected as, indeed, was the situation during the critical period of World War II.

But following President Kennedy's electrifying speech on the Alliance for Progress, the charter of Punta del Este was brought into being, which sought to express the ideology of democratic development—democratic development throughout Latin America, politically, economically, and socially.

Very definite goals were defined. Specific targets of improvement were set out. A primary objective, on which others depended, was an improvement in the rate of economic growth, in productivity, and improvement in distribution of goods. A more equitable distribution of goods might well be classified as the second objective; and I think it could not be separated from the first, because there cannot be an equitable and democratic growth, either socially, economically, or politically, without a fair sharing of the products of the talents, toil, and resources of the Latin people.

We know that the gulf between the haves and the have-nots—the relatively few haves and the many have-nots—is deep and wide. President Kennedy envisioned reforms—fiscal reforms, tax reforms, economic reforms. It was even suggested that the rich of the Latin American countries should pay taxes. What a revolutionary suggestion, in the minds of some.

But there was a great spirit of cooperation on the part of the masses. Enthusiasm was stirred. Surveys showed that many Latins took new hope from the charter of Punte del Este, and more specifically from the eloquent speech setting out the Alliance for Progress by President Kennedy.

A further utilization of the natural resources of the various countries was envisioned—a sharing of credit, an exchange of goods, to raise greatly the level of agriculture productivity, to provide food for the hungry, to provide diversity of diet for the impoverished; education "to eliminate adult illiteracy and by 1970 to assure, as a minimum, access to 6 years of primary education for each school age child in Latin America."

Mr. President, was this an unrealistic goal—a sixth grade education for the children of Latin America? Was it an unrealistic goal that tax reform policies should be instituted which would require payment of taxes in some reasonable relationship to ability to pay? I do not think so.

Then there were health goals. Surely, every Senator who has visited the slums of Latin America is aware of the urgent need for better health, better hygiene, sanitary conditions. How could these reforms be brought about? Not by the United States alone, but by cooperation and mutual effort—an effort in which the Latins themselves promised to undertake, through their own processes, these social, economic, fiscal and political reforms.

The main economic burden of the development programs was indeed to fall upon our South American friends and our Central American friends. The United States, on its part, was to provide some funds, technical assistance and cooperation. Reforms were envisioned, in terms of the language itself with respect to tax reform, to create conditions demanding more from those who have most.

It was 1961 when President Kennedy made his electrifying speech, which, as I have said, marked a dramatic reorientation of North America's policy toward South and Central America. Prior thereto, the cooperation had been largely confined to the financing of exports of machinery and capital to Latin American countries. But, before the retirement of President Eisenhower, rebel-

lion and rumor of rebellion in Latin America caused North Americans to take note of the danger. The revolution by which Fidel Castro seized power in Cuba shocked North America. So, even during the latter days of President Eisenhower's administration there were tentative, if timid, moves toward improvements in economic cooperation between the United States and our Central and South American neighbors.

It remained, however, for the late President Kennedy to dramatize the need and to build a bridge of friendship with eloquence and with an inspiring message and program.

Mr. HARTKE. Mr. President, I would like to add my voice to those opposing the passage in this session of H.R. 18306 which carries a $3.709 billion authorization for appropriations and contingent liabilities in four multilateral financial institutions. The only part of this bill for which a case can be made concerns the increase in the IMF quota. However, the senior Senator from Vermont has already pointed out that there have been frequent delays in the past in completing congressional action on U.S. contributions to international agencies; I do not think there will be any irreparable damage if this measure is put over for a few weeks.

There are important reasons for delaying action on this omnibus bill:

First, the President has said he will ask the next Congress "to overhaul completely our foreign assistance operation"; the President appears to have accepted without benefit of congressional review the recommendations of the Peterson task force that U.S. aid programs be diverted primarily to multilateral institutions—which tend to maximize the drain on our foreign exchange and aggravate our balance-of-payments deficits.

Second, the world has become increasingly alarmed with the continuing U.S. balance-of-payments deficits. Our foreign liquid liabilities stand at $44.5 billion compared to U.S. gold reserves of about $12 billion, of which a small fraction is owned reserves, the rest being spoken for in various ways. Last year the deficit was $7 billion, on a liquidity basis, and resulted primarily from the inability of the private sector to earn enough foreign exchange to offset the large negative balance—$4.5 billion last year from Government activities abroad—of which a significant part is in the area of foreign aid; the untying of aid recommended by the President needs to be considered by Congress in the light of its effects upon our balance-of-payments deficit;

And third, there have been a number of unsettling recent developments in international relations generally, including the Middle East, Southeast Asia, and particularly the wave of radical nationalism sweeping Latin America; these developments also argue for more careful consideration of this massive commitment of public funds that time will permit in this session.

There does not seem to be any disagreement with the IMF quota increase or that for the World Bank; the main problem concerns the two development banks, for Latin America and Southeast Asia. The former has come in for considerable criticism in the Senate and elsewhere; and it has just elected Mr. Ortzi Mena, formerly Finance Minister of Mexico, to its presidency. I am one who applauds his appointment, and wishes him great success in his challenging job of reorganizing the operations of the IADB. But I see no reason why our sincere good wishes need necessarily be accompanied by what amounts to a new blank check, which includes a billion dollars for soft loans. According to the House Appropriations Committee report on foreign assistance, as of June 30, 1970, there were available from prior year appropriations unexpended balances in pipeline of over $2.2 billion for the Inter-American Development Bank, so inaction by the 91st Congress can hardly be a serious blow to the Bank's operations. Since the founding of the Bank in 1959, the United States has already contributed $1.8 billion to the Fund for Special Operations, that is, soft loans, while the 22 Latin American members of the Bank have contributed less than one-third of this amount—and most of that is in local currencies.

On November 30 the Senate approved foreign aid appropriations in the amount of $2.2 billion. Both Houses are now also considering the President's request for a supplemental foreign assistance appropriation of over $1 billion. Frankly, I find it strange that Congress is being asked to act on these massive appropriations and even larger future authorizations and contingent liabilities before we have received the administration's recommendations on the sweeping reforms to make our foreign assistance fit a new foreign policy. I believe, therefore, that the national interest would be served by postponing action on H.R. 18306 until it can be looked at in a broader context, and in the light of international developments, during the 92d Congress. If the judgment is that the United States must act in this session on the IMF quota, I see no reason why that could not be done as a separate action without mortgaging our future options by an 11th hour enactment on complex and far-reaching matters.

Mr. GORE. Mr President, will the Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. GORE. The Senator has pointed out that the bill contains $3,600,000,000 for international organizations, all of which the Government of the United States must borrow I wonder whether it has occurred to the Senator from Indiana that at the rate of 7½ percent interest, the annual interest charge alone to the American taxpayer would be more than $270 million.

Mr. HARTKE. The Senator from Tennessee is correct. There is no question about it. In other words, the so-called soft loans, as we all know, are frequently made for projects which ultimately will have good, social value; for example, in housing projects, and the money in turn is loaned out at 2 percent, with no possibility of even getting a return.

The returning GI to the United States comes back but he cannot even buy a home here because if he has the down payment, the tight money policy makes interest rates so high that he cannot participate. Thus, we have this whole series of conflicting ideas which demonstrate that the left hand of the American Government does not know what the right hand is doing.

Mr. GORE. Does not the Senator think that priorities are upside down when we are unable to pass an appropriation bill to make repayable loans at reasonable interest rates to small business in the United States, on to communities in the United States to build schools, hospitals, or water systems; but here we have this enormous bill, to provide funds for soft loans which are never expected to be repaid to the United States, and which may not ever be repaid, even to the revolving fund of the so-called banks here involved.

What does the Senator think of the first priority, to promote the general welfare of the United States, to promote the welfare of our people? In asking that question, I do not wish to be niggardly with respect to a good neighbor policy. I was an enthusiastic supporter of the Alliance for Progress. I still am. It requires the Latin American countries to make improvements; they must require their wealthy to pay taxes in order to provide programs to educate the Latin American children so that they can be more productive and lead fruitful lives; but it seems to me that this self-help, this cooperation, this helping the people to help themselves and cooperating with them to the extent that they do so, which I support, is one thing; but to scuttle the Alliance for Progress which is based, as I believe, upon sound principles of cooperation, mutual help, and mutual effort, and to substitute, instead, political loans to the political elite in these countries—and we know what the political affinities are of the politically elite in Latin America—is wrong.

Therefore, I say, as between this kind of nonrepayable soft loan at arbitrary loan rates on the one hand, and credit availability for the returning GI's on the other, in order to build a home, the priority should be clear.

What would be the Senator's view of the priorities involved here?

Mr. HARTKE. There is no question about it, the Senator from Tennessee asks a question which answers itself. Most people throughout this country are concerned, anxious, and frustrated. They do not know where the country is going. They feel we are in an economic crisis or in a recession. Their fears are deepening because they feel that we are headed for a depression which is coming up, not even having an extension of the unemployment benefits which would apply now, because if this bill is passed they do not become applicable until 1972. That will mean a gap of a whole year, should those people be thrown out of work and need extended unemployment benefits.

There is no question that this is a misuse of the taxpayers money. There is no question about it.

What we are really doing here is attempting to keep the President true to his own determination, that is, completely to reevaluate the programs and give Congress advance study evaluations made by the administration, and jointly, so that we can come up with a program which will make sense, ordinary commonsense, but which will at least provide

for equality of treatment of American citizens—although it is not a question of equality of treatment, really, for American citizens, compared to the other countries, because the people of those countries are not reaping any benefits from the loans at the present time, anyway. That is the heart of the difficulty. The fact is, most foreign aid money probably has been wasted and probably has been counterproductive.

Although it is sort of a historical continuity we have been following here in Congress, beginning after World War II, we do not find that same display of energetic support from the Japanese, whom we helped to rebuild or even from the Germans whom we helped to rebuild their country. Nor do we find any feeling displayed inside these countries that they want any jurisdiction within the framework of their own countries of sufficient funds to make this operation a part of their own operation so that they will feel a responsibility as well as merely accepting the doling out of the American taxpayers' money.

This is why a lot of the American people have soured on foreign aid. It is not that they are less humanitarian than they were. It is because they know that the money has not gone to the intended beneficiaries. They know that the people of the United States have been denied the opportunity, have been denied the health care, have been denied education, have been denied clean water, have been denied clean air, and have been denied highways. All of these are things which any people have a right to expect, at least in the United States. They have been denied this because of the feeling that we were somehow doing something for a foreign nation.

We have much too much this kind of off-the-top-of-the-head legislation.

Nothing will be harmed by laying the matter aside. If they need money for the International Monetary Fund, that presents no legalistic or procedural problem for the Senate. That can be taken care of, and very quickly. I think it should be.

The rest of us can wait and not commit ourselves to this tremendous expenditure of money.

We were talking about the social security bill that the Senator from Tennessee and I have been involved in. The social security beneficiaries are being denied the right to receive the compensation that they are entitled to have as old people in this society.

At the same time, someone with the touch of a hand, it seems, is ready to go ahead and pour money down to the elite controlling operators of the South American countries.

Mr. GORE. Mr. President, if money were requested to implement a genuine self-help program, such as the Alliance for Progress, I would be inclined to support any reasonable appropriation. However, soft loans to the politically elite may or may not reach the mass of the people in Latin America who need assistance.

Mr. HARTKE. Mr. President, we might turn this around and say that instead of this being an Alliance for Progress, it is an alliance for regression.

Mr. GORE. It is an alliance for politicians.

Mr. HARTKE. The Senator is correct. I think that the Senator from Tennessee is right. I would hope that we would lay this matter over and take care of the International Monetary Fund. There is no great rush to spend the rest of the money.

Mr. GORE. Mr. President, too much haste is being attempted. It was only 2 years ago that Congress passed a bill granting $900 million to the Inter-American Development Bank. Now, 2 years later, they are back asking for $1.8 billion. Is this going to be an annual drain on the taxpayers of the United States, never to be repaid?

Mr. HARTKE. I would imagine that if that had been aid to education, we would have had three vetoes in a row.

Mr. GORE. We did have a veto of a bill providing for aid to education, the veto of a bill providing for aid for hospital construction. We have testimony in the RECORD which shows that only about one county of four in the United States is now able to sell bonds at any rate of interest for the construction of school additions, school libraries, school facilities. Yet the President vetoes a bill for aid to education, and then asks for billions of dollars for soft loans for projects yet undescribed, for political loans approved by the political governments of Latin America and Southeast Asia.

Mr. HARTKE. Mr. President, let us not forget that the final accountability for these loans, whatever the projects are to which they are assigned, never come back to the same scrutiny in the period afterward. This type of loan activity constitutes grants made by the United States.

Mr. GORE. The loans in the United States of which I speak are the result of feasibility studies of projects which will pay for themselves.

Mr. HARTKE. The Senator is correct.

Mr. GORE. They are projects for rural electrification, hospital construction, water facilities, sewage disposal facilities, and recreational areas. They have a remarkable record of being self-sustaining.

Yet, these are denied while we have 5 million people who are unemployed and who need jobs in the building of the community facilities. We are asked for $3,600,000,000 for these international organizations only a week after the Senate had passed a foreign aid bill of more than $2 billion.

Mr. HARTKE. Mr. President, I wonder what the administration's recommendation would be if we were to say that an equal amount to this authorization should be placed at the disposal of those unemployed people in order to supplement their income and compensate for their unemployment so that they would have at least an average level of income during the Christmas season. I believe the answer would be that we could not afford it.

Mr. GORE. The president vetoed the independent offices appropriation bill this year. Among other things, that bill provided for veterans' benefits for the men returning sick, crippled, disabled, needing educational aid, hospitalization, medical treatment, the attendance of nurses; it provided loans to acquire housing and a decent home for their families. This bill was vetoed, unfortunately. As the Senator knows, I am sure, the Small Business Administration recently announced that it was out of funds, that no additional loans could be made to hard-pressed small businesses in the United States because funds were short. What kind of priority is involved here?

Mr. HARTKE. Mr. President, I wonder what the reaction of Congress is going to be. I imagine the administration will be here with some proposal one of these days. They do not hurry with most of their proposals. They seem to take their time.

The Jersey Central Railroad people tell me that they are going to liquidate. Their locomotives are going to stop. The railroad which serves the port of New York will close, and no more freight will be delivered as of December 31 of this year. They need $7 million or $8 million to keep going.

I wonder if we could have a possible diversion of these Government funds temporarily to one of our domestic railroads to keep the port of New York open over Christmas.

Mr. GORE. The Senator means soft loans.

Mr. HARTKE. They would be willing to receive repayable loans. Soft loans would mean an outright grant.

The administration tells us that they are directly opposed to any direct loans from the Federal Treasury.

Let me cite an incident. The administration recommended—against my better judgment and against the better judgment of the Senator from Tennessee—in the Finance Committee the cutting down on the cost of medicaid to retarded children who are 100 percent disabled, retarded children who are, therefore, entitled to benefits under the social security program would not be entitled to medicaid treatment under the new legislation which they have recommended, doing away with the prior recommendation and regulations which require that these poor children, mentally retarded children who are disabled and unable to take care of themselves, who heretofore under a Government directive have been authorized to receive medicaid treatment.

If such a child were to break an arm or a leg and have to go to the hospital, he would no longer receive these benefits.

Yet we can walk out of here and take off before the end of the year and adopt a policy of this kind.

It does not make good sense. I quite agree with the Senator from Tennessee that the action should be deferred.

Mr. GORE. Perhaps it would not be amiss to state again that the Treasury does not have this money.

Mr. HARTKE. They have to borrow it.

Mr. GORE. And at the current rates of interest the interest charge alone on this amount of money is more than $700,000 per day. That is a lot of interest, but this is a lot of money. And the Senator speaks of the priorities involved. The distinguished junior Senator from Arkansas sought recently to obtain an increased appropriation for making loans

to develop water systems in American communities. There is a large backlog of applications for water distribution facilities and sewage disposal facilities. In fact, there is a backlog of $4 billion worth of applications already meeting the feasibility tests awaiting loans and grants from the Federal Government—repayable loans at realistic rates of interest.

Mr. HARTKE. But the Senator from Tennessee probably misunderstands the administration's idea of priorities. The program to which the Senator referred would help the people of the United States, and I suppose that is not to help the people of the United States.

Mr. GORE. But the people of the United States need help.

Mr. HARTKE. I know.

Mr. GORE. Five million people need jobs in the United States

Mr. HARTKE. I was being facetious. It is about time the leaders started to think about the people or the people will stop thinking about the leaders.

Mr. GORE. I thank the able Senator.

Mr. President, there are many other programs for which funds are not available in the United States. For instance, there is urban renewal. This is desperately needed. The downtown areas of our cities are decaying, and businesses and the population are moving to the suburbs. We need to reclaim the center cities of our metropolitan areas. Urban renewal is an urgent need, yet the funds made available are wholly inadequate.

Here is $3.6 billion proposed, not for these urgent needs which I have described here at home, but for other kinds of programs in faraway lands. Let me emphasize that I believe in a good neighbor policy and I believe in lending a helping hand, but I think this must be a two-way street. We should help the people help themselves. I do not think that standard is met when we make soft loans at artificially low interest rates to those with political influence in Latin America while here at home, for lack of money, we have fallen short of our announced goal of eliminating hunger among our own children. Mr. President, the record shows and the evidence shows that we do have hungry children in America. I know that I have seen hungry children in my own State. I have sought to provide aid for the little children who are undernourished.

Our agriculture conservation programs have been curtailed by the administration, and for what purpose? They have been curtailed to conserve funds, and yet we wage a useless war half way around the world in which we gain nothing, in which there was nothing to be gained.

The war has been widened into Cambodia and now a foreign aid program is recommended and appropriations requested to aid Cambodia, a little country in which we have wreaked much havoc.

But to return to other needs in our own country, funds were recently frozen by the President for the harnessing of our streams, for the construction of water navigation facilities, recreational facilities, and hydroelectric facilities. One such very worthy project, very much needed project is in Tennessee; this, too, in the name of saving money. But how does the pending bill save money? It commits us to the spending of vast amounts of money. Mr. President, we talk of doing something about pollution but the money for an effective program has not been made available. We hear a great deal about the revenue sharing. Why do we not share our revenue for such worthy purposes such as pollution control, education, and hospital and health facilities?

I was the coauthor of the Interstate Highway Act of 1956 and also the Interstate Highway Act of 1958. That construction program should have been completed by 1970. Although the highway users have provided a surplus in the trust fund from taxes they pay on their gasoline and oil and tires through highway user taxes, these funds, too, are withheld and highway completion is delayed, impeding the movement of freight and traffic, causing unnecessary death to our travelers, in the name of saving money. Yet we have here a bill of $3.6 billion for international organizations, largely for soft loans, never to be repaid to the United States, just 1 week after a foreign aid bill of more than $2 billion was passed; and only yesterday the Senate Committee on Appropriations reported another bill for economic aid to Cambodia.

Priorities are upside down. Not only is an adequate diet not available for our people, but adequate health care is simply unavailable for millions of Americans. As an illustration of funding deficiencies, my efforts to obtain a life-saving kidney machine for people in Tennessee have been unsuccessful. I tried to secure funds to obtain more of these machines to prolong the lives of thousands of Americans doomed to death for want of kidney aid machines. But once again funds are short. But if we pass this bill, funds will not be short for the Asian Development Bank. It has about 500 employees, it has made very few loans, and it can do very little in an area torn by war, an area simply not ready for a development aid bank.

Funds would not be short for the soft loan windows of the Inter-American Development Bank if we pass this bill. They are already flush. They have not loaned more than one-half of the $900 million provided 2 years ago, but now they want $1.8 billion. Why? To fill the pipeline, they say. Well, how long is this pipeline and how full must we keep it and how often must it be filled with how much?

We should return to the objectives of the Alliance for Progress—bilateral aid, helping the people help themselves.

I know that some persons say that multilateral aid, in which the hand of the United States is hidden, is better. Why is it better? Should the American taxpayer not know for what purposes his funds are to be used? Should Representatives and Senators not act responsibly in the appropriation of taxpayers' funds? What right have we to appropriate billions of dollars to be used for purposes of which we have no knowledge, except that they will be used for political loans to the politically elite of South America, Central America, and Southeast Asia?

Mr. President, this is the worst kind of foreign aid. I suggest that the Senate ought to conduct a thoroughgoing investigation of the loans already made by the Inter-American Development Bank. True, they report that they have a good record of payment of interest and principal, but that is not to say that the projects were sound. The governments of those countries, themselves, are assuring such payment as is made. What about the soundness of the project? Who actually got the money, and why? For what purpose?

There needs to be a very careful investigation of the Inter-American Development Bank, in my view. The distinguished Senator from Indiana spoke of the inadequate payments to our social security beneficiaries. The Senate Finance Committee only today reported a bill to increase the payment to $100 a month. What kind of standard of living can an American citizen have for $100 a month, particularly if he is at an age when his doctor bills and his drug bills are rapidly increasing?

I voted for the $100 minimum. It is better than $64, but it illustrates how difficult it is to provide education, health and medical care, employment, hospitalization, highways, and community facilities here at home.

It is against that background that I question the advisability of the pending measure.

Let me repeat, the Inter-American Development Bank now seeks $1.8 billion only a year after it received $900 million, which, in my opinion, was far, far too much at that time—so much so that they actually disbursed only about half of it. Yet they are back again——

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

Mr. GORE. I yield.

Mr. FULBRIGHT. If the Senator will allow me, I will make just one or two comments about some of the previous remarks the Senator made. I only remind him that the so-called soft loans of the Inter-American Development Bank are not the same as they originally were in the early 1960's. Loans are now being made repayable in the currency loaned, and they will carry a charge of 3 to 4 percent interest and service charges, and they average between 15 and 25 years in maturities. They are quite different from the old soft loans.

The Senator stated we would have to borrow $3.7 billion and pay interest of $270 million a year. The estimated cash outlay under the pending bill would only be $35 million for the first year, fiscal 1971; $68 million for 1972; and $155 million for 1973.

So this money would be put up either from tax money or bond money, depending on whether or not we were running a deficit. Of course, we are running a deficit, which is now true of all the items we pass. We passed a bill yesterday appropriating $66 billion. We would have to borrow $15 billion if we ran a deficit of $15 billion.

Mr. GORE. The same would be true of the amendment the distinguished Senator offered to another bill to make funds available for loans for community water and sewage facilities. We would not have to borrow the money until the projects were ready and the loans were disbursed.

Mr. FULBRIGHT. And some of this money, unless there were a most unusual circumstance, would not be used other than as a guarantee for borrowing by the International Development Bank—

Mr. GORE. That is not true of any of the soft loans.

Mr. FULBRIGHT. No; I say, of the International Bank. As I understood, the Senator earlier said we would have to borrow $3.7 billion, which includes soft, hard, and all—the total.

I wonder if I might again renew my inquiry of the Senator, which we discussed last Friday, about the possibility of a vote. We discussed at that time the possibility that the Senator might offer a motion to recommit, in order to allow the Senate to register its approval or disapproval of the legislation. I understood that the Senator, tentatively at least, was seriously considering, if not agreeing to, offering a motion to recommit on Monday. What is the Senator's present attitude regarding a motion to recommit?

Mr. GORE. I shall be glad to yield to the Senator to make such a motion.

Mr. FULBRIGHT. It would be a little confusing, because I favor the bill. I would have to take the awkward position of making a motion and voting against my own motion, which I do not like to do.

What I am trying to get at is, I respect the Senator's difference of view about these activities. I happen to feel, if the United States is to do anything at all in the international field by way of helping underdeveloped countries, that this is the best way we can do it.

If we make a decision to do nothing at all in this area, then the Senator's view, of course, is quite logical. But if we are going to do anything, I believe these agencies, especially the International Bank, provide the most efficient way to accomplish it.

The IMF plays a different role, and has served, I think, a very important function in, one might say, the regulation of international trade. This country, being the largest international trader, has, I think, a great stake in that. This should not be treated or even regarded as any form of charity or aid, either. It is aid in a sense, but it is aiding us as much as or more than any other country.

So there are great differences here. The IDB does have the softer loans, but this is a supplement, I think, to the same policy we call the Alliance for Progress.

The Senator says it goes to the elites. Most of the so-called soft loans of the Inter-American Bank go for such things as education and that type of thing, which are activities not designed to produce revenue, in contrast, say, to an industrial enterprise, where the usual pattern is a hard loan, that is, on much harder terms.

So I do not think giving assistance to social projects or education should be considered giving it to the elite.

Mr. GORE. On the contrary.

Mr. FULBRIGHT. I respect the Senator's attitude on assistance. I would hope very much the Senate would be given an opportunity either to vote on a motion to recommit, or if the Senator wishes to make a motion to separate, that is his privilege. At least we could get some indication, then, what the sentiment of the Senate as a whole is.

Would the Senator be disposed to do either one of those things? Or to exercise any other alternative that he has?

Mr. GORE. First let me comment briefly on the statement the able Senator has just made.

I do not believe the Senator can demonstrate that the majority of the soft loans have been for educational purposes.

Mr. FULBRIGHT. I did not say "the majority." I said this is the type of thing. And social purposes.

Mr. GORE. I think the Senator did say "a majority." Some may have been, but I think the able Senator will find that many of these loans are for entrepreneurs who happened to have the favor of the political regimes in the various countries.

Mr. FULBRIGHT. Let me correct the RECORD; if I said the majority have to do with education I misspoke. I mean education and for what I call social purposes: Urban development, water and sewage, and the type of activity which is not profitmaking. I meant to include all of that as certainly the major effort, I believe, of the soft loans, as distinguished from a steel mill or an industrial enterprise, for example. This is the distinction I wish to make; not education solely.

Mr. GORE. I do not think the Senator can substantiate that with the record, either.

Mr. FULBRIGHT. All right. If I cannot, I will apologize to the Senator; but I intend to look up the record.

Mr. GORE. And even if the Senator could do so with respect to the soft loans that have been made, he certainly could not give any such assurance with respect to the money requested in this bill, because no such requirement is contained in the bill.

Mr. FULBRIGHT. I meant that is the practice. It has been the experience.

Mr. GORE. Well, if such has been the practice, the Senator cannot assure us that further disbursements, further loans, would be made in conformity with such alleged practice.

The trouble with this, may I say to my distinguished chairman, is that we do not know what we are doing. We do not know for what purpose we are appropriating the taxpayers' money. This is the basic fault of the International Bank soft loan operation. They come in and request, for high-flown purposes, vast amounts of money, and then they work their own will, lending it to people of their own choosing in their own countries, making loans at 3 to 4 percent in South America while the subsidiaries of the New York banks scattered all over Latin America are charging from 12 to 20 percent.

Mr. President, this is a profligate way to deal, in my view, with the taxpayers' money. I do not raise these questions to be specious. I do not raise these questions because I have opposed, or do now oppose or as a private citizen would oppose, genuine self-help, cooperative foreign aid. I believed in the Alliance for Progress. I regret that, after we have had it now for 10 years, Latin America has not fulfilled its part of the bargain. The fiscal reforms, the tax reforms, the social reforms which President John F. Kennedy envisioned, and to which they agreed, have not been met; and now they want soft loans, to be approved by their political regimes.

I say, Mr. President, that there is a better way to provide people-to-people aid. We should give technical assistance, educational aid, demonstrating how the people can help themselves, rather than soft loans never to be repaid to our Government, and of doubtful repayability even to the institution itself, or else they would not be called "soft" loans.

To come, now, to the able Senator's inquiry: Here is a bill of $3.7 billion, almost $4 billion, and there are few Senators on the floor. I suggest the absence of a quorum.

Mr. FULBRIGHT. If the Senator will withhold that for a moment, I only wish to say that the same number, exactly, were on the floor yesterday when I was discussing a bill involving expenditures of $66 billion. There were five Senators on the floor. So the Senator from Tennessee should be complimented that, on a bill of this size, he has the same audience.

Mr. GORE. I thank the Senator. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I support the position taken by the distinguished senior Senator from Tennessee (Mr. GORE) in regard to H.R. 18306, which would authorize U.S. participation in increases in the resources of certain international financial institutions.

The total amount involved is $3,709,500,000. To phrase it another way, H.R. 18306 would authorize total appropriations of $3,709,500,000 for four international financial institutions.

Of this total, $1,274,610,000 would be in the form of proposed actual expenditures.

Mr. President, I feel that the senior Senator from Tennessee is fully justified in calling the attention of the Senate to the significance of the measure now pending. It is a tremendous amount of tax funds which are involved. The total, as I mentioned previously, is $3,709,500,000.

This Nation is in a difficult financial position. The Government has been running up huge deficits over a long period of time. I believe that the major cause of the inflation the Nation is experiencing at the present time results from continued deficit financing, culminating in the tremendous $25 billion deficit for fiscal year 1968. That was only 2 years ago. Two years ago, when the fiscal year

ended on June 30, 1968, this Government ran up a deficit of $25 billion. The prospects for fiscal year 1971—the current fiscal year—are that the Government will run up another huge deficit. I do not anticipate that it will reach $25 billion, but I believe that it will be a large deficit—one of the largest the Nation has had in recent years.

Thus, I feel that it is very important the Senate give full consideration to this measure which would authorize total appropriations of more than $3.7 billion.

I concur in the views expressed by the senior Senator from Tennessee when he states that he does not see how the Senate and the House would be justified in passing such a huge authorization and appropriation bill at this session of Congress.

We must recognize that while it is true all the moneys authorized in this bill must be subsequently appropriated, for certain appropriations involved in this vast money-spending bill, the appropriation, really, as a practical matter, becomes automatic, the reason being that the authorizing legislation commits the governors of the various international financial institutions to enter into contractual agreements to commit U.S. funds.

Therefore, I feel that the senior Senator from Tennessee (Mr. GORE) is essentially correct when he states that the bill, in effect, is an appropriation.

SOCIAL SECURITY AMENDMENTS OF 1970

AMENDMENT NO. 1097

Mr. RIBICOFF. Mr. President, for myself and the Senator from Utah (Mr. BENNETT), I am submitting an amendment to H.R. 17550, containing the major provisions of the family assistance plan.

While this amendment is drafted in the form of an amendment to the Social Security Amendments of 1970, Senator BENNETT and I are prepared to reintroduce it as an amendment to whatever bill gives us the best chance of passing meaningful welfare reform legislation this year.

We are convinced that the full Senate should have the opportunity to debate and pass on this reform proposal before the end of the 91st Congress. The amendment has been carefully drafted to take care of many of the problems and criticisms which the original family assistance proposal encountered. We believe this is strong and necessary legislation. We recognize that many people will have objections to some of its provisions. Many will think it goes too far. Others will think it fails to go far enough.

However, we firmly believe this amendment provides the best practical foundation for Senate debate and consideration of welfare reform.

The provisions of this amendment include the October revision of H.R. 16311, the so-called "core bill" plus other revisions which I have suggested to the administration and they have accepted. These changes include:

First. Establishment of a national goal to provide an income to all persons adequate for their needs.

Second. Restoration of that provision contained in H.R. 16311 approved by the House of Representatives providing for mandatory coverage of families headed by an unemployed father—AFDC–UP.

Third. Restoration of the requirements in section 452 of H.R. 16311 for using standard of need for families with income.

Fourth. A requirement that no person be required to accept employment at less than $1.20 per hour.

Fifth. A program of public service employment for welfare recipients with the Federal contribution set at a level of 80 percent.

Sixth. A provision for Federal administration of programs that are fully federally financed.

Seventh. Protection of local and State welfare employees transferred to the federal system as a result of the bill.

Eighth. Further legislative guarantees that adequate arrangements for the care of children will be available to mothers who might take jobs under the program.

Ninth. Additional safeguards of the legal rights of recipients, including protections presently provided for stepfathers.

Tenth. An increase from the Finance Committee proposals for a minimum payment to the adult categories of $130 for an individual and $200 for a couple per month to $130 for an individual and $230 for a couple per month.

Eleventh. A provision guaranteeing greater fiscal protections for States by freezing State expenditures under this welfare program to 90 percent of welfare expenses incurred in 1971 plus a cost-of-living feature.

Senator BENNETT and I hope all the Members of the Senate will give careful consideration to this compromise amendment.

The PRESIDING OFFICER (Mr. GRAVEL). The amendment will be received and printed, and will lie on the table.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and this will be a live quorum.

The PRESIDING OFFICER (Mr. GRAVEL). The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 419 Leg.]

Allen	Gravel	McIntyre
Anderson	Gurney	Metcalf
Baker	Hansen	Moss
Bible	Holland	Nelson
Boggs	Hruska	Packwood
Byrd, Va.	Inouye	Pastore
Byrd, W. Va.	Javits	Pearson
Case	Jordan, Idaho	Ribicoff
Cook	Magnuson	Schweiker
Cotton	Mansfield	Stevenson
Cranston	Mathias	Williams, Del.
Fannin	McClellan	
Fulbright	McGee	

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Griffin	Proxmire
Allott	Harris	Randolph
Bayh	Hart	Saxbe
Bellmon	Hartke	Scott
Bennett	Hollings	Smith
Brooke	Hughes	Sparkman
Burdick	Jackson	Spong
Cannon	Jordan, N.C.	Stennis
Church	Kennedy	Stevens
Cooper	Long	Symington
Curtis	McCarthy	Talmadge
Dole	McGovern	Thurmond
Eagleton	Miller	Tower
Eastland	Mondale	Tydings
Ellender	Montoya	Williams, N.J.
Ervin	Murphy	Yarborough
Fong	Muskie	Young, N. Dak.
Goldwater	Pell	Young, Ohio
Gore	Prouty	

The PRESIDING OFFICER. A quorum is present.

Mr. NELSON obtained the floor.

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

Mr. NELSON. I yield.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 3318) to amend the Library Services and Construction Act, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 2669) to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations and certain claims of individuals.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 12979) to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon and that Mr. MAHON, Mr. SIKES, Mr. WHITTEN, Mr. ANDREWS of Alabama, Mr. FLOOD, Mr. SLACK, Mr. ADDABBO, Mr. MINSHALL, Mr. RHODES, Mr. DAVIS of Wisconsin, Mr. WYMAN, and Mr. BOW were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, in which it requested the concurrence of the Senate.

THE EMPLOYMENT AND MANPOWER ACT—CONFERENCE REPORT

Mr. NELSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report as follows:

CONFERENCE REPORT (H. REPT. No. 91–1713)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House admendment insert the following: That this Act may be cited as "The Employment and Manpower Act".

STATEMENT OF PURPOSES

SEC. 2. The Congress finds and declares that—

(a) To attain the objective of the Employment Act of 1946 "to promote maximum employment, production and purchasing power" we must assure an opportunity for a gainful, productive job to every American who is seeking work and make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability.

(b) It is within the capability of the United States to provide every American who is able and willing to work, full opportunity, within the framework of a free society, to prepare himself for and obtain employment at the highest level of productivity, responsibility, and remuneration within the limits of his abilities.

(c) The growth of the Nation's economic prosperity and productive capacity is limited by the lack of sufficient skilled workers to perform the demanding production, service, and supervisory tasks necessary to the full realization of economic abundance for all in an increasingly technical society, while, at the same time, there are many workers who are working below their capacity and who with appropriate education and training could capably perform jobs requiring a higher degree of skill, judgment, and attention.

(d) The human satisfaction and sense of purpose so important to employment cannot be fulfilled unless employees have a reasonable opportunity to advance in employment to positions of greater responsibility, status, and remuneration.

(e) The problem of assuring meaningful employment opportunities will be compounded by the continued rapid growth of the labor force. It is imperative that these new workers, including the many young people who will enter the labor force, persons who have recently been separated from military service, and older persons who desire to enter or reenter the labor force, be provided with adequate academic and vocational skills which will allow them to work at the level of their full potential;

(f) The placement of unemployed or underemployed workers in private employment is hampered by the absence of a sufficient number of appropriate entry level employment opportunities to satisfy the need therefor and that the preparation of workers now occupying such places for, and their employment in, more responsible positions would increase the number of appropriate entry level employment opportunities.

(g) It is in the interest of workers, employers, and of the Nation to promote the filling of skill requirements in industry and to provide for the upward mobility of industrial workers by a program that will enable employers to educate and train their employees for positions of greater responsibility, to provide opportunities for advancement to industrial workers, and to create employment opportunities for the unemployed.

(h) There are great unfilled public needs in such fields as health, housing and neighborhood improvement, recreation, education, public safety, maintenance of streets, parks, and other government facilities, rural development transportation, beautification, environmental quality, conservation, and other fields of human betterment and public improvement and that to meet these urgent public needs, and the equally urgent need for expansion of public service employment opportunities which will provide meaningful jobs for unemployed, underemployed, or low income persons, including those who have become unemployed as a result of shifts in the pattern of Federal expenditures as in the defense, aerospace and construction industries, it is necessary to devote greater resources to public service and to expand public service employment.

(i) Improved training and employment opportunities are vital to developing capacity for self-support by public assistance recipients, and the manpower system must assume special responsibility and accountability for training, placing, and upgrading these persons.

(j) The organization and delivery of manpower training services is increasingly complex, the technological nature of the service is expanding, and the trained staff to provide such services is scarce, thus requiring an intensive program of technical assistance and staff training to public and private agencies providing manpower services.

(k) The economic prosperity of the United States and the well-being and happiness of its citizens would be enhanced by the establishment of a comprehensive manpower policy and program designed to assure every American an opportunity for gainful productive employment and to provide the education and training needed by any person to qualify for employment consistent with his highest potential and capability.

AUTHORIZED APPROPRIATIONS

SEC. 3. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $2,000,000,000 for the fiscal year ending June 30, 1972, $2,500,000,000 for the fiscal year ending June 30, 1973, and $3,000,000,000 for the fiscal year ending June 30, 1974.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

FUNDS AVAILABLE FOR SPECIFIC PROGRAMS

SEC. 4. (a) The amounts appropriated to carry out this Act for any fiscal year (except for amounts otherwise reserved in accordance with this Act or expressly limited in an appropriation Act to a specific purpose under this Act) shall be allocated among the titles of this Act in such a manner, subject to subsections (b) and (c) of this section, that of the amounts so appropriated—

(1) one-third shall be for Comprehensive Manpower Services under title I of this Act;

(2) one-third shall be for Public Service Employment programs under title III of this Act; and

(3) one-third shall be for Occupational Upgrading under title II and Special Federal Responsibilities and Manpower programs under title IV of this Act.

(b) Notwithstanding any limitation on appropriations for any program or activity under this Act or any Act authorizing or appropriating funds for any such program or activity, not to exceed 25 per centum of the amount appropriated or allocated from any appropriation for any fiscal year for carrying out any such program or activity under this Act may be transferred and used by the Secretary for carrying out any other such program or activity under this Act.

(c) To the extent necessary to enable the Secretary to make funds available to carry out any grant or contract entered into prior to the effective date of this Act under the Manpower Development and Training Act of 1962, as amended, or title I of the Economic Opportunity Act of 1964, as amended, the Secretary may transfer funds from amounts allocated for newly authorized programs under this Act.

ADVANCE FUNDING

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

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

DEFINITIONS

SEC. 6. As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

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

(3) "local service company" means a community development corporation or other corporation, partnership, or other business entity organized to operate a community service manpower program or component thereof and owned or operated in substantial part by unemployed or low-income residents of the area to be served.

(4) "health care" includes, but is not limited to, preventive and clinical medical treatment, family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services.

(5) "city" means an incorporated municipality having general governmental powers.

(6) "Wagner-Peyser Act" means "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933 (48 Stat. 113), as amended, (29 U.S.C. 49 et seq.).

LEGAL AUTHORITY

SEC. 7. (a) The Secretary may prescribe such rules, regulations, guidelines and other published interpretations or orders under this Act as he deems necessary. Rules, regulations, guidelines, and other published interpretations or orders issued by the Department of Labor, or any official thereof, for the purpose of carrying out this Act shall contain, with respect to each material provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based. Such rules, regulations, guidelines and other published interpretations or orders may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968.

(b) The authority of the Secretary relating to disapproval of prime sponsorship plans under section 104(f) or relating to the challenge of an application of a prime sponsor by a unit of general local government under section 106(b) shall be delegated only to the Assistant Secretary for Manpower.

SPECIAL LIMITATIONS AND CONDITIONS

SEC. 8. (a) No authority conferred by this Act shall be used to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is higher, or to assist in relocating establishments from one area to another. Such limitation on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(b) Any amounts received under chapters 11, 13, 31, 34, and 35 of title 38, United States Code, by any veteran of any war, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act.

(c) Acceptance of family planning services provided to trainees shall be voluntary on the part of the individual to whom such services are offered and shall not be prerequisite to eligibility for or receipt of any benefit under the program.

(d) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act. Such data shall include information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in training and employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per trainee, including breakdown between salary or stipend, training and supportive services and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

(e) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(f) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, or personnel employed therein, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(g) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

LABOR STANDARDS

SEC. 9. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

ELIGIBLE PARTICIPANTS

SEC. 10. Eligibility for participation in any program under this Act shall be determined in accordance with the provisions of this Act authorizing such program; and persons who or persons heading families who receive benefits under title IV of the Social Security Act, or food stamps or surplus commodities under the Agricultural Act of 1949 and the Food Stamp Act of 1964, shall be included among individuals eligible to participate in programs conducted under the provisions of this Act, and such persons shall be included among individuals considered low-income persons or persons heading low-income families, as appropriate, for the purposes of this Act.

NATIONAL MANPOWER ADVISORY COMMITTEE

SEC. 11. (a) The President, in consultation with the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, shall appoint a National Manpower Advisory Committee which shall consist of at least thirteen but not more than seventeen members and shall be composed of persons representative of labor, management, agriculture, public and private education, vocational education, vocational rehabilitation, manpower programs, and economic opportunity programs. From the members appointed to such Committee, the President shall designate a Chairman. Members shall be appointed for terms of three years except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. Such Committee shall hold not less than two meetings during each calendar year.

(b) The National Manpower Advisory Committee shall—

(1) identify the manpower goals and needs of the Nation and assess the extent to which educational vocational education, institutional training, vocational rehabilitation, manpower, economic opportunity, and other programs under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs and achieving such goals;

(2) review the administration and operation of the programs referred to in clause (1) and advise the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity and other appropriate officials as to the carrying out of their duties under this Act and related Acts;

(3) conduct independent evaluations of programs carried out under this and related Acts and publish and distribute the results thereof; and

(4) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of such programs including the programs authorized under this and related Acts.

(c) The National Manpower Advisory Committee shall make an annual report, and such other reports as it deems appropriate on its findings, recommendations, and activities to the Congress and to the President. The President is requested to transmit to the Congress as a part of his report under section 13 of this Act such comments and recommendations as he may have with respect to such reports and activities of the National Manpower Advisory Committee.

(d) The National Manpower Advisory Committee may accept and employ or dispose of gifts or bequests, either for carrying out specific programs or for its general activities or for such responsibilities as it may be assigned in furtherance of subsection (b) of this section.

(e) Appointed members of the National Manpower Advisory Committee shall be paid compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the National Manpower Advisory Committee, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(f) The National Manpower Advisory Committee is authorized, without regard to the civil service laws, to engage such technical assistance as many be required to carry out its functions; to obtain the services of such full-time professional, technical, and clerical personnel as may be required in the performance of its duties, and to contract for such assistance as may be necessary.

(g) For the purposes of this section, funds may be reserved from the sums appropriated to carry out this Act, as directed by the Director of the Office of Management and Budget.

STATE AND LOCAL ADVISORY COMMITTEES

SEC. 12. For the purpose of making expert assistance available to persons formulating and carrying out programs under this Act, the Secretary shall, where appropriate, require the organization of labor-management-public advisory committees on a community, State, and regional basis.

REPORTS

SEC. 13. (a) The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate per-

taining to manpower requirements, resources, use, and training, and his recommendations for the forthcoming fiscal year, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to manpower requirements, resources, utilization, and training.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall report to the Congress by January 20, 1972, on the extent to which community colleges, area vocational and technical schools, and other vocational educational agencies and institutions are being utilized to carry out manpower training programs supported in whole or in part from provisions of the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and this Act, the extent to which administrative steps have been taken and are being taken to encourage the use of such facilities and institutions and agencies in the carrying out of the provisions of this Act and any further legislation that may be required to assure effective coordination and utilization of such facilities and agencies to the end that all federally supported manpower and vocational educational programs can more effectively accomplish their objectives of providing all persons needing occupational training and opportunity for such training.

(c) The Commissioner of the United States Office of Education shall report to the Congress by January 20, 1972, on the extent to which vocational orientation, preparation, and education are being incorporated in regular elementary and secondary education programs and curricula to the end that educational institutions serving youth during years of compulsory school attendance are affording meaningful opportunities, education, and incentives for students to enter vocational careers and on any legislation that may be necessary to facilitate an appropriate blend of vocational and academic education.

(d) The Secretary shall transmit to the Congress at the earliest appropriate date, not later than March 1, in each calendar year a report setting forth a description of summer work experience programs to begin in June of such year, including the number of opportunities in public and private agencies or organizations that will be provided to disadvantaged students in ninth through twelfth grades (and to youth of equivalent ages), in each of the several States and local areas within States, and a statement as to the total number of such persons who would be eligible for such programs, together with his recommendations, if any, for supplemental appropriations for such programs.

(e) The Secretary shall transmit at least annually as a part of the report required under this section a detailed report setting for the activities conducted under title III, including information on the extent to which participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs.

(f) The Secretary shall transmit to the Congress annually as part of the report required under this section a report of his findings and recommendations arising out of the programs and studies under part G of title IV.

AUTHORITY TO CONTRACT AND EXPEND FUNDS

SEC. 14. The Secretary may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as he may prescribe), and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

ACCEPTANCE OF GIFTS

SEC. 15. The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to accept in the name of the Department, and employ or dispose of in furtherance of the purposes of this Act, or any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

ACCEPTANCE OF VOLUNTARY SERVICES

SEC. 16. The Secretary is authorized, in carrying out his functions and responsibilities under this Act to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

ACCEPTANCE OF FUNDS

SEC. 17. The Secretary is authorized to accept and utilize in carrying out the provisions of this Act funds appropriated to carry out other Federal statutes if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

TRANSFER OF FUNDS

SEC. 18. Funds appropriated under the authority of this Act may be transferred, with the approval of the Director of the Office of Management and Budget, between departments and agencies of the Federal Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

UTILIZATION OF SERVICES AND FACILITIES

SEC. 19. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

RENTAL, ALTERATION, AND IMPROVEMENT OF BUILDINGS

SEC. 20. The Secretary is authorized, in carrying out his functions under this Act to expend funds without regard to any other law or regulations for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Secretary shall not utilize the authority contained in this section—

(1) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which it is needed, and

(2) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

EXPENDITURES FOR PRINTING AND BINDING

SEC. 21. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to expend funds made available for the purposes of this Act for such printing and binding as he determines necessary, without regard to any other law or regulation.

CRIMINAL PROVISIONS

SEC. 22. (a) Chapter 31 of title 18, United States Code, is amended by adding a new section 665 to read as follows:

"THEFT OR EMBEZZLEMENT FROM MANPOWER FUNDS; IMPROPER INDUCEMENT

"SEC. 665. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Employment and Manpower Act embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to this Act shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Employment and Manpower Act induces any person to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000, or imprisoned not more than one year, or both."

(b) The analysis of chapter 31 is amended by adding at the end thereof the following new item:

"665. Theft or embezzlement from manpower funds; improper inducement."

COOPERATION OF OTHER AGENCIES

SEC. 23. (a) Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such services and facilities as he may request for his assistance in the performance of his functions under this Act.

(b) The Secretary shall carry out his responsibilities under this Act through the utilization, to the extent appropriate, of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State, Federal, and local agencies, and other appropriate public and private organizations and facilities, with their consent.

INTERSTATE AGREEMENTS

SEC. 24. In the event that compliance with provisions of this Act requires cooperation or agreements between States, the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilities such compliance, subject to the approval of the Secretary.

EFFECTIVE DATE

SEC. 25. The effective date of this Act, except as otherwise provided, shall be July 1, 1971. Rules, regulations, guidelines and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

TITLE I—COMPREHENSIVE MANPOWER SERVICES

PROGRAM AUTHORIZED

SEC. 101. The Secretary of Labor shall develop and carry out a program of comprehensive manpower services under this title that will—

(1) provide for the prompt referral of those persons who are qualified and are seeking work to suitable employment opportunities;

(2) provide training and related manpower services to persons who are unemployed, in danger of becoming unemployed, employed in public service jobs, eligible to receive benefits under title IV of the Social Security Act, or employed in low-paying jobs who could through further training qualify for job opportunities that would provide an adequate standard of living for themselves and their families;

(3) provide appropriate training and related manpower services for persons in correctional institutions to assist them in obtaining suitable employment upon release;

(4) provide the maximum of employment counseling, placement and related services, and training and related manpower services for persons who have recently been or will shortly be separated from military service;

(5) develop an early warning system and standby capability that will assure a timely and adequate response to major economic dislocations arising from changing markets, rapid technological change, plant shutdowns, or business failure;

(6) promote and encourage the adoption of employment practices by public agencies, private agencies, labor organizations, and private firms that will remove unreasonable barriers to employment, without reducing productivity, and expand opportunities for upward mobility;

(7) reduce the level of youth unemployment by improving the linkages between educational institutions and job markets; and

(8) support and encourage the development of broad and diversified training programs by public, nonprofit, and private employers designed to improve the skills and thereby the promotion and employment opportunities of employed workers.

USES OF FUNDS

SEC. 102. (a) The services for which funds under this title may be expended shall include but not be limited to the following:

(1) Basic education, including literacy and communications skills, instruction courses in English language skills and, where appropriate, training programs conducted in languages other than English, which will assist individuals to become more employable or more suitable for participation in occupational training.

(2) A program for testing, counseling, and selecting for occupational training those unemployed or underemployed persons who cannot reasonably be expected to secure appropriate full-time employment without training.

(3) Outreach to find the discouraged and undermotivated and encourage and assist them to enter employment or programs designed to improve their employability.

(4) Prevocational orientation to introduce those of limited experience to alternative occupational choices.

(5) Short-term work experience with public and nonprofit agencies for those unaccustomed to the discipline of work.

(6) Communication and employability skills for indviduals pursuing, subsequently or concurrently, courses of occupational training who require such other preparation to render them employable and for those individuals with sufficient skills for suitable employment who require such preparation to become employable.

(7) Part-time and full-time work and manpower services for older persons who desire to enter or reenter the labor force.

(8) Occupational training designed to improve and broaden existing skills or to develop new ones.

(9) On-the-job training provided by public, nonprofit and private employers.

(10) Part-time training for employed persons where such training would lead to improved employment opportunities.

(11) Programs to provide part-time employment, on-the-job training, or useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school.

(12) Special programs for jobs in public and private agencies leading to career opportunities including new types of careers, in programs designed to improve the physical, social, economic, or cultural conditions of the community or area served in fields including but not limited to conservation, pollution, beautification, health care, education, welfare, neighborhood redevelopment, rural development, transportation, recreation, maintenance of parks, streets, public facilities, and public safety, which provide maximum prospects for advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

(13) Programs to provide incentives to private employers, nonprofit organizations, and public employers to train or employ unemployed or low-income persons, including arrangements by direct contract, for reimbursement to employers for the costs of recruiting and training such employees to the extent that such costs exceed those customarily incurred by such employer in recruiting and training new hires, payment for on-the-job counseling and other supportive services transportation, and payments for other extra costs including supervisory training required by the program.

(14) Skill training centers wherever a consolidation of occupational training and related manpower services would promote efficiency and provide improved services.

(15) Supportive and followup services to supplement work and training programs under this Act and other Acts, including health care services, counseling, day care for children, bonding, transportation assistance, and other special services necessary to assist individuals to achieve success in work and training programs.

(16) Employment centers and mobile employment service units to provide recruitment, counseling, and placement services, conveniently located in urban neighborhoods and rural areas and easily accessible to the most disadvantaged.

(17) Special job development efforts to solicit job opportunities suited to the abilities of the disadvantaged jobseeker and to facilitate the placement of individuals after training including referral to employment opportunities in urban and suburban areas outside their own neighborhoods.

(18) Job coaching for a limited period to assist the employer and the worker to insure job retention.

(19) Relocation payments and other special services as needed to assist unemployed individuals and their families to relocate from a labor surplus area to another area with expanding employment opportunities where a suitable job has been located. Preference for such assistance shall be provided those who have been provided training before relocation or have been accepted for on-the-job and other types of employer-directed training.

(20) Special programs which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health care, education, day care, and recreation services.

(21) The development of job opportunities through the establishment and operation of centers for low-income persons who are unemployed or underemployed, providing recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services.

(b) Where appropriate, the services authorized by this section may be provided, in whole or in part, through residential programs.

ELIGIBLE APPLICANTS

SEC. 103. (a) To the extent consistent with the purposes of this title, the Secretary is authorized to enter into arrangements with any eligible applicant in accordance with the provisions of this title in order to make financial assistance available for the purpose of carrying out manpower services when the Secretary determines that such services can be most effectively implemented by such applicant.

(b) For the purpose of entering into arrangements with the Secretary under this title, eligible applicants shall be—

(1) prime sponsors designated pursuant to plans approved by Secretary under section 104; and

(2) other public and private agencies, institutions, and organizations, including community action agencies.

PRIME SPONSORS

SEC. 104. (a) For the purposes of this title—

(1) any State; and

(2) any unit of general local government—

(A) which is a city which has a population of seventy-five thousand or more persons on the basis of the most satisfactory current data available to the Secretary; or

(B) which is a county or other unit of general local government which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to have general governmental powers substantially similar to those of a city and to serve a substantial part of a functional labor market area; or

(C) which does not meet the population criteria in clause (A) or (B) and which has the largest population of a unit of general local government in the State otherwise meeting the requirements of clause (A) or (B); and

(3) any combination of such units of general local government having a total population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary, and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to serve a substantial part of a functional labor market area and to have at least one such unit having general governmental powers substantially similar to those of a city; and

(4) any unit or combination of units of general local government, without regard to population, in rural areas designated by the Secretary which have substantial outmigration and high unemployment;

shall be eligible to be a prime sponsor of a comprehensive manpower services program

in accordance with the provisions of this section.

(b) Any State or unit (or combination of units) of general local government which is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary a prime sponsorship plan including provisions which evidence capability for carrying out a comprehensive manpower services plan in accordance with section 105(b) of this title and provisions for the establishment of a manpower services council which—

(1) provide that the chief executive officer or officers of the unit or units of government establishing such council shall appoint the members of the council and shall designate one member to be chairman;

(2) provide that the council shall include members who are representative of community action programs; other significant segments of the poverty community; the public employment service; education and training agencies and institutions, including vocational educational agenices and community postsecondary educational and training institutions; social service programs, including child care, environmental quality, health care, recreation, vocational rehabilitation, and welfare agencies; industrial development organizations; apprenticeship programs; business; labor; and veterans organizations;

(3) provide that the chairman of the council shall, with the approval of the council, appoint a staff director who shall supervise professional, technical, and clerical staff serving the council;

(4) set forth procedures under which applications for financial assistance for any fiscal year will be submitted by the prime sponsor which shall be responsible for planning for and carrying out services for which financial assistance is provided under this title and under which appropriate arrangements may be made for the council's participation in planning and development, including initial preparation of such applications;

(5) set forth the prime sponsor's plans (adopted after full consultation with the council) for conducting on a continuing basis surveys and analyses of needs for manpower services in the area served by the prime sponsor to be used in the development of applications for assistance under this title;

(6) set forth arrangements assuring that community action agencies will be involved in the development of applications for financial assistance and in the implementation of programs assisted under this title;

(7) set forth the council's plans for evaluating the effectiveness of programs for which financial assistance is provided under this title; and

(8) describe the area to be served by the prime sponsor.

(c) In any case in which a State has submitted a plan under this section to serve a geographical area under the jurisdiction of a unit (or combination of units) of general local government which is eligible under paragraph (2), (3), or (4) of subsection (a) and which has submitted a plan under this section meeting the requirements set forth in subsection (b), the Secretary shall approve the latter plan after carrying out the procedures set forth in subsection (d). When two or more units (or combination of units) of general local government each submit plans which include a common geographical area under their respective jurisdictions and which are consistent with the purposes of this title and meet the requirements set forth in subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the unit of general local government plan which he determines will most effectively carry out the purposes of this title.

(d) The Secretary shall not approve a prime sponsorship plan submitted under this section unless—

(1) the plan was submitted to the Secretary by such date as the Secretary shall prescribe by regulation, prior to the date such plan is to take effect, in order to provide a reasonable period of time for review in accordance with the provisions of this section;

(2) a copy of such plan has been submitted for comment thereon to the Governor of the appropriate State; the Governor has been provided such period of time, as the Secretary shall prescribe by regulation, after the copy of such plan was sent to him, during which time he may submit comments on such plan to the Secretary, a copy of which comments shall be sent to the plan applicant; and, if comments have been submitted by the Governor, such additional period of time, as the Secretary shall prescribe by regulation, has passed, during which time the Secretary shall, to the extent practicable, confer with and encourage the plan applicant to resolve any differences arising from such comments;

(3) in the case of a plan submitted by a State, satisfactory arrangements are set forth for serving all geographical areas under its jurisdiction except for areas for which a local prime sponsorship plan is approved under this section.

(e) In the event that a unit (or combination of units) of general local government eligible to be a prime sponsor under subsection (a) does not submit a plan meeting the requirements set forth in this section, a community action agency serving a geographical area under the jurisdiction of such unit may submit a prime sponsorship plan for that area.

(f) Except as provided in subsections (c) and (d), the Secretary may approve any prime sponsorship plan submitted under this section if it is consistent with the provisions of this title. A plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such plan, including a statement of the reasons therefor;

(2) for a reasonable time to submit corrective amendments to such plan; and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(g) For the purpose of making such payments as may be reasonably necessary to cover the staff and other administrative expenses of the councils established pursuant to subsection (b) and to support other planning and evaluation activities of prime sponsors, the Secretary shall reserve not less than 1 per centum of the amounts available for title I to be allocated in the same manner as set forth in section 108 and 1 per centum of the amounts available for title III to be allocated in the same manner as set forth in section 306.

APPLICATIONS

SEC. 105. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth—

(1) a description of the services for which such financial assistance will be used;

(2) assurances that the services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such services under such supervision;

(3) any arrangements made for services to be performed, on a reimbursable basis or otherwise, with the public employment service or any other public or private agency, institution, or organization;

(4) a description of the areas to be assisted by such programs, including data indicating the number of potential eligible participants, and their income and employment status; and

(5) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

(b) An application submitted by a prime sponsor for financial assistance for any fiscal year shall set forth, in addition to the requirements set forth in subsection (a), a comprehensive manpower services plan for that fiscal year which shall include provisions for—

(1) coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services in order to achieve their full economic and occupational potential, effectively serving on an equitable basis the significant segments in that population;

(2) increased occupational opportunities and work experience for eligible individuals;

(3) intensified efforts to relieve skills shortages;

(4) effective utilization of manpower in our economy;

(5) appropriate arrangements with community action agencies, and, to the extent appropriate, with other community-based organizations serving the poverty community, for their participation in the conduct of programs for which financial assistance is provided under this title;

(6) utilizing, to the extent appropriate, those services and facilities which are available, with or without reimbursement of the reasonable cost, from Federal, State, and local agencies, including but not limited to the State employment service, State vocational education and vocational rehabilitation agencies, area skills centers, local educational agencies, postsecondary training and education institutions, and community action agencies, but nothing contained herein shall be construed to limit the utilization of services and facilities of private agencies, institutions and organizations (such as private businesses, labor organizations, private employment agencies, and private educational and vocational institutions) which can, at comparable cost, provide substantially equivalent training or services or otherwise aid in reducing more quickly unemployment or current and prospective manpower shortages;

(7) long-term projections of requirements for manpower and manpower-related services, and planning for meeting such requirements, in the area served by the prime sponsor;

(8) evaluating the effectiveness of programs for which financial assistance is provided under this title in achieving the objectives of such programs; and

(9) arrangements in the area served by the prime sponsor for the conduct of services for which financial assistance is provided under programs administered by the Secretary of Labor relating to manpower and manpower-related services.

APPROVAL OF APPLICATIONS

SEC. 106. (a) An application, or modification or amendment thereof, for financial assistance under this title, may be approved only if the Secretary determines that—

(1) the application is consistent with the purposes of this title;

(2) the application meets the requirements set forth in section 105;

(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary;

(5) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary;

(6) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement.

(b) If any unit of general local government submits to the Secretary a written statement and supporting reasons alleging that, with respect to the area served by such unit, the prime sponsor is not complying with the requirements for a comprehensive manpower services plan under section 105(b) and giving its reasons for the allegation, the Secretary shall, in accordance with regulations he shall prescribe, in no more than 30 days from the date he receives such written statement, make a decision on the allegation, after providing the prime sponsor with a copy of the written statement and with a reasonable opportunity to respond in writing and holding such conferences and hearings as he deems appropriate. The Secretary shall transmit to all interested parties a written statement of his decision, including his findings and supporting reasons. Until he makes such decision, the Secretary shall withhold approval of so much of a prime sponsor's pending application for financial assistance under this Act as relates directly to the matter under contention. With respect to allegations not involving such pending applications, nothing in this subsection shall in any way require the Secretary to withhold any financial assistance under this Act. If the Secretary determines that the requirements of section 105(b) will not be complied with, then he shall enter into direct arrangements with the appropriate unit of general local government or any other public or private agency with respect to those programs involved, and funds which would otherwise be available to the prime sponsor for such programs shall be made available through such direct arrangements. If the Secretary finds upon examination of the allegation that it requires no investigation because it is frivolous on its face, he may reject the allegation summarily without regard to the procedures required in this subsection except for transmission of a written decision to the interested parties.

CONCURRENCE OF OTHER AGENCIES

SEC. 107. (a) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines with respect to assistance for services of a health, education, or welfare character under this title and he shall not provide financial assistance for services of a health, education, or welfare character under this title unless he shall have first obtained the concurrence of the Secretary of Health, Education, and Welfare. Such services include but are not limited to basic or general education; educational programs conducted in correctional institutions; institutional training; health care, child care, and other supportive services; and new careers and job restructuring in the health, education, and welfare professions.

(b) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines relating to the participation of community action agencies and other community-based organizations serving the poverty community under this Act unless he shall have first obtained the concurrence of the Director of the Office of Economic Opportunity.

ALLOCATION OF FUNDS

SEC. 108. (a) The amounts available for any fiscal year for this title which are not otherwise reserved in accordance with this Act shall be allocated in such a manner that of such amounts—

(1)(A) not more than 5 per centum shall be available for financial assistance under subsection (c) of this section, and (B) not more than 5 per centum shall be available for financial assistance under subsection (d) of this section;

(2) not less than 70 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of persons in the labor force, of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such State bears to such total numbers, respectively, in the United States, but not less than $1,500,000 shall be apportioned to any State, except that not less $150,000 each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(3) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this title.

(b) The amount apportioned to each State under clause (2) of subsection (a) shall be apportioned among areas within each such State in an equitable manner taking into consideration the proportion which the total number of persons in the labor force, of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such area bears to such total numbers, respectively, in the State. To the maximum extent appropriate, apportioned funds for each such area shall be expended through approved applications submitted by prime sponsors.

(c) The amount available pursuant to clause (1)(A) of subsection (a) shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the designation of prime sponsors for appropriate labor market areas or portions thereof. Financial, assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to the area so covered under subsection (b) of this section. The Secretary shall confer with units of general local government eligible to be prime sponsors in appropriate labor market areas and encourage such units to cooperate on an areawide basis to the maximum extent practicable.

(d) The amount available pursuant to clause (1)(B) of subsection (a) shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the establishment by the prime sponsor of appropriate procedures for coordination and cooperation with agencies administering vocational education programs in the area to be served by any such sponsor. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to such prime sponsor under subsection (b) of this section. The Secretary, with the concurrence of the Secretary of Health, Education, and Welfare, shall establish criteria for the establishment of such procedures.

(e) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment under subsections (a)(2) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. No amounts apportioned under subsections (a)(2) and (b) for any fiscal year may be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and unless the Secretary has provided fifteen days advance notice to the prime sponsor for such area of the proposed reallocation. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a)(2) or (b), and no revision in the apportionment of the funds not so reallocated shall be made because of such reallocations.

(f) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(2) and (b) of this section and the labor market areas described in subsection (c) of this section.

SPECIAL REQUIREMENTS FOR STATES

SEC. 109. (a) Any State seeking assistance under this Act or the Wagner-Peyser Act shall submit an annual State employment and manpower plan to the Secretary for approval in accordance with the requirements of this section.

(b) The State employment and manpower plan shall—

(1) indicate the extent to which all State agencies providing manpower and manpower related services will be available to cooperate and, at the request of the local prime sponsor, participate in the development and implementation of comprehensive manpower services plans by prime sponsors in accordance with the provisions of this Act;

(2) provide for the developing and publishing of information regarding economic, industrial, and labor market conditions which will be useful and made available to assist prime sponsors in the development and implementation of comprehensive manpower services plans under this Act, including but not limited to job opportunities and skill requirements, labor supply in various skills, occupational outlook and employment trends in various occupations, and economic and business development and location trends;

(3) provide for the conduct of programs financed under the Wagner-Peyser Act in accordance with such rules, regulations, and guidelines as the Secretary determines necessary for the purpose of providing effective assistance to those individuals requiring manpower and manpower related services to achieve their full occupational potential in accordance with the policy of this act; and

(4) provide, without reimbursement and upon request, to any prime sponsor serving an area within the State, such information, technical assistance and advice as may be necessary and appropriate to assist the prime sponsor in developing and implementing the plans submitted under sections 104 and 105.

SPECIAL CONDITIONS

SEC. 110. The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

(2) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained;

(3) appropriate workmen's compensation protection will be provided to all participants;

(4) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(5) persons shall not be referred for training in an occupation which requires less than two weeks of pre-employment training unless there are immediate employment opportunities available in that occupation;

(6) funds will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this title and not to supplant such other funds; and

(7) the applicant will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this title.

ALLOWANCES AND COMPENSATION

SEC. 111. (a) The Secretary shall where appropriate provide for the payment of weekly allowances to individuals receiving services under this title. Such allowances shall be at a rate prescribed by the Secretary which when added to amounts received by the trainee in the form of public assistance or unemployment compensation payments, shall approximate the minimum wage for a workweek of forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State minimum wage law, or, where the trainee is being trained for particular employment, at a rate equal to 80 per centum of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow additional sums for special circumstances such as exceptional expenses incurred by trainees, including but not limited to meal and travel allowances, or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or other necessaries furnished to the trainee. The Secretary shall take such action as may be necessary to insure that such persons receive no allowances with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein without good cause. Notwithstanding the preceding provisions of this subsection, the Secretary may, in accordance with such regulations as he shall prescribe, make such adjustments as he deems appropriate in allowances which would otherwise be payable under this Act, including but not limited to adjustments which take into account the amount of time per week spent by the individual participating in such programs and adjustments to reflect the special economic circumstances which exist in the area in which the program is to be carried on. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(b) For purposes of subchapter I of chapter 81 of title 5, United States Code, any person receiving services under this title shall, under such circumstances and subject to such conditions and limitations as the Secretary shall by regulation prescribe, be considered an employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply, except that in computing compensation benefits for disability or death, the monthly pay of such a person shall be deemed to be his allowance for a month, if he is receiving one. Regulations prescribed by the Secretary under this subsection may include but are not limited to adjustments in the amount of compensation payable under this subsection to take into account entitlements to workmen's compensation under other applicable laws or arrangements.

TITLE II—OCCUPATIONAL UPGRADING

AUTHORIZATION OF PROGRAM

SEC. 201. The Secretary shall carry out a program under which public and private employers will undertake to provide the necessary education and skill training to prepare employees for positions of greater skill, responsibility, and remuneration in the employ of such employers. Financial assistance under this title may be provided by the Secretary pursuant to an application submitted by eligible applicants who shall be—

(a) prime sponsors designated pursuant to the provisions of title I of this Act; and

(b) other public and private employers.

REQUIREMENTS FOR APPLICATIONS

SEC. 202. Any application must contain assurances satisfactory to the Secretary that—

(1) the positions for which employees will be trained are positions that cannot with reasonable effort be filled by the employer with unemployed or underemployed workers already possessing such skills and willing to accept such employment;

(2) the selection of trainees shall be based upon merit, ability, and length of service, and that no person shall be selected as a trainee until such person has been in the employ of the employer for a period of not less than six months;

(3) the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment in a recognized skill or occupation in the service of that employer and of other employers in the same industry;

(4) the training period is reasonable and consistent with periods customarily required for comparable training;

(5) adequate and safe facilities and adequate personnel and records of attendance and progress are provided;

(6) successful completion of the employee's training program can reasonably be expected to result in an offer of employment in the employer's own enterprise in the occupation for which he will be trained at wage rates not less than those prevailing for the same or similar occupations in that industry;

(7) the training and placement of such employees is part of a program that can reasonably be expected to lead directly to the employment of an equivalent number of new employees in entry level employment; and

(8) the trainees are compensated by the employer at such rates, including periodic increases, as may be deemed reasonable under regulations hereinafter authorized, considering such factors as industry practice and trainee proficiency, and that in no event shall the wages or employment benefits of any trainee be less than those received by him immediately before his starting such training program.

PAYMENTS TO EMPLOYERS

SEC. 203. Such agreements shall provide for payment to the employer undertaking a training program under this title in an amount equal to—

(1) ninety per centum of the instructional expense other ordinary and necessary training costs, and trainee wage payments for the time spent in training less the value of productive services rendered by such trainee, plus

(2) a bonus payment to reward the efforts of employers whose programs under this title have resulted in substantial upgrading and high retention, to be computed as follows:

(A) at the end of the first twelve months following the completion of a program authorized under this title, 20 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees; and

(B) at the end of the second twelve months following the completion of a program authorized under this title, 10 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees.

ALLOCATION OF FUNDS

SEC. 204. The provisions of section 108 shall apply to this title.

TITLE III—PUBLIC SERVICE EMPLOYMENT

FINANCIAL ASSISTANCE

SEC. 301. The Secretary shall enter into arrangements with eligible applicants in accordance with the provisions of this title in order to make financial assistance available to public and private nonprofit agencies and institutions for the purpose of providing employment for unemployed and underemployed persons in jobs providing needed public services and training and manpower services related to such employment which are otherwise unavailable.

AUTHORIZATION

SEC. 302. In addition to the amounts authorized to be appropriated pursuant to section 3 for carrying out this Act, there are further authorized to be appropriated for the purpose of carrying out this title $200,000,000 for the fiscal year ending June 30, 1971, $400,000,000 for the fiscal year ending June 30, 1972, $600,000,000 for the fiscal year ending June 30, 1973, and $800,000,000 for the fiscal year ending June 30, 1974.

ELIGIBLE APPLICANTS

SEC. 303. Financial assistance under this title may be provided by the Secretary only pursuant to applications submitted by eligible applicants, who shall be—

(1) prime sponsors designated pursuant to the provisions of title I of this Act,

(2) other public agencies and institutions (including public service agencies and institutions of the Federal Government); and

(3) Non-profit hospitals and nursing homes, local service companies, Indian tribes, and any private nonprofit agencies and institutions approved by the appropriate prime sponsor.

APPLICATIONS

SEC. 304. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth a public service employment program designed to provide employment and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, for unemployed and underemployed persons in jobs providing needed public services in such fields as health care, public safety, education, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(b) An application for financial assistance for a public service employment program under this title shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment

or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(5) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(6) a description of unmet public service needs and a statement of priorities among such needs;

(7) description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(8) the wages or salaries to be paid participants and a comparison with the prevailing wages in the area for similar work;

(9) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(10) the planning for and training of supervisory personnel in working with participants;

(11) a description of career opportunities and job advancement potentialities for participants;

(12) procedures for an annual review by an appropriate agency of the status of each person employed in a public service job under this title; and procedures pursuant to which, in the event that any such participant and the reviewing agency find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and the participants shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

(13) assurances that agencies and institutions to whom financial assistance will be made available under this title will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(14) assurances that the applicant shall, where appropriate, maintain or provide linkages with upgrading and other programs under this Act, and other Federal or federally supported manpower programs for the purpose of:

(A) providing those persons employed in public service jobs under this title who want to pursue work with the employer, or in the same or similar work as that so performed under the agreement with opportunities to do so and to find permanent, upwardly mobile careers in that field; and

(B) providing those persons so employed who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare themselves for, and obtain work in other fields;

(15) assurances that all persons employed thereunder, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed or underemployed persons;

(16) assurances that to the maximum extent possible, technical, supervisory, and administrative personnel shall be recruited from among fully qualified, unemployed or underemployed persons;

(17) ways in which the program shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged; and

(18) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

APPROVAL OF APPLICATIONS

SEC. 305. An application, or modification or amendment thereof, for financial assistance under this title may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this title;

(2) the approvable request for funds does not exceed 80 per cantum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement;

(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary; and

(5) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary.

ALLOCATION OF FUNDS

SEC. 306. (a) The amounts available for any fiscal year for this title which are not otherwise reserved in accordance with this Act shall be allocated in such a manner that of such amounts—

(1) not less than 80 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such State bears to such total numbers, respectively, in the United States, but not less than $1,500,000 shall be apportioned to any State except that not less than $150,000 each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this title.

(b) The amount apportioned to each State under clause (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner taking into consideration the proportion which the total number of unemployed persons, and of persons heading low-income families and unrelated low-income persons, in each such area bears to such total numbers, respectively, in the State. To the maximum extent appropriate, apportioned funds for each such area shall be expended through approved applications submitted by prime sponsors.

(c) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment under subsections (a)(1) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a)(1) or (b), and no revision in the apportionments of the funds not so reallocated shall be made because of such reallocations.

(d) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(1) and (b) of this section.

DISASTER RELIEF

SEC. 307. With respect to any area designated by the President as a major disaster area, the Secretary is authorized to utilize such funds as may be necessary, which are available to him under section 306 (a)(2) and (c), to make financial assistance available to eligible applicants to provide additional employment in carrying out public services needed in such area as a result of the disaster.

SPECIAL CONDITIONS

SEC. 308. (a) The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program will result in an increase in employment opportunities over those which would otherwise be available and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of non-overtime work or wages or employment benefits), and will impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(2) persons employed in a public service job under this title shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a)(1) of such Act applied to the paricipant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay in the same labor market area for persons employed in similar public occupations;

(3) all persons employed in a public service job under this title will be assured of workman's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(4) the provisions of section 2(a)(3) of Public Law 89-286 shall apply to such agreements;

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants; and

(6) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) For programs which provide work and training related to physical improvements, special consideration shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this title, such organization

shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

LIMITATION

SEC. 309. For the purpose of providing training and manpower services which are otherwise unavailable and which are related to public service employment assisted under this title, there shall be available, in addition to the funds available for such training and manpower services under other titles of this Act, not to exceed 15 per centum of the amounts available for carrying out this title with respect to any fiscal year.

TITLE IV—SPECIAL FEDERAL RESPONSIBILITIES AND PROGRAMS

PART A—GENERAL PROVISIONS

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 401. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States under parts B and D of this title. In developing such criteria as are appropriate for each such part, he shall consider, among other relevant factors, the ratios of population, unemployment, and income levels. Of the sums available for any fiscal year for programs authorized under each such part, not more than 15 per centum shall be used within any one State.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 402. Federal financial assistance to any program or activity carried out pursuant to parts B and D of this title shall not exceed 90 per centum of the cost of such program or activity, including costs of administration. The Secretary may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that this is necessary in furtherance of the purposes of this title. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant equipment, and services.

ADMINISTRATIVE REGULATIONS

SEC. 403. The Secretary shall prescribe regulations to assure that programs assisted under parts B and D of this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of inservice training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

SECRETARY'S RESPONSIBILITIES

SEC. 404. In carrying out his responsibilities under this Act, the Secretary is authorized under this title to provide for services and activities authorized under any other part of this Act.

PART B—SPECIAL WORK, TRAINING, AND CAREER DEVELOPMENT PROGRAMS

NEW CAREERS

SEC. 411. The Secretary shall carry out a special program to be known as "New Careers" which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including but not limited to health care, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum prospects for on-the-job training, promotion and advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing career ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement. In carrying out this section, the Secretary is authorized to (1) provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity, and (2) provide financial and other assistance to insure the provision of supportive and followup services to supplement programs under this section including health care, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.

MAINSTREAM

SEC. 412. The Secretary shall carry out a special program to be known as "Mainstream" by providing financial assistance to public or private nonprofit agencies for the support of projects which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health care, education, day care, and recreation services.

COMMUNITY ENVIRONMENT SERVICE

SEC. 413. The Secretary shall carry out a special program to be known as the "Community Environment Service" by providing financial assistance to public or private nonprofit agencies, especially programs sponsored by State, county, and city governments. Such programs may provide employment on a full-time or part-time basis for persons to help restore a livable environment in urban and rural areas, including restoration of housing and neighborhoods; the planning, development, and maintenance of parks and recreation areas and facilities in inner cities as well as roadside recreation projects; and sanitation and cleanup projects, including solid waste removal. Support may also be provided for the employment of environmental health aides in community health care facilities, and water and air pollution control programs. Community environment service programs shall be encouraged to involve volunteers from the community in environmental planning and action campaigns.

OPPORTUNITIES INDUSTRIALIZATION CENTERS

SEC. 414. The Secretary shall make financial assistance available under this section for the establishment and operation of "Opportunities Industrialization Centers" designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, health care, and other appropriate services. No funds shall be made available for any program under this section unless the Secretary determines that adequate provisions are made are assured that (1) the residents of the area to be served by such program are involved in the planning and operation of such center, and (2) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this section serving residents of an inner-city area with substantial unemployment or underemployment.

JOBS FOR PROGRESS—OPERATION SER PROGRAMS

SEC. 415. The Secretary shall make financial assistance available under this section for the establishment and operation of "Jobs for Progress—Operation SER Programs" designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, health care, and other appropriate services. No funds shall be made available for any program under this section unless the Secretary determines that adequate provisions are made to assure that (1) the residents of the area to be served by such program are involved in the planning and operation of such center, and (2) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this section serving residents of an inner-city area with substantial unemployment or underemployment.

MANAGEMENT TRAINING PROGRAMS

SEC. 416. The Secretary, after consultation with the Secretary of Health, Education, and Welfare, the Secretary of Commerce, the Administrator of the Small Business Administration, and the Director of the Office of Economic Opportunity, shall carry out a special program under which education, training, and experience in business management are provided to enable individuals to secure and retain business management opportunities or to establish their own business concerns. In carrying out the provisions of this section, the Secretary is authorized to make grants to public agencies, including educational agencies, and to enter into contracts with private agencies and organizations. The Secretary shall obtain the prior concurrence of the Secretary of Health, Education, and Welfare with respect to any educational component of any program assisted under this section.

MANPOWER PROGRAMS IN CORRECTIONAL INSTITUTIONS

SEC. 417. (a) The Secretary of Labor is authorized to make grants to public agencies including educational agencies and to enter into contracts with private organizations for the establishment, conduct, and evaluation of projects and programs, including demonstration projects and programs, under which inmates of correctional institutions are provided with educational, vocational, rehabilitative, work experience (including offsite training), placement assistance, and other related counseling and supportive services sufficient to enable them to acquire relevant skills and to secure and retain meaningful employment after their confinement. The education and training components of such project and programs shall be agreed to by the Secretary of Health, Education, and Welfare. In the case of projects and programs to be conducted in Federal correctional institutions, prior concurrence shall be obtained from the Attorney General of the United States. The Secretary of Labor shall consult with State and local correctional and educational officials where appropriate.

(b) Special consideration shall be given to applications under this section for programs and projects which—

(1) provide for participation of representatives of industry and labor and other qualified persons from the private sector of the economy in the development of curriculum, and as instructors,

(2) provide for the use of modern equipment in any such program, and

(3) make provisions for the employment of persons confined in such institutions after their release.

(c) Programs and projects assisted under this section may include activities designed to test the effectiveness of pretrial or presentencing arrangements under which offenders awaiting trial or further hearings may receive manpower training in lieu of parole or confinement.

(d) Except as precluded by Federal, State, or local law, projects or programs assisted under this section may provide for the selection of persons confined in the correctional institutions as teacher aides in accordance with criteria prescribed by the Secretary.

(e)(1) The Secretary of Labor shall, with the concurrence of the Secretary of Health, Education, and Welfare, promulgate regulations and establish standards, including but not limited to standards or regulations designed to ensure that programs and projects assisted under this section will contain provisions for (A) the development of skills for which there is a demand on a local, regional, or other appropriate basis, and (B) adequate internal administrative controls, accounting requirements, personnel standards, and evaluation procedures.

(2) No Federal, State, or local correctional institution shall reduce the amount of funds previously available for education, training, work experience, and placement assistance by reason of assistance granted to inmates of such institutions by reason of this section.

(f) The Secretary of Labor is authorized to make arrangements for training, medical, and transportation allowances and bonding assistance as surety for financial loss where necessary to carry out the purposes of this section.

PART C—JOB CORPS

STATEMENT OF PURPOSE

SEC. 431. This part establishes a Job Corps for low-income, disadvantaged young men and women, sets forth standards and procedures for selecting individuals as enrollees in the Job Corps, authorizes the establishment of residential and nonresidential centers in which enrollees will participate in intensive programs of education, vocational training, work experience, counseling, and other activities, and prescribes various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps. Its purpose is to assist young persons who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsible, employable, and productive citizens, and to do so in a way that contributes, where feasible, to the development of national, State, and community resources, and to the development and dissemination of techniques for working with the disadvantaged that can be widely utilized by public and private institutions and agencies.

INDIVIDUALS ELIGIBLE FOR THE JOB CORPS

SEC. 432. To become an enrollee in the Job Corps, a young man or woman must be a person who has attained age fourteen but not attained age twenty-two at the time of enrollment and who—

(1) is a permanent resident of the United States or a native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 2112(d)(5), respectively, or any person admitted as a conditional entrant under section 203(a)(7), of the Immigration and Nationality Act;

(2) is a low-income individual or member of a low-income family who requires additional education, training, or intensive counseling and related assistance in order to secure and hold meaningful employment, participate successfully in regular schoolwork, qualify for other training programs suitable to his needs, or satisfy Armed Forces requirements;

(3) is currently living in an environment so characterized by cultural deprivation, a disruptive homelife, or other disorienting conditions as to substantially impair his prospects for successful participation in any other program providing needed training, education, or assistance;

(4) is determined, after careful screening as provided for in sections 432 and 433, to have the present capabilities and aspirations needed to complete and secure the full benefit of the program authorized in this part, and to be free of medical and behavioral problems so serious that he could not or would not be able to adjust to the standards of conduct and discipline or pattern of work and training which that program involves; and

(5) meets such other standards for enrollment as the Secretary may prescribe (including special standards for the enrollment on a residential basis of fourteen- and fifteen-year olds) and agrees to comply with all applicable Job Corps rules and regulations.

SCREENING AND SELECTION OF APPLICANTS

SEC. 433. (a) The Secretary shall prescribe necessary rules for the screening and selection of applicants for enrollment in the Job Corps. To the extent practicable, these rules shall be implemented through arrangements which make use of agencies and organizations such as community action agencies, public employment offices, professional groups, and labor organizations. The rules shall establish specific standards and procedures for conducting, screening and selection activities; shall encourage recruitment through agencies and individuals having contact with youths over substantial periods of time and able, accordingly, to offer reliable information as to their needs and problems; and shall provide for necessary consultation with other individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers. They shall also provide for—

(1) the interviewing of each applicant for the purpose of—

(A) determining whether his educational and vocational needs can best be met through the Job Corps or any alternative program in his home community;

(B) obtaining from the applicant pertinent data relating to his background, needs, and interests for evaluation in determining his eligibility and potential assignment; and

(C) giving the applicant a full understanding of the Job Corps program and making clear what will be expected of him as an enrollee in the event of his acceptance;

(2) the conduct of a careful and systematic inquiry concerning the applicant's background for the effective development and, as appropriate, clarification of information concerning his age, citizenship, school, and draft status, health, employability, past behavior, family income, environment, and other matters related to a determination of his eligibility.

(b) The Secretary shall make no payments to any individual or organization solely as compensation for the service of referring the names of candidates for enrollment in the Job Corps.

(c) The Secretary shall take all necessary steps to assure that the enrollment of the Job Corps includes an appropriate number of candidates selected from rural areas, taking into account the proportion of eligible youth who reside in rural areas and the need to provide residential facilities for such youth in order to meet problems of wide geographic dispersion.

SPECIAL LIMITATIONS

SEC. 434. (a) No individual shall be selected as an enrollee unless it is determined that there is reasonable expectation that he can participate successfully in group situations and activities with other enrollees, that he is not likely to engage in actions or behavior that would prevent other enrollees from receiving the benefit of the program or be incompatible with the maintenance of sound discipline and satisfactory relationships between any center to which he might be assigned and surrounding communities, and that he manifests a basic understanding of both the rules to which he will be subject and of the consequences of failure to observe those rules. Before selecting an individual who has a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other major behavioral aberrations, the Secretary shall obtain a finding from a professionally qualified person who knows such potential enrollee's individual situation that there is reasonable expectation that his conduct will not be inimical to the goals and success of the Job Corps and that the opportunity provided by the Job Corps will help him to overcome his problem.

(b) An individual who otherwise qualifies for enrollment may be selected even though he is on probation or parole, but only if his release from the immediate supervision of the cognizant probation or parole officials is mutually satisfactory to those officials and the Secretary and does not violate applicable laws or regulations, and if the Secretary has arranged to provide all supervision of the individual and all reports to State or other authorities that may be necessary to comply with applicable probation or parole requirements.

ENROLLMENT AND ASSIGNMENT

SEC. 435. (a) No individual may be enrolled in the Job Corps for more than two years, except as the Secretary may authorize in special cases.

(b) Enrollment in the Job Corps shall not relieve any individual of obligations under the Selective Service Act of 1967 (50 U.S.C. App. 451 et seq.).

(c) Each enrollee (other than a native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 212(d)(5), respectively, or any person admitted as a conditional entrant under section 203(a)(7), of the Immigration and Nationality Act, or a permanent resident of the Trust Territory of the Pacific Islands) must take and subscribe to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic." The provisions of section 1001 of title 18, United States Code, shall be applicable to this oath or affirmation.

(d) After the Secretary has determined whether an enrollee is to be assigned to a men's training center, a conservation center, or a women's training center, the center to which he shall be assigned shall be that center of the appropriate type in which a vacancy exists which is closest to the enrollee's home, except that the Secretary, on an individual basis, may waive this requirement when overriding considerations justify such action. Assignments to centers in areas more remote from the enrollee's home shall be carefully limited to situations in which such action is necessary in order to insure an equitable opportunity for disadvantaged youth from various sections of the country to participate in the program, to prevent undue delays in the assignment of individual enrollees, to provide an assignment which adequately meets the educational or other

needs of the enrollee or is necessary for efficiency and economy in the operation of the program.

(e) Assignments of male enrollees shall be made so that, at any one time, at least 40 per centum of those enrollees are assigned to conservation centers as described in section 436, or to other centers or projects where their work activity is primarily directed to the conservation, development, or management of public natural resources or recreational areas and is performed under the direction of personnel of agencies regularly responsible for those functions.

JOB CORPS CENTERS

SEC. 436. (a) The Secretary may make agreements with Federal, State, or local agencies, or private organizations for the establishment and operation of Job Corps centers. These centers may be residential or nonresidential in character and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with education, vocational training, work experience (either in direct program activities or through arrangements with employers), counseling, health care, and other services appropriate to their needs. The centers shall include conservation centers, to be known as Civilian Conservation Centers, to be located primarily in rural areas and to provide, in addition to other training and assistance, programs of work experience focused upon activities to conserve, develop, or manage public natural resources or public recreational areas or to assist in developing community projects in the public interest. They shall also include men's and women's training centers to be located in either urban or rural areas and to provide activities which shall include training and other service appropriate for enrollees who can be expected to participate successfully in training for specific type of skilled or semiskilled employment.

(b) To the extent feasible men's and women's training centers shall offer education and vocational training opportunities, together with supportive services, on a nonresidential basis to participants in programs under other provisions of this Act. Such opportunities may be offered on a reimbursable basis or through such other arrangements as the Secretary may specify.

PROGRAM ACTIVITIES

SEC. 437. (a) Each Job Corps center shall be operated so as to provide enrollees with an intensive, well-organized, and fully supervised program of education, vocational training, work experience, planned avocational and recreational activities, physical rehabilitation and development, and counseling. To the fullest extent feasible, the required program for each enrollee shall include activities designed to assist him in choosing realistic career goals, coping with problems he may encounter in his home community or in adjusting to a new community, and planning and managing his daily affairs in a manner that will best contribute to long-term upward mobility. Center programs shall include required participation in center maintenance support and related work activity as appropriate to assist enrollees in increasing their sense of contribution, responsibility, and discipline.

(b) To the extent practicable, the Secretary may arrange for enrollee education and vocational training through local public or private educational agencies, vocational educational institutions, or technical institutes where these institutions or institutes can provide training comparable in cost and substantially equivalent in quality to that which he could provide through other means.

(c) Arrangements for education shall, to the extent feasible, provide opportunities for qualified enrollees to obtain the equivalent of a certificate of graduation from secondary school; and the Secretary of Labor, with the concurrence of the Secretary of Health, Education, and Welfare, shall develop certificates to be issued to enrollees who have satisfactorily completed their services in the Job Corps and which will reflect the enrollee's level of educational attainment.

(d) The Secretary shall prescribe regulations to assure that Job Corps work-experience programs or activities do not displace presently employed workers or impair existing contracts for service and will be coordinated with other work-experience programs in the community.

ALLOWANCES AND SUPPORT

SEC. 438. (a) The Secretary may provide enrollees with such personal, travel, and leave allowances, and such quarters, subsistence, transportation, equipment, clothing, recreational services, and other expenses as he may deem necessary or appropriate to their needs. Personal allowances shall be established at a rate not to exceed $50 per month during the first six months of an enrollee's participation in the program and not to exceed $75 per month thereafter, except that allowances in excess of $50 per month, but not exceeding $75 per month, may be provided from the beginning of an enrollee's participation if it is expected to be of less than six months' duration and the Secretary is authorized to pay personal allowances in excess of the rates specified herein in unusual circumstances as determined by him. Such allowances shall be graduated up to the maximum so as to encourage continued participation in the program, achievement and the best use by the enrollee of the funds so provided and shall be subject to reduction in appropriate cases as a disciplinary measure. Enrollees shall be required to a reasonable degree to meet or contribute to costs associated with their individual comfort and enjoyment from their personal allowances.

(b) The Secretary shall prescribe specific rules governing the accrual of leave by enrollees. Except in the case of emergency, he shall in no event assume transportation costs connected with leave of any enrollee who has not completed at least six months service in the Job Corps.

(c) The Secretary may provide each former enrollee, upon termination, a readjustment allowance at a rate not to exceed $50 for each month of satisfactory participation in the Job Corps. No enrollee shall be entitled to a readjustment allowance, however, unless he has remained in the program at least ninety days, except in unusual circumstances as determined by the Secretary. The Secretary, may, from time to time, advance to or on behalf of an enrollee such portions of his readjustment allowance as the Secretary deems necessary to meet extraordinary financial obligations incurred by that enrollee; and he may also, pursuant to rules or regulations, reduce the amount of an enrollee's readjustment allowance as a penalty for misconduct during participation in the Job Corps. In the event of an enrollee's death during his period of service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(d) Under such circumstances as the Secretary may determine, a portion of the readjustment allowance of an enrollee not exceeding $25 for each month of satisfactory service may be paid during the period of service of the enrollee directly to a spouse or child of an enrollee or to any other relative who draws substantial support from the enrollee, and any sum so paid shall be supplemented by the payment of an equal amount by the Secretary.

STANDARDS OF CONDUCT

SEC. 439. (a) Within Job Corps centers, standards of conduct and deportment shall be provided and stringently enforced. In the case of violations committed by enrollees, dismissals from the Corps or transfers to other locations shall be made in every instance where it is determined that retention in the Corps, or in the particular Job Corps center, will jeopardize the enforcement of such standards of conduct and deportment or diminish the opportunity of other enrollees.

(b) In order to promote the proper moral and disciplinary conditions in the Job Corps, the individual directors of Job Corps centers shall be given full authority to take appropriate disciplinary measures against enrollees including, but not limited to, dismissal from the Job Corps, subject to expeditious appeal procedures to higher authority, as provided under regulations set by the Secretary.

COMMUNITY PARTICIPATION

SEC. 440. The Secretary shall encourage and shall cooperate in activities designed to establish a mutually beneficial relationship between Job Corps centers and surrounding or nearby communities. These activities shall include the establishment of community advisory councils to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest. Whenever possible, such advisory councils shall be formed by and coordinated under the local community action agency. Youth participation in advisory council affairs shall be encouraged and where feasible separate youth councils may be established, to be composed of representative enrollees and representative young people from the communities. The Secretary shall establish necessary rules and take necessary action to assure that each center is operated in a manner consistent with this section with a view to achieving, so far as possible, objectives which shall include: (1) giving community officials appropriate advance notice of change in center rules, procedures, or activities that may affect or be of interest to the community; (2) affording the community a meaningful voice in center affairs of direct concern to it, including policies governing the issuance and terms of passes to enrollees; (3) providing center officials with full and rapid access to relevant community groups and agencies, including law enforcement agencies and agencies which work with young people in the community; (4) encouraging the fullest practicable participation of enrollees in programs or projects for community improvement or betterment, with adequate advance consultation with business, labor, professional, and other interested community groups and organizations; (5) arranging recreational, athletic, or similar events in which enrollees and local residents may participate together; (6) providing community residents with opportunities to work with enrollees directly, as part-time instructors, tutors, or advisers, either in the center or in the community; (7) developing, where feasible, job or career opportunities for enrollees in the community; and (8) promoting interchanges of information and techniques among, and cooperative projects involving the center and community schools, educational institutions, and agencies serving young people.

COUNSELING AND JOB PLACEMENT

SEC. 441. (a) The Secretary shall provide for the counseling and testing of each enrollee at regular intervals to follow his progress in educational and vocational programs.

(b) The Secretary shall counsel and test each enrollee prior to his scheduled termination to determine his capabilities and shall seek to place him in a job in the vocation for which he is trained and in which he is likely to succeed, or shall assist him in attaining further training or education. In placing enrollees in jobs, the Secretary shall utilize the United States Employment Service to the fullest extent possible.

(c) The Secretary shall make arrangements to determine the status and progress of former enrollees and to assure that their needs for further education, training, and counseling may be met.

(d) Upon termination of an enrollee's training, a copy of his pertinent records, including data derived from his counseling and testing, other than confidential information, shall be made available immediately to the Department of Labor.

(e) The Secretary shall, to the extent feasible, arrange for the readjustment allowance, provided for in section 438(c) of this Act, less any sums already paid pursuant to 438(d), to be paid to former enrollees (who have not already found employment) at the public employment service office nearest the home of any such former enrollee, if he is returning to his home, or at the nearest such office to the community in which the former enrollee has indicated an intent to reside. The Secretary of Labor shall make arrangements by which public employment service officers will maintain records regarding former enrollees who are thus paid at such offices including information as to—

(1) the number of former enrollees who have declined the office's help in finding a job;

(2) the number who were successfully placed in jobs without further education or training;

(3) the number who were found to require further training before being placed in jobs and the types of training programs in which they participated; and

(4) the number who were found to require further remedial or basic education in order to qualify for training programs, together with information as to the types of programs for which such former enrollees were found unqualified for enrollment.

If the Secretary deems it advisable to utilize the services of any other public or private organization or agency in lieu of the public employment office, he shall arrange for that organization or agency to make the payment of the readjustment allowance and maintain the same types of records regarding former enrollees as are herein specified for maintenance by public employment service offices, and shall furnish copies of such records to the Secretary. In the case of enrollees who are placed in jobs by the Secretary prior to the termination of their participation in the Job Corps, the Secretary shall maintain records providing pertinent placement and follow-up information.

EVALUATION; EXPERIMENTAL AND DEVELOPMENTAL PROJECTS

SEC. 442. (a) The Secretary shall provide for the careful and systematic evaluation of the Job Corps program, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practicable, and providing information needed to assess the effectiveness of program procedures, policies, and methods of operation. In particular, this evaluation shall seek to determine the costs and benefits resulting from the use of residential as opposed to nonresidential facilities, from the use of facilities combining residential and nonresidential components from the use of centers with large as opposed to small enrollments, and from the use of different types of program sponsors, including public agencies, institutions of higher education, boards of education, and private corporations. The evaluation shall also include comparisons with proper control groups composed of persons who have not participated in the program. In carrying out such evaluations, the Secretary shall arrange for obtaining the opinions of participants about the strengths and weaknesses of the program and shall consult with other agencies and officials in order to compare the relative effectiveness of Job Corps techniques with those used in other programs, and shall endeavor to secure, through employers, schools, or other Government and private agencies specific information concerning the residence of former enrollees, their employment status, compensation, and success in adjusting to community life. He shall also secure to the extent feasible, similar information directly from enrollees at appropriate intervals following their completion of the Job Corps program.

(b) The Secretary may undertake or make grants or contracts for experimental, research, or demonstration projects designed to develop and test ways of securing the better use of facilities, of encouraging a more rapid adjustment of enrollees to community life that will permit a reduction in the period of their enrollment, of reducing transportation and support costs, or of otherwise promoting greater efficiency and effectiveness in the program authorized under this part. These projects shall include one or more projects providing youths with education, training, and other supportive services on a combined residential and nonresidential basis. The Secretary may, if he deems it advisable, undertake one or more pilot projects designed to involve youth who have a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other behavioral aberrations. Projects under this subsection shall be developed after appropriate consultation with other Federal or State agencies conducting similar or related programs or projects and with the prime sponsors, as described in title I of this Act, in the communities where the projects will be carried out. They may be undertaken jointly with agencies conducting other Federal or federally assisted programs, and funds otherwise available for activities under such programs shall, with the consent of the head of any agency concerned, be available for projects under this section to the extent they include the same or substantially similar activities. The Secretary may waive any provision of this title which he finds would prevent the carrying out of elements of projects under this subsection essential to a determination of their feasibility and usefulness. He shall report to the Congress concerning the actions taken under this section, including a full description of progress made in connection with combined residential and nonresidential projects.

ADVISORY COMMITTEES AND BOARDS

SEC. 443. The Secretary shall make use of advisory committees or boards in connection with the operation of the Job Corps, and the operation of Job Corps centers, whenever he determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

PARTICIPATION OF THE STATES

SEC. 444. (a) The Secretary shall take necessary action to facilitate the effective participation of States in the Job Corps program, including, but not limited to, consultation with appropriate State agencies on matters pertaining to the enforcement of applicable State laws, standards of enrollee conduct and discipline, the development of meaningful work experience and other activities for enrollees, and coordination with State-operated programs.

(b) The Secretary may enter into agreements with State or local prime sponsors with prime sponsorship plans approved under title I of this Act to assist in the operation or administration of programs which carry out the purpose of this part. The Secretary may, pursuant to regulations, pay part or all of the operative or administrative costs of such programs.

(c) No Job Corps center or other similar facility designed to carry out the purpose of this part shall be established within a State unless a plan setting forth such proposed establishment has been submitted to the Governor, and such plan has not been disapproved by him within thirty days of such submission.

APPLICATION OF PROVISIONS OF FEDERAL LAW

SEC. 445. (a) Except as otherwise specifically provided in the following paragraphs of this subsection, enrollees in the Job Corps shall not be considered Federal employees and shall not be subject to the provisions of law relating to Federal employment including those regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits:

(1) For purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

(2) For purposes of subchapter I of chapter 81 of title 5 of the United Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows:

(A) The term "performance of duty" shall not include any act of an enrollee while absent from his or her assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from such post of duty) authorized by or under the direction and supervision of the Job Corps;

(B) In computing compensation benefits for disability or death, the monthly pay of an enrollee shall be deemed that received under the entrance salary for a grade GS–2 employee, and sections 8113 (a) and (b) of title 5, United States Code, shall apply to enrollees; and

(C) Compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee is terminated.

(3) For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered employees of the Government.

(b) When the Secretary finds a claim for damage to persons or property resulting from the operation of the Job Corps to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, United States Code, he may adjust and settle it in an amount not exceeding $500.

(c) Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Job Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade therein.

SPECIAL LIMITATIONS

SEC. 446. (a) The Secretary shall take necessary action to assure that for any fiscal year the direct operating costs of Job Corps centers which have been in operation for more than nine months do not exceed $6,900 per enrollee.

(b) The Secretary shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of the operation of any conservation or training center shall become the property of the United States.

POLITICAL DISCRIMINATION AND POLITICAL ACTIVITY

SEC. 447. (a) No officer or employee of the executive branch of the Federal Government shall make any inquiry concerning the political affiliation or beliefs of any enrollee or applicant for enrollment in the Job Corps. All disclosures concerning such matters shall be ignored, except as to such membership in political parties or organizations as constitutes by law a disqualification for Government employment. No discrimination shall

be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any enrollee in the Job Corps, or any applicant for enrollment in the Job Corps because of his political affiliation or beliefs, except as may be specifically authorized or required by law.

(b) No officer, employee, or enrollee of the Job Corps shall take any active part in political management or in political campaigns, except as may be provided by or pursuant to statute, and no such officer, employee, or enrollee shall use his official position or influence for the purpose of interfering with an election or affecting the result thereof. All such persons shall retain the right to vote as they may choose and to express, in their private capacities, their opinions on all political subjects and candidates. Any officer, employee, enrollee, or Federal employee who solicits funds for political purposes from members of the Corps shall be in violation of section 602 of title 18, United States Code.

(c) Whenever the *United States* Civil Service Commission finds that any person has violated the foregoing provisions, it shall, after giving due notice and opportunity for explanation to the officer or employee or enrollee concerned, certify the facts to the Secretary with specific instructions as to discipline or dismissal or other corrective actions.

PART D—NEIGHBORHOOD YOUTH PROGRAMS

PROGRAMS AUTHORIZED

SEC. 451. (a) The Secretary shall provide financial assistance to public and private agencies serving urban and rural areas to carry out—

(1) programs to provide part-time employment, on-the-job training, and useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school;

(2) programs to provide unemployed, underemployed, or low-income persons (aged sixteen and over) with useful work and training (which must include sufficient basic education and institutional or on-the-job training) designed to assist those persons to develop their maximum occupational potential and to obtain regular competitive employment;

(3) programs to provide job and recreation opportunities for young persons during the summer months.

(b) In addition to the amounts authorized to be appropriated pursuant to section 3 for carrying out this Act, there are further authorized to be appropriated such additional amounts as the Congress may determine to be necessary for carrying out section 451(a)(3).

SPECIAL CONDITIONS

SEC. 452. (a) The Secretary shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

(1) no participant will be employed on projects involving political activities, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal or other funds in connection with work that would otherwise be performed;

(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

(4) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants.

(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

(d) Programs under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

(e) In the case of a program under section 451(a)(1), the Secretary shall not limit the number or percentage of participants in the program who are fourteen or fifteen years of age. In the case of a program under section 451(a)(2), the Secretary shall not limit the number or percentage of participants in any age group under twenty-two years of age, and the Secretary shall not limit the number of hours which participants may spend in work and on-the-job training to less than 80 per centum of the number of hours per week spent in the program, and allowances for such work and on-the-job training shall not be less than the minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938.

PROGRAM PARTICIPANTS

SEC. 453. Participants in programs under this part must be unemployed or low-income persons. The Secretary, in consultation with the Social Security Administrator, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors.

PART E—MANPOWER RESEARCH AND DEVELOPMENT

RESEARCH AND DEVELOPMENT

SEC. 461. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's manpower problems. This program will include, but not be limited to, studies, the findings of which may contribute to the formulation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment and its relationships to price stability; promotion of more effective manpower development, training, and utilization; improved national, regional, and local means of measuring future labor demand and supply; enhancement of job opportunities; upgrading of skills; meeting of manpower shortages; easing of the transition from school to work, from one job to another, and from work to retirement, opportunities and services for older persons who desire to enter or reenter the labor force, and for improvements of opportunities for employment and advancement through the reduction of discrimination and disadvantage arising from poverty, ignorance, or prejudice.

(b) The Secretary shall establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, or through contracts with other private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and training problems. In carrying out this subsection with respect to programs designed to provide employment and training opportunities for low-income people, the Secretary shall consult fully with the Director of the Office of Economic Opportunity. In carrying out this subsection the Secretary of Labor shall, where appropriate, also consult with the Secretaries of Health, Education, and Welfare, Commerce, Agriculture, and Housing and Urban Development, the Chairman of the Civil Service Commission, and such other agencies as may be appropriate. Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(c) The Secretary shall conduct such research and investigations as give promise of furthering the objectives of this Act either directly or through grants, contracts, or other arrangements.

LABOR MARKET INFORMATION

SEC. 462. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, including but not limited to information regarding—

(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(2) job opportunities and skill requirements;

(3) labor supply in various skills;

(4) occupational outlook and employment trends in various occupations; and

(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

(b) Information collected under this section shall be developed and made available in a timely fashion to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

MANPOWER UTILIZATION

SEC. 463. The Secretary shall establish program for the improvement of manpower utilization in sectors of the economy experiencing persistent manpower shortages, or in other situations requiring maximum utilization of existing manpower. The Secretary shall conduct this program either directly or through such other arrangements as he may deem appropriate.

EVALUATION

SEC. 464. (a) The Secretary shall provide for a system of continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons of various ages, and the adequacy of their mechanism for the delivery of services. He shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs.

(b) The Director of the Office of Economic Opportunity is authorized to conduct, either directly or by way of contract, grant, or other arrangement, a thorough evaluation of all programs and activities conducted pursuant

to this Act to determine the effectiveness of such programs and activities in meeting the special needs of disadvantaged, chronically unemployed, and low-income persons for meaningful employment opportunities and supportive services to continue or resume their education and employment and to become more responsible and productive citizens. The Director of the Office of Economic Opportunity shall report to the Secretary on the evaluation authorized by this subsection at least once in each calendar year.

REMOVAL OF ARTIFICIAL BARRIERS TO EMPLOYMENT AND ADVANCEMENT

SEC. 465. The Secretary, in consultation with the Director of the Office of Economic Opportunity, shall conduct a continuing study of the extent to which artificial barriers to employment and occupation advancement, including civil service requirements and practices relating thereto, within agencies, conducting programs under this Act restrict the opportunities for employment and advancement within such agencies and shall develop and promulgate guidelines, based upon such study, setting forth recommendations for task and skill requirements for specific jobs and recommended job descriptions at all levels of employment, designed to encourage career employment and occupational advancement within such agencies.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 466. In carrying out his responsibilities under this Act, the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, where appropriate, shall provide, directly or through grants, contracts, or other arrangements, preservice and inservice training for specialized, supportive, and supervisory or other personnel and technical assistance which is needed in connection with the programs established under this Act or which otherwise pertains to the purposes of this Act. Upon request, the Secretary of Labor may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two years. In order to encourage the establishment and operation by low-income persons and their representatives of centers on the local level which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed, the Secretary of Labor shall, in consultation with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity, wherever feasible, provide training and technical assistance by grants, contracts, or other arrangements with individuals and organizations who have demonstrated a capacity to establish and operate such programs.

PART F—NATIONAL COMPUTERIZED JOB BANK PROGRAM

FINDINGS AND PURPOSE

SEC. 471. The Congress hereby finds that the lack of prompt and adequate information regarding manpower needs and availability contributes to unemployment, underemployment, and the inefficient utilization of the Nation's manpower resources. The Congress further finds that the development of electronic data processing and telecommunications systems has created new opportunities for dealing with this difficult problem. It is therefore the purpose of this title to enlist the tools of modern technology in a cooperative Federal-State effort to reduce unemployment and underemployment and more adequately meet the Nation's manpower needs.

ESTABLISHMENT OF THE PROGRAM

SEC. 472. The Secretary shall develop and establish a computerized job bank program for the purpose of—

(1) identifying sources of available manpower supply and job vacancies;

(2) providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities on a national, State, local, or other appropriate basis;

(3) referring and placing such persons in jobs; and

(4) distributing and assuring the prompt and ready availability of information concerning manpower needs and resources to employers, employees, public and private job placement agencies, and other interested individuals and agencies.

Maximum effective use shall be made of electronic data processing and telecommunications systems in the development and administration of the program. The program established under this part shall be coordinated with the comprehensive manpower services program established under title I.

CONDUCT OF THE PROGRAM

SEC. 473. For the purpose of carrying out the program established in section 472, the Secretary is authorized to make grants to State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment. The Secretary may conduct the program on a regional or interstate basis either directly or through grants, contracts, or other arrangements with public or private agencies and organizations. He may also conduct the program when he finds that a State or local program will not adequately serve the purposes of this part. The Secretary may require that any information concerning manpower resources or job vacancies utilized in the operation of job-bank programs financed under this part be furnished to him at his request. He may, in addition, require the integration of any information concerning job vacancies or applicants into a job-bank system assisted under this part.

EXPERIMENTS, DEMONSTRATIONS, RESEARCH AND DEVELOPMENT

SEC. 474. The Secretary may conduct directly, or through contracts, grants, or other arrangements with public or private agencies or organizations, such experimental or demonstration projects, research and development as he deems necessary to improve the effectiveness of the program established under this part.

RULES, REGULATIONS, AND STANDARDS

SEC. 475. The Secretary shall prescribe such rules and regulations and standards as may be necessary to carry out the purposes of this part, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out the program established by this part, and including rules and regulations to assure the confidentiality of information submitted in confidence.

PART G—DEVELOPMENT OF EMPLOYMENT OPPORTUNITIES FOR DISADVANTAGED PERSONS IN FEDERALLY ASSISTED PROGRAMS

PURPOSE

SEC. 481. The purpose of this part is to establish a program of research, development, and pilot activities for the purpose of determining the level of employment generated by Federal grant and assistance programs and the degree to which such programs can provide an increased source of opportunities for the employment and advancement of disadvantaged persons.

RESEARCH

SEC. 482. The Secretary is hereby authorized to undertake studies of the contribution of Federal grants-in-aid and other Federal assistance programs to the overall employment level. Such studies may include but are not limited to collection and analysis of information on the number of positions wholly or partially supported by Federal assistance programs, their occupational structure, wage, and salary levels, projections for future growth, requirements and qualifications for entry into such positions, promotional and career development opportunities, the educational, vocational, and other relevant characteristics of those who occupy such positions, and the effects of such employment on employment generally. The heads of all Federal departments and agencies administering grants-in-aid or other Federal assistance programs are hereby directed to cooperate fully with the Secretary in the conduct of such studies. They shall transmit to the Secretary annually estimates of the employment increases or decreases expected to result from the planned expansion or reduction of such programs, and as conditions warrant, on call from the Secretary, contingency plans and estimates relating to the increase in employment which would be created if such programs are expanded under conditions of persistent high unemployment and underemployment.

PILOT PROGRAMS

SEC. 483. (a) The Secretary of Labor is authorized to conduct experimental, developmental, demonstration, and pilot programs to carry out the purposes of this part. In the conduct of these programs, the Secretary is authorized to enter into agreements with the heads of other Federal departments and agencies administering grants-in-aid and other forms of Federal assistance to establish annual and multiyear goals for the employment of disadvantaged persons in employment wholly or partially supported through such Federal assistance. For the purposes of carrying out these agreements, Federal departments and agencies may provide, notwithstanding any other provision of law, that the fulfillment of such goals shall be a condition for receiving such assistance.

(b) Programs under this part shall, to the extent practicable, be designed to eliminate artificial barriers to employment and occupational advancement, including merit system requirements and practices related thereto, which restrict opportunities for the employment and advancement of disadvantaged persons.

(c) Funds made available for the purpose of carrying out this part may be allocated and expended, or transferred to other Federal agencies for expenditure, as the Secretary of Labor deems necessary for carrying out the provisions hereof.

(d) Activities for which funds made available under this part may be expended shall include, but are not limited to, the following:

(1) extraordinary costs of training and supportive services necessary to improve the performance of disadvantaged persons who are employed pursuant to agreement under this section;

(2) costs of providing orientation, counseling, testing, follow-up, and other similar manpower services determined necessary to assist such individuals to achieve success in employment.

TITLE V—MANPOWER PROGRAMS FOR INDIAN, BILINGUAL, MIGRANT, AND OLDER WORKERS

PART A—INDIAN MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 501. (a) The Congress finds that (1) serious unemployment and economic disadvantage exist among members of Indian and Alaskan native communities; (2) there is a compelling need for the establishment of comprehensive manpower training and employment programs for members of those communities; (3) such programs are essential to the reduction of economic disadvantage among individual members of those communities and to the advancement of economic and social development in those communities consistent with their goals and life styles.

(b) The Congress therefore declares that, because of the special relationship between the Federal Government and most of those to be served by the provisions of this part, (1) such programs can best be administered at the national level; (2) such programs shall be available to federally recognized tribes, bands, and individuals and to other groups and individuals of native American descent such as, but not limited to, the Menominees in Wisconsin, the Klamaths in Oregon, the Oklahoma Indians, the Passamaquoddys and Penobscots in Maine, and Eskimos and Aleuts in Alaska; (3) such programs shall be administered in such a manner as to maximize the Federal commitment to support growth and development as determined by representatives of the communities and groups served by this part.

QUALIFIED PERSONNEL

SEC. 502. The Secretary is directed to designate full-time personnel under this part experienced in the manpower problems of Indians to have responsibility for program leadership, development, coordination, and information and to give special attention to the manpower problems of Indians and the programs related to Indians.

AUTHORIZATION

SEC. 503. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of Indians and Alaska natives bears to the total number of low-income persons, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary.

NATIONAL INDIAN MANPOWER ADVISORY COUNCIL

SEC. 504. The Secretary of Labor shall appoint a National Indian Manpower Advisory Council which shall consist of at least five but not more than ten members, and shall be composed of men and women representing Indian tribes and groups, and other persons interested in the problems of manpower training and employment on Indian reservations and among Indian groups. Indians shall constitute a majority of the Council, which shall designate its own chairman. Such Council, or any duly established subcommittee thereof, shall from time to time make recommendations to the Congress, the President, and the Secretary concerning problems and policies relating to employment and manpower and to the carrying out of their duties and responsibilities under this part. Such Council shall hold not less than two meetings during each calendar year. The appointed members of the National Indian Manpower Advisory Council shall be paid compensation at a rate not to exceed the daily equivalent for a GS–18 while engaged in the work of the National Indian Manpower Advisory Council, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis. The Secretary shall provide the Council with such staff and services as may be necessary for the Council to carry out its functions.

TRUST RESPONSIBILITIES

SEC. 505. No provision of this part shall abrogate in any way the trust responsibilities of the Federal Government to Indian bands or tribes.

PART B—BILINGUAL MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 511. In recognition of the difficulties and limitations of large numbers of persons of limited English-speaking ability in the United States in finding employment and in learning the technology required for employment today, Congress hereby declares it to be the policy of the United States to provide financial assistance to public and private nonprofit agencies, institutions, and organizations to develop and carry out imaginative programs to increase employment and training opportunities for persons with limited English-speaking ability, especially such persons who are unemployed or underemployed.

QUALIFIED PERSONNEL

SEC. 512. The Secretary is directed to designate full-time personnel under this part experienced in the manpower problems of persons with limited English-speaking ability to have responsibility for program leadership, development, coordination, and information and to give special attention to the manpower problems of persons with limited English-speaking ability and the programs related to persons with limited English-speaking ability.

AUTHORIZATION AND DISTRIBUTION OF FUNDS

SEC. 513. (a) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of persons of limited English-speaking ability bears to the total population, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary.

(b) In determining the distribution of funds under this part, the Secretary shall give the highest priority to States and areas within States having the greatest need for programs authorized by this part. For the purpose of achieving an equitable distribution of assistance under this part within each State, the Secretary shall establish criteria on the basis of a consideration of (1) the geographic distribution of persons of limited English-speaking ability who are unemployed or underemployed, (2) the relative need of such persons in different geographic areas within the State for the kind of programs described in section 514, and (3) the relative ability of particular public and private nonprofit agencies, institutions, and organizations within the State to carry out those programs.

USES OF FUNDS

SEC. 514. Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act, especially—

(1) planning for and developing programs designed to meet the special manpower needs of persons with limited English-speaking ability including—

(A) the development of training courses and materials to teach skills and occupations that do not require a high proficiency in English, particularly the development of course materials in languages other than English; and

(B) the development of training courses and materials designed to increase the technical English vocabulary necessary for the performance of specific occupations likely to provide employment opportunities for such persons;

(2) preservice training designed to prepare persons to participate in bilingual manpower training and placement programs such as instructors, interviewers, counselors, and placement specialists; and

(3) the establishment, maintenance, and operation of programs, including acquisition of necessary teaching materials and equipment, designed to increase the employment opportunities and the opportunities for advancement of persons with limited English-speaking ability, which may include—

(A) programs to teach occupational skills in the primary language of any such persons for occupations that do not require a high proficiency in English;

(B) programs designed to teach specific technical English vocabulary necessary in the performance of specific skills and occupations in demand and which such persons may be reasonably expected to perform;

(C) programs developed in cooperation with employers designed to increase the English-speaking ability of such persons in order to enhance their opportunities for promotion;

(D) programs designed to assist any such person to further develop and capitalize on their bilingual ability for jobs that require such skills; and

(E) specialized placement programs including supportive services to encourage persons with limited English-speaking ability to find employment and to encourage employers to hire such persons.

APPLICATIONS FOR FINANCIAL ASSISTANCE AND CONDITIONS FOR APPROVAL

SEC. 515. (a) Financial assistance under this part may be made to any public or private nonprofit agency, institution, or organization, or to any such agencies, institutions, or organizations applying jointly or with a private employer, upon application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such application shall—

(1) provide that the programs and projects for which assistance under this part is sought will be administered by, or under the supervision of, the applicant and set forth assurances that the applicant is qualified to administer or supervise such programs or projects;

(2) set forth a program for carrying out the purposes of this part and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(3) provide for such fiscal control and fund-accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the applicant under this part;

(4) provide assurances that provision has been made for the maximum participation in the projects for which the application is made of persons with limited English-speaking ability who are unemployed or underemployed and who reside in the area to be served by the project; and

(5) provide for making an annual report and such other reports as the Secretary may reasonably require and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) An application, or modification or amendment thereof, for financial assistance under this part may be approved by the Secretary only if the application is consistent with the purposes of this part and meets the requirements set forth in subsection (a).

DEFINITION

SEC. 516. As used in this part, the term "persons of limited English-speaking ability" shall include persons who come from environments where the dominant language is other than English and who are preparing for work in a labor market where the dominant language is English.

PART C—MIGRANT AND SEASONAL FARMWORKER MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 521. The Congress finds and declares that—

(1) chronic seasonal unemployment and underemployment in the agricultural industry, substantially affected by recent advances in technology and mechanization, constitute a substantial portion of the Nation's rural manpower problem and substantially affects the entire national economy;

(2) such severe employment pattern has led to family incomes below the poverty level, with resulting hardships and adverse effects on the health, education, and welfare of families and particularly of children;

(3) much of the migrant and seasonal farmwork force is untrained and unaccustomed to, and ill-equipped for, the requirements of steady, gainful employment;

(4) there is a compelling need for the modification and adaptation of manpower training and employment programs that have heretofore not included migrant and seasonal farmworkers within their scope to meet the needs of such farmworkers;

(5) because of the special nature of certain farmworker manpower problems, particularly those which are interstate in nature, such programs can best be administered at the national level.

QUALIFIED PERSONNEL

SEC. 522. The Secretary is directed to designate full-time personnel under this part experienced in the manpower problems of migratory and seasonal agricultural workers to have responsibility for program leadership, development, coordination, and information and to give special attention to the manpower problems of migratory and seasonal agricultural workers and the programs related to migratory and seasonal agricultural workers.

AUTHORIZATION

SEC. 523. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to programs and activities carried out by eligible applicants under other provisions of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of persons in migrant and seasonal farmworker families bears to the total number of low-income persons, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary. For the purposes of this part, persons shall be deemed to continue to be members of migrant and seasonal farmworker families for such period of time, not in excess of five years, as the Secretary may determine, in accordance with regulations which he shall prescribe, that such persons generally can benefit from the special programs authorized by this part.

(c) No financial assistance may be provided under this part unless the Secretary determines, upon the basis of evidence supplied by each applicant and evaluated and approved by the Migrant and Seasonal Farmworker Manpower National Advisory Council established by section 524, that persons broadly representative of the population to be served have been given an opportunity to participate in the development of programs to be assisted under this part, and will be given an opportunity to participate in the implementation of such programs.

MIGRANT AND SEASONAL FARMWORKER MANPOWER NATIONAL ADVISORY COUNCIL

SEC. 524. (a) The Secretary shall appoint a Migrant and Seasonal Farmworker Manpower National Advisory Council (referred to in this part as the "Council") which shall consist of—

(1) two individuals, appointed from private life, to represent farmers, who shall be individuals actively engaged in, and whose livelihoods are dependent upon, agriculture, and who employ labor in connection therewith;

(2) six individuals, appointed from private life, to represent the migratory and seasonal agricultural workers;

(3) two individuals, appointed from private life, who shall have a demonstrated interest in and knowledge of the problems relating to agricultural labor and who are or have been actively engaged in activities concerned with determining and solving the health, education, housing, social, economic, or welfare problems of the agriculture worker, his family, his employer, and the community in which he works;

(5) two individuals who have had experience as State or local officials and who have first-hand knowledge of the problems of agricultural labor; and

(6) the Secretary of Labor, the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, the Secretary of the Interior, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity who shall be nonvoting members of the Council.

(b) The members of the Council shall designate their own Chairman and Vice Chairman. Such Council shall hold not less than twelve meetings during each calendar year.

(c) The appointed members of the Council shall be paid compensation at a rate not to exceed the daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, while engaged in the work of the Council, including traveltime and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(d) The Secretary of Labor is authorized to supply to the Council such technical and support personnel from any of the agencies specified in paragraph (6) of subsection (a) as he deems necessary, with the consent of the head of the agency concerned.

DUTIES OF COUNCIL

SEC. 525. (a) It shall be the duty of the Council to advise the Congress, the Secretary, and the President with respect to (1) the operation of Federal, State, and local laws, regulations, programs, and policies relating to any and all aspects of agricultural labor, (2) the extent of farmworker participation in the development and implementation of manpower programs authorized by this part and (3) any and all other matters relating to agricultural labor. The Council shall from time to time make recommendations to the Secretary concerning his functions under this part to provide maximum employment and manpower opportunities for migrant and seasonal farmworkers

(b) It shall also be the duty of the Council to consider, analyze, and evaluate periodically the problems relating to agricultural labor in order to devise plans and make recommendations for the establishment of policies and programs designed to meet such problems effectively. In carrying out this subsection, the Council shall consider, among others, the following matters—

(1) the effect of existing laws, regulations, programs, and policies on the problems relating to agricultural labor, including the problems of the migratory agricultural worker, his employer, and the local area in which he resides or is employed;

(2) the effect of the open-border policy between Mexico and the United States upon (A) the labor supply, (B) the living and working conditions in border areas, (C) the need for American residents along the border to migrate north in search of jobs, and (D) the entire national farm labor and rural economy;

(3) the extent that available labor market information (A) improves or limits farmworkers' opportunities to find jobs and to increase earnings, (B) alleviates the problems of underemployment and unemployment, and (C) provides the means for improving coordination of Federal, State, and local public and private policies and programs relating to agricultural labor;

(4) the need for more effective programs for the recruitment, transportation, housing, and full employment, in and off season, of the farm work force;

(5) the efficacy of a nonprofit manpower corporation or other ways to help regularize the employment of farmworkers, particularly seasonal farmworkers, including the provision of employment opportunities in rural areas that complement the seasonal job demands of agriculture;

(6) the development of a comprehensive manpower program to train and develop workers for increased mechanization of farm jobs, for nonfarm jobs in rural areas, and for meeting urban job opportunities;

(7) the future demand for farmwork including an accurate appraisal of the changing levels of demands and requirements for employees, particularly in the face of increasing mechanization;

(8) the relationship of such factors as worker ability, employer attitudes, skill levels, and educational levels to the employment opportunities of such farmworkers;

(9) the effect of farmworkers' substantial exclusion from major social and worker benefit programs, including legislation protecting the right to organize and collectively bargain;

(10) the means to familiarize farmworkers with program benefits and basic civil rights, including voting, to help them participate more fully in the American economic and political mainstream;

(11) the relationship between the institution of migrancy and the factors which cause it, to overall poverty in the United States, and to relocation and resettlement programs and activities previously developed to more adequately overcome such problems.

ANNUAL REPORT

SEC. 526. The Council shall study, investigate, conduct research, and prepare a report containing its findings and recommendations concerning matters relating to the purposes of this part, and shall transmit such report to the Secretary, the President and to the Congress no later than October 1 of each year.

PART D—MIDDLE-AGED AND OLDER WORKERS MANPOWER PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 531. (a) The Congress hereby finds and declares that—

(1) in a period of great affluence, middle-aged and older workers find it increasingly difficult to regain employment when out of work and to retain employment;

(2) inflation has forced middle-aged and older persons to bear growing economic burdens, particularly if they are living on limited, fixed incomes;

(3) as a result of unemployment, underemployment in low-skill jobs, and retirement with severely reduced incomes, millions of persons age forty-five and over live in poverty;

(4) more than a million men between the ages of fifty-five and sixty-four have given up the active search for work and thousands of men and women between the ages of sixty-two to sixty-four have retired with inadequate benefits;

(5) there is almost no opportunity for continued training and education for older individuals who are employed to meet the needs of a dynamic economy and changing technology;

(6) the loss to the economy of the potential production of goods and services, and the costs of unemployment compensation and public assistance, can be reckoned in billions of dollars;

(7) the loss to the individual in terms of frustration, impaired morale, loss of the sense of worth and dignity, and of his status within the family and society, is incalculable; and

(8) providing such individuals with opportunities for useful work will increase their incomes, benefit their physical and mental well-being, and strengthen the economy.

(b) It is the purpose of this part to establish and to assist programs which will—

(1) afford the middle-aged and older worker a range of real and reasonable opportunities for employment;

(2) eliminate arbitrary discriminatory practices which deny work to qualified persons solely on account of age;

(3) increase the availability of jobs by finding new work opportunities, including part-time employment to supplement income and to facilitate the transition to full retirement or the return to full-time work;

(4) improve and extend existing programs designed to facilitate training and the matching of skills and jobs;

(5) assist middle-aged and older workers, employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices; and

(6) stimulate innovative approaches to provide increased employment opportunities for middle-aged and older persons.

QUALIFIED PERSONNEL

SEC. 532. The Secretary is directed to designate full-time personnel under this part experienced in the manpower problems of middle-aged and older workers to have responsibility for program leadership, development, coordination, and information and to give special attention to the manpower problems of middle-aged and older workers and the programs related to middle-aged and older workers.

AUTHORIZATION

SEC. 533. (a) Funds available for this part shall be expended for programs and activities consistent with the purposes of this part, including but not limited to such programs and activities carried out by eligible applicants under other provisions of this Act.

(b) For the purpose of carrying out this part, the Secretary shall reserve not less than that proportion of the total amounts available for carrying out this Act as is equivalent to that proportion which the total number of heads of households who are forty-five years of age or older and are not in the labor force or are unemployed bears to the total population, as determined for the United States on the basis of the most satisfactory current data and estimates available to the Secretary.

(c) The Secretary shall establish criteria designed to achieve an equitable distribution of assistance under this part among the States and between urban and rural areas.

ADMINISTRATION

SEC. 534. (a) In order to carry out the purposes of this part the Secretary is authorized to—

(1) prescribe such rules and regulations as he deems necessary;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) appoint such advisory committees composed of private citizens and public officials who, by reason of their experience or training, are knowledgeable in the area of job opportunities for middle-aged and older individuals, as he deems desirable to advise him with respect to his functions under this part; and

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal and State agencies, with or without reimbursement therefor.

(b) Each member of a committee appointed pursuant to clause (3) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day on which he is engaged in the actual performance of his duties (including traveltime) as a member of the committee. All members shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

RESEARCH AND INFORMATION PROGRAMS

SEC. 535. (a) The Secretary is authorized to enter into grants, contracts, and other arrangements with public and private agencies and institutions to conduct such research and demonstration projects as he determines will contribute to carrying out the purposes of this part.

(b) In carrying out the purposes of this part the Secretary is authorized to publish and disseminate materials and other information relating to training and job opportunities for middle-aged and older individuals and to conduct such special informational an educational programs as he determines appropriate.

PROGRAM ESTABLISHED

SEC. 536. There is hereby established a comprehensive midcareer development service program, by which the Secretary will assist middle-aged and older workers to find employment by providing training, counseling, and special supportive services to such workers.

TRAINING PROGRAMS

SEC. 537. (a) The Secretary is authorized to make loans and grants to public and private nonprofit agencies, institutions, and organizations and to individuals for training, including on-the-job, institutional, residencial, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons who are at least forty-five years of age.

(b) Any grant or loan made pursuant to this section may be used to pay all or part of the cost of training under any such program plus such stipends (including allowances for subsistence or other expenses) for such persons and their dependents as he may determine to be consistent with prevailing practices under comparable Federal programs.

(c) A grant or loan under this section shall be made on such terms and conditions as the Secretary shall prescribe and may be made only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it sets forth a program for training which meets criteria established by him, including training costs and tuition schedules.

(d) The Secretary shall pay to each applicant who has an application approved by him part or all of the cost of the program provided for in such application.

(e) Individuals receiving payments under the provisions of this section while undergoing training shall continue to receive such payments only during such period as the Secretary finds that they are maintaining satisfactory proficiency in such training program.

SPECIALIZED SERVICES

SEC. 538. The Secretary shall establish and carry out specialized services for older workers who desire to improve their employability, to receive training to improve their capabilities at their present employment, or to obtain counseling in planning to maximize earning opportunities for the rest of their working lives.

STUDY

SEC. 539. (a) The Comptroller General of the United States is authorized and directed to undertake a study of part-time employment in the executive branch of the Government of the United States and to make a report of his findings, together with any recommendations he considers appropriate or desirable to the Congress on or before July 1, 1971. Such study shall include a determination of—

(1) the extent to which part-time employment exists in the executive branch;

(2) the limitations, if any, that are imposed by Federal statutes, regulations, or administrative policies or practices on such part-time employment, and the extent to which such limitations are justified; and

(3) the measures that may be taken to increase the number of part-time positions available in the Executive branch which may be filled by older persons without resulting in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits).

(b) The Comptroller General is further authorized and directed to undertake a study of the feasibility of redesigning positions in the executive branch of the Government of the United States without impairing the effectiveness of efficiency of operations of any department, agency, or independent establishment, with a view to increasing the number of positions which are available to older individuals at the subprofessional level. The Comptroller General shall make a report of his findings, together with any recommendations he considers appropriate or desirable, to the Congress on or before July 1, 1971. Such study shall include a determination of—

(1) the extent to which positions can be redesigned, resulting in an increase in the number of positions in the executive branch available to older individuals;

(2) the limitations, if any, imposed by Federal statutes, regulations, or administrative policies or practices on redesigning positions in the executive branch to increase the number of subprofessional positions available to older individuals and the extent to which such limitations are justified;

(3) the measures that may be taken to redesign positions so that the number of subprofessional positions available to older individuals may be increased; and

(4) the programs which would be needed to train older individuals to fill subprofessional positions created as a result of redesigning such position.

PART E—GENERAL PROVISIONS

LIMITATION

SEC. 551. No individual, institution, or organization shall evaluate any program under this title if that individual or any member of such institution or organization is associated with the program as a consultant, technical adviser, or in any other capacity.

REPORTS

SEC. 552. (a) There shall be included, in the manpower report of the President required by Section 13 of this Act, special sections dealing with activities and accomplishments under each of the first four parts of this title.

(b) For the calendar years 1972 and 1973, in each of the special sections required by subsection (a) of this section, there shall appear a report on means of maximizing the employability and employment in programs authorized under this Act and other federal and federally-supported manpower programs, of the persons covered by the corresponding part of this title. Such reports shall also be included in subsequent annual reports, as the President shall deem appropriate.

ADJUSTMENTS TO PROVIDE GUARANTEED LEVEL OF SERVICES

SEC. 553. For the purpose of providing the level of services required in sections 503(b), 513(a), 523(b), and 533(b), and meeting the purposes of this title, the Secretary may—

(1) make equitable adjustments in funds allocated to carry out other provisions of this Act; and

(2) make equitable adjustments in the funds reserved to carry out parts A, B, C, and D, respectively, to take into account that persons eligible for assistance under such parts are receiving assistance under other provisions of this Act.

Any adjustments under (1) or (2) shall be without regard to the 25 per centum limitation of section 4(b) and shall not be counted for the purposes of such limitation.

TITLE VI—EMERGENCY EMPLOYMENT ASSISTANCE

PROGRAM AUTHORIZED

SEC. 601. (a) In addition to amounts authorized to be appropriated for carrying out this Act under section 3, there are authorized to be appropriated such amounts as may be necessary for the purposes of carrying out this section.

(b) There is hereby established in the Treasury a revolving fund to be known as the Emergency Employment Assistance Fund (hereinafter referred to as the "Fund"). Amounts appropriated pursuant to subsection (a) which are not needed for immediate expenditure in accordance with this section shall be deposited in such Fund to be available for obligation without fiscal year limitation in accordance with the provisions of this section. The Secretary of Labor is authorized to utilize sums deposited in the Fund to provide assistance under this section.

(c) In order to provide financial assistance for employment and training activities in areas of high unemployment, there shall be available to the Secretary of Labor, out of appropriations for the purposes of this section or out of the Fund, such amounts as shall be equal to the sum of the following:

(1) the amount of $200,000,000 when the Secretary determines that the rate (seasonally adjusted) of national unemployment equals or exceeds 4½ per centum for three consecutive months; and

(2) the amount of $200,000,000 when the Secretary determines that the rate (seasonally adjusted) of national unemployment equals or exceeds 5 per centum for three consecutive months.

(d) The Secretary shall apportion funds made available pursuant to subsection (c) (1) or (c) (2) among areas of high unemployment throughout the United States on an equitable basis, and to the extent practicable such funds shall be apportioned in proportion to the extent that the rate of unemployment exceeds 4¼ per centum or 5 per centum, as the case may be, in each such area.

(e) No further obligation of funds appropriated under subsection (c) (1) may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4½ per centum for three consecutive months and no further obligation of funds appropriated under subsection (c) (2) may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 5 per centum for three consecutive months.

(f) No more than one determination under subsection (c) (1) and no more than one determination under subsection (c) (2) shall be made in any given fiscal year.

TITLE VII—MISCELLANEOUS

EFFECT ON EXISTING LAWS

SEC. 701. (a) Effective with respect to fiscal years after June 30, 1971, the Manpower Development and Training Act of 1962 is repealed. Unexpended appropriations for carrying out such Act may be made available to carry out this Act, as directed by the President.

(b) Effective with respect to fiscal years ending after June 30, 1971, title I of the Economic Opportunity Act of 1964 is amended by—

(1) amending all of the matter that appears preceding part D thereof to read as follows:

"TITLE I—MANPOWER DEVELOPMENT AND COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS

"PART A—RESEARCH, EXPERIMENTAL, AND DEVELOPMENTAL AUTHORITY IN THE MANPOWER AREA

"STATEMENT OF PURPOSE

"SEC. 101. It is the purpose of this part to provide authority for the conduct of research, experimental, and developmental activities focused on providing more effective means for dealing with the employment and employment-related problems of the economically disadvantaged.

"ACTIVITIES AUTHORIZED

"SEC. 102. (a) The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for the payment of all or part of the costs of developing and carrying out programs designed to further the purposes of this part. Programs assisted under this part shall be of an experimental, developmental, demonstration, or pilot nature and shall be structured in such manner as the Director deems will best equip them to yield information as to the relative effectiveness of various approaches (including new approaches and refinements or variations of traditional approaches) directed to the solution of the employment and employment-related problems of the economically disadvantaged. Such programs may include provision for supportive and followup services.

"(b) (1) Such programs shall include a demonstration program to determine the feasibility of various means of providing assistance to disadvantaged individuals to enable them to purchase or otherwise arrange for manpower training and related services from public and private agencies, institutions and business concerns approved by the Secretary.

"(2) Not less than twenty-four months after enactment of this provision, the Director shall report to the Congress the results of the program conducted under this section together with his recommendations.

"(c) In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor, and, as appropriate the heads of other Federal agencies.

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 103. The Director may provide (directly or through contracts or other appropriate arrangements) technical assistance to assist in the initiation or effective operation of programs under this part. He may also make arrangements for the training of instructors and other personnel needed to carry out programs under this part.

"RESEARCH AND EVALUATION

"SEC. 104. The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for research pertaining to the purposes of this part. He shall also provide for the careful and systematic evaluation of programs related to the purposes of this part, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practical, and providing information needed to assess the relative potential of the various approaches employed in such programs for contributing significantly to the solution of employment and employment-related problems of the economically disadvantaged. In formulating plans for the implementation of this section the Director shall consult with the Secretary of Labor and, as appropriate, with the heads of other Federal agencies.

"SPECIAL CONDITIONS

"SEC. 105. Participants in programs under this part shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.";

(2) redesignating part D thereof as part B and sections 150 through 155 as sections 121 through 126, respectively;

(3) striking out part E thereof; and

(4) redesignating part F as part C and section 171 as section 141.

(c) Effective with respect to fiscal years after June 30, 1971, section 810(a) of the Economic Opportunity Act of 1964 is amended by striking the word "and" at the end of paragraph (2) thereof, by inserting in lieu of the period at the end of paragraph (3) a semicolon and the word "and", and by adding the following new paragraph:

"(4) with the approval of the Secretary of Labor, in Job Corps centers operated under title IV of the Employment and Manpower Act".

(d) Grants and contracts entered into pursuant to the provisions of title I of the Economic Opportunity Act of 1964 and the Manpower Development and Training Act of 1962 prior to the effective date set forth in subsections (a) and (b) of this section shall not be affected by the provisions of this section.

(e) Effective with respect to fiscal years ending after June 30, 1971, the Vocational Education Act of 1963, as amended, is amended by adding at the end thereof the following new part:

"PART J—OCCUPATIONAL TRAINING

"AUTHORIZATION

"SEC. 201. (a) The Commissioner of Education shall, with the concurrence of the Secretary of Labor, enter into agreements with States whereby the appropriate State educational agencies shall provide occupational training through public educational agencies or institutions, or through arrangements with private educational or training institutions where such private institutions can provide equipment or services not available in public institutions, particularly for training in technical or subprofessional occupations and for training the disadvantaged, or where such institutions can, at comparable cost, provide substantially equivalent training, make possible an expanded use of the individual-referral method, or aid in reducing more quickly unemployment or current and prospective manpower shortages.

"(b) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, to carry out this part."

AMENDMENTS TO TITLE 38, UNITED STATES CODE

SEC. 702. (a) Chapter 41 of title 38, United States Code, is amended to read as follows:

"Chapter 41—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

"Sec.
"2001. Definitions.
"2002. Purpose.
"2003. Assignment of veterans' employment representative.
"2004. Employees of local offices.
"2005. Cooperation of Federal agencies.
"2006. Estimate of funds for administration; authorization of appropriations.
"2007. Administrative controls; annual report.
"2008. Cooperation and coordination with the Veterans' Administration.

"§ 2001. Definition.

"For the purposes of this chapter—

"(1) the term 'eligible veteran' means a veteran of any war or of service after January 31, 1955, as defined in section 101 of this title; and

"(2) the term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth

of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"§ 2002. Purpose

"The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and that, to this end, policies shall be promulgated and administered, so as to provide such veterans the maximum of employment and training opportunities.

"§ 2003. Assignment of veterans' employment representative

"The Secretary of Labor shall assign to each State a veterans' employment representative, and such assistant veterans' employment representative as he shall determine, based on the data collected pursuant to section 2007 of this title, to be necessary to assist the veterans' employment representative to carry out effectively in that State the purposes of this chapter. Each veterans' employment representative and assistant veterans' employment representative shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veterans' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each such other program in the State, the veterans' employment representative and his assistants shall—

"(1) be functionally responsible for the supervision of the registration of eligible veterans in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans in employment and job training programs;

"(2) engage in job development and job advancement activities for eligible veterans, including maximum coordination with appropriate officials of the Veterans' Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans with appropriate job and job training opportunities;

"(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veterans' particular qualifications with an available job or on-the-job training or apprenticeship opportunity which is commensurate with those qualifications;

"(4) promote the interest of employers and labor unions in employing eligible veterans and in conducting on-job training and apprenticeship programs for such veterans;

"(5) maintain regular contact with employers, labor unions, and training programs and veterans' organizations with a view to keeping them advised of eligible veterans available for employment and training and to keeping eligible veterans advised of opportunities for employment and training; and

"(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans.

"§ 2004. Employees of local offices

"Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, on the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for the veterans' employment representative and his assistants.

"§ 2005. Cooperation of Federal agencies

"All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans.

"§ 2006. Estimate of funds for administration; authorization of appropriations

"(a) The Secretary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor.

"(b) There are hereby authorized to be appropriated such sums as the Congress shall determine to be necessary for the proper and efficient administration of this chapter.

"(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate required pursuant to subsection (a).

"(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary based on a demonstrated lack of need for such funds for such purposes.

"§ 2007. Administrative controls; annual reports

"(a) The Secretary of Labor shall establish administrative controls for the following purposes:

"(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling service.

"(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary to be inadequate.

"(b) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans and other eligible veterans who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2005 of this title and a statement of the reasons for such determination.

"§ 2008. Cooperation and coordination with the Veterans' Administration

"In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration."

(b) The table of chapters at the beginning of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment Placement Service for Veterans_ 2001"

and inserting

"41. Job Counseling, Training, and Placement Services for Veterans ---------- 2001".

(c) The table of chapters at the beginning of part III of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment Placement Service for Veterans_ 2001"

and inserting in lieu thereof

"41. Job Counseling, Training, and Placement Service for Veterans ---------- 2001".

(d) The amendments made by this section shall become effective ninety days after the enactment of this Act.

GAYLORD NELSON,
RALPH W. YARBOROUGH,
CLAIBORNE PELL,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
ALAN CRANSTON,
HAROLD E. HUGHES,
ADLAI E. STEVENSON III,
JACOB JAVITS,
WINSTON PROUTY,
RICHARD S. SCHWEIKER,
Managers on Part of the Senate.
CARL D. PERKINS,
DOMINICK DANIELS,
JAMES G. O'HARA,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
WILLIAM D. HATHAWAY,
JAMES H. SCHEUER,
LLOYD MEEDS,
PHILLIP BURTON,
JOSEPH M. GAYDOS,
WILLIAM CLAY,
Managers on Part of the House.

PRIVILEGE OF THE FLOOR

Mr. NELSON. Mr. President, I ask unanimous consent that appropriate staff members of the Committee on Labor and Public Welfare be permitted the privilege of the floor.

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

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

Mr. NELSON. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, as the ranking Republican member of the committee, having participated actively in the conference with the Senator from Wisconsin, I commend this report to the Senate as the very best that can be done. In my judgment, taking all elements of the report together—notwithstanding that there are some phases of it that I

am not completely happy with—it should not be vetoed.

I hope very much the Senate will adopt it, and I hope very much the President will sign it into law. I wish to say that the total amount of authorization involved was cut by about 25 percent, so that it aggregates some $9.5 billion. This program is on-going right now, and it is a multi-billion-dollar program at this time.

Mr. President, the act would authorize the following basic amounts for training and employment programs: $2,000,000,000 for fiscal year 1972, $2,500,000,000 for fiscal year 1973; and $3,000,000,000 for fiscal year 1974. Under the provisions, approximately one-third of the total authorized amount—after taking out certain amounts for special programs for Indians, migrants, bilinguals and older persons—would be allocated in thirds among manpower training activities, public service employment programs, and research and special categorical programs such as Job Corps and opportunities industrialization centers. In addition, the act would authorize the following "add-on" amounts for public service employment: $200,000,000 for this fiscal year; $400,000,000 for fiscal year 1972; $600,000,000 for fiscal year 1973; and $800,000,000 for fiscal year 1974.

The act also contains a trigger provision—which the administration first suggested and which I modified and introduced—under which additional amounts would be authorized for manpower training and employment programs to meet the special problems of severe levels of unemployment. Specifically, an additional $200,000,000 could be provided in any fiscal year in the event that unemployment raises above 4.5 percent for 3 consecutive months, and an additional $200,000,000 in the event that unemployment exceeds 5 percent for 3 consecutive months.

Under the so-called add-ons for public service employment alone, the conference bill would provide the basis for 40,000 jobs in this fiscal year, reaching in fiscal year 1974 a total of 160,000 jobs for that year.

Mr. President, although the bill is the Congress response to a major and highly commendable administration initiative to revamp our manpower training system, it falls short in a number of respects in implementing the administration's original objectives of total decentralization, decategorization, and consolidation of manpower training programs.

However, while it differs from the original proposal embodied in the Manpower Training Act—which I introduced on the administration's behalf in August of 1969—it represents in my opinion a workable compromise on the key issues.

First, the administration favored essentially giving the States the major responsibility for manpower programs. The conference bill gives the mayors essential control over programs in their areas. However, the conference bill also gives the States a substantial role in overall planning and direction and in conducting programs in areas not covered by local prime sponsors.

A very real improvement was made in respect of the type of administration it is to have at the level of municipalities and counties in reasonable aggregations of populations.

Second, the administration hoped to give those on the local level complete flexibility on the use of funds. While the conference bill contains the one-third allocation provisions I have noted, it also provides that as much as 25 percent of the amount allocated for one program activity—for example, public service employment—may be transferred to another activity.

Third, in respect to public service employment, the "add-on" amounts for public service employment are some $2,500,000,000 below the amounts originally authorized in the Senate bill over the 4-year period. The Senate bill had provided $750,000,000 for fiscal year 1971; $1,000,000,000 for fiscal year 1972, $1,250,000,000 for fiscal year 1973, and $1,500,000,000 for fiscal year 1975.

Mr. President, the conference bill is also stronger than the original Senate bill in respect to providing safeguards against the public service employment programs becoming a "make work" type program or serving as a disguised revenue sharing effort and in providing training and encouragement for the movement of individuals participating in the program from subsidized slots into regular employment. As Members will recall, I sought to strengthen these provisions when the bill was first considered by the Senate. On balance, I think that the conference bill now contains a number of provisions that will provide essential safeguards and encourage such movement. And the philosophy of the minority will nonetheless succeed, we feel, in providing at least a real opportunity for all of those people to move into permanent and regular employment, either public or private under the conference bill.

Finally, Mr. President, I wish to underscore the fact that the revamping of the manpower programs is really a proposal companion to the Family Assistance Act.

Underlying both of these key parts of the President's domestic package has been the central tenet of our free enterprise society—that the road from poverty indignity, and welfare dependency is traveled by those who work.

But work is unavailable—not only for the poor, but for millions of other Americans—as we face currently 5.9 percent unemployment. Whether this level should be regarded generally as acceptable or not on a national basis, the fact is that the bounds of tolerability have been already burst for our youth. As to them, the situations may be said to have passed the "red line." In November, the unemployment rate among teenagers was a full 17.5 percent—almost three times the national rate—while unemployment in urban poverty neighborhoods was at 24.9 percent—over four times the national rate.

The unemployment rate among black teenagers in poverty neighborhoods is at 34.9 percent—reaching toward a half. While unemployment affects all persons and hits the older persons hard as well, young persons are of special concern because they are at the age where they will determine on the basis of their current experience—and perhaps for the rest of their lives—whether our talk of work fare is a fact or is empty rhetoric.

Considering the present conditions, with the tremendous pressures arising from the unemployment situation, we consider the manpower training bill that we have offered more vital than ever. I feel that, because of the contingencies of the economic situation, it deserves a somewhat higher approach in terms of resources than we have heretofore given to manpower training.

The Employment and Manpower Act agreed to by the conferees will add meaning to our promises. It will replace the current manpower system with a new structure of State and local prime sponsors and provide through that means a wide range of training opportunities, new public service jobs, and additional "triggered" funds for such purposes at levels such as we now face.

We cannot stumble along another year with either an antiquated welfare system or a retarded manpower training system; indeed, the two proposals are intertwined in that manpower training is an insurance policy against the increased welfare costs that some fear will arise from a basic commitment to the national floor under welfare.

I commend it to the Senate, as does the Senator from Wisconsin (Mr. NELSON). I hope very much the President, who I hope will examine it very carefully, will find it, as I feel it is, worthy of approval and sign it into law.

Mr. NELSON. Mr. President, I think the Senator from New York states the case quite precisely.

Mr. President, the Senate conferees on S. 3867, the Employment and Manpower Act of 1970, have met in four sessions with the conferees from the other body and have reached agreement upon a bill.

We believe that this may be the most important piece of domestic legislation to be considered in this session of Congress. We urge the Senate to accept the conference report.

The bill would make it possible to do something about rising unemployment right now. For it not only establishes a major program of locally planned and administered public service employment, but it authorizes the appropriation of $200 million to get such a program off the ground this year. It could mean 100,000 jobs in 1972 and 300,000 by 1974.

It also represents the first major effort to rationalize and decentralize the manpower programs that have proliferated since the passage of the Manpower Development and Training Act back in 1962. Now the Labor Department is responsible for administering some 10,000 contracts involving the most complex relationships betweeen agencies and poverty groups in cities and States.

The bill would bring the new federalism at its finest to the manpower programs.

Governors and mayors would become prime sponsors to plan, organize, and administer local manpower programs at the community level, where problems must be dealt with and where local decisionmakers can solve their problems face to face. Mayors and Governors would be aided in their efforts to bring

all elements together in comprehensive planning efforts by broadly based manpower services councils.

THE COMPROMISE BILL

AUTHORIZATION FOR APPROPRIATIONS

The Senate and House bills were identical on basic authorizations. The pattern of authorizations is as follows in the conference approved bill:

	Basic authorization (billions)	Additional for public service employment (millions)
Fiscal year—		
1971		$200
1972	$2.0	400
1973	2.5	600
1974	3.0	800

These authorizations total $9.5 billion over a 4-year period. This figure is a compromise between the $7.5 billion authorized by the House and the $12 billion authorized by the Senate.

Advance funding is provided, authority to make planning better by allowing funds appropriated in one year to be used to finance the following year's program, as is now possible under education legislation.

The Senate "trigger" mechanism was accepted making an additional $200 million in authorization available when nationwide unemployment exceeds 4½ percent for 3 months and an additional $200 million available when unemployment is over 5 percent for 3 months.

PRIME SPONSORS

The House had limited local prime sponsors to cities and counties of 100,000 population. The Senate figure was 75,000. In the compromise the Secretary would designate as prime sponsors States, cities of 75,000 population, counties (which exercise governmental responsibilities comparable to those of cities) of 100,000 population and combinations of governmental units equaling 100,000. Broadly representative manpower services councils with their own staffs would be established to help prime sponsors, and to evaluate manpower programs. The Senate conferees accepted a provision making rural areas with high unemployment and outmigration eligible to be prime sponsors.

A modified House provision for a State plan was accepted by the Senate conferees. As approved, the State plan would include the extent, to which State agencies, such as the employment service and vocational education would be involved in manpower programs—through the development of manpower statistics and providing information, technical assistance, and the full cooperation and participation of State agencies, at the request of local prime sponsors.

One-third of the funds for the overall act are allocated for this title.

TITLE II—UPGRADING

The Senate conferees also accepted a provision proposed by Congressman JAMES G. O'HARA of Michigan, to provide Federal funds to help industry and Government train people within their organizations for job advancement, increasing workers' income, and opening more entry level jobs.

TITLE III—PUBLIC SERVICE EMPLOYMENT

This title provides that the Secretary of Labor shall provide financial assistance for public service employment programs which provide jobs for unemployed and underemployed persons, in carrying out needed public services. The bill provides for using one-third of the basic appropriation for the act for public service employment programs.

Prime sponsors of manpower services programs under title I, as well as certain other public and private nonprofit agencies would be eligible applicants for carrying out public service employment programs. Examples of the kinds of public services which could be provided include jobs in health, public safety, education, transportation, recreation, parks, pollution control, housing and neighborhood improvements, rural development, conservation and beautification.

On these provisions the two Houses were in basic agreement.

Let me say that it is the clear intention of the Senate and the conferees—spelled out repeatedly in the bill—that public service employment jobs be coordinated with and made an integral part of State and local employee programs, that maximum upgrading be provided, that individuals have their progress reviewed annually to assure that every opportunity to obtain better employment or training is taken full advantage of. But we feel that the jobs must themselves be real, continuing jobs, jobs of the first resort, not training slots.

Titles III and IV of the Senate bill were combined into title IV, without changing the substance.

TITLE IV—SPECIAL RESPONSIBILITIES AND PROGRAMS

This title provides that the Secretary of Labor shall carry out the following special work and training programs: New Careers, Mainstream, Community Environment Service, Opportunities Industrialization Centers—OIC—Jobs for Progress-Operation SER programs, management training programs, and manpower programs in correctional institutions, Job Corps, and Neighborhood Youth programs.

One-third of the funds for the overall act are allocated for these programs as well as for such special Federal responsibilities as research and development, national computerized job bank program, and development of employment opportunities for disadvantaged persons in federally assisted programs.

TITLE V—MANPOWER PROGRAMS FOR INDIAN, BILINGUAL, MIGRANT AND OLDER WORKERS

These programs were accepted essentially as proposed by the Senate. They recognize the special needs for Indians, bilingual persons of limited English-speaking ability, migrant and seasonal farmworkers, and middle-aged and older persons, by requiring that appropriate shares of funds available for the entire act be used in providing employment and training for these groups. This title establishes special programs in the Labor Department to be administered by specialized personnel familiar with the particular needs of each of these population groups.

TOTAL AUTHORIZATION

	Billions
House bill	$7.5
Senate bill	12.0
Conference report	9.5

ADD-ON AUTHORIZATION FOR PUBLIC SERVICE EMPLOYMENT

[In millions of dollars]

	Senate bill	Conference report
Fiscal year 1971	750	200
Fiscal year 1972	1,000	400
Fiscal year 1973	1,250	600
Fiscal year 1974	1,500	800
Total add-on authorization over 4 years for public service employment	4,500	2,000

Mr. President, the principles involved in the bill as it left the Senate were agreed upon in the House. The bill passed with only 6 dissenting votes here. I do not want to impose on the time of the Senate in discussing the bill. I shall be glad to answer any questions. Otherwise, I do not want to take the time of the Senate.

Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

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

Mr. NELSON. I yield.

Mr. STEVENS. Mr. President, I had a little dispute with the Department of Labor which involves matters relating to this bill. I do not want to hold up action on the conference report. I shall go into the matter later, after discussions with my good friend. I do want the record to show very clearly, however, that I had intended to delay the consideration of the bill. Because of the circumstances involved, I shall not take the time of the Senate at this time, since we have a very important matter coming up, but I shall address the Senate on it at a later time.

Mr. NELSON. I thank the Senator.

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

Mr. NELSON. For a question, or does the Senator want the floor?

Mr. PROUTY. For a brief statement.

Mr. NELSON. I yield.

Mr. PROUTY. Mr. President, while I shall vote for the conference report, I have serious reservations with respect to the bill. Should it be vetoed, I would give serious consideration to voting to sustain the veto.

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

Mr. NELSON. I yield to the Senator from Mississippi.

Mr. STENNIS. I just came into the Chamber. Is this a conference report

Mr. NELSON. It is a conference report on a bill that passed the Senate by a vote of 68 to 6.

There were some modifications toward the House view, but fundamentally it is the bill that came out of the Senate.

Mr. STENNIS. That is the training, manpower?

Mr. NELSON. The manpower training aspect, those categorical programs involving Mainstream, New Careers, and the public service employment program, which is new in the manpower program.

Mr. STENNIS. Adults?

Mr. NELSON. Adults, yes; the elder citizens, the bilingual part of the program, the adult manpower training program.

Mr. STENNIS. And for mature people, middle-aged, and all?

Mr. NELSON. Yes. Just as it left the Senate; those aspects were all covered.

Mr. STENNIS. Is this the one that, in some areas, the junior colleges administer?

Mr. NELSON. Yes, in some cases that is correct.

Mr. STENNIS. I thank the Senator.

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

Mr. NELSON. Yes.

Mr. HOLLAND. I have heard the distinguished Senator from Wisconsin, the distinguished Senator from New York, the distinguished Senator from Alaska, and the distinguished Senator from Vermont all say that they support the conference report, though with some reluctance; but I have not heard them say what are the items in the conference report that caused them to be reluctant. I think the Senate should hear those matters that are of gravest concern.

Mr. NELSON. I do not know what the distinguished Senator's reluctance is based upon. The bill, as I say, passed this body by a vote of 68 to 6, and there was nothing new added to the bill. There were some compromises made, but no fundamental changes in the bill; so it may be some reluctance that the Senator from Vermont had about the bill in the first instance. I do not know how he voted on final passage.

Mr. HOLLAND. Will the Senator yield further?

Mr. NELSON. Yes.

Mr. HOLLAND. I heard the distinguished senior Senator from New York say that he was not satisfied with some of the provisions of the bill, and the distinguished Senator from Alaska said much the same thing; and I have not heard any of the reasons which would cause them to have grave doubts about the bill. I think the Senate should hear them, because we have no printed copy of the report. We are acting solely on the faith of the statements being made to us by the distinguished Senators who have handled the conference on behalf of the Senate. I think we should know what it is that is causing the reluctance on the part of some of those Senators who support the bill.

Mr. JAVITS. Mr. President, I think the Senator is quite right, and I will state to the Senator what gave me great worry, and how those points were compromised.

What gave me great worry was, first, the so-called add-ons. In addition to the amounts appropriated for manpower training, the Senate had authorized a very substantial sum of add-ons in respect to public service employment, and the conference cut that amount by some $2.5 billion.

I believe that was very statesmanlike; they had the votes to override us. Chairmen Nelson and Perkins felt that that was wise. I think that they were very wise to do what they did, in cutting the amounts to what I think were understandable levels, in view of our unemployment situation.

The second matter that troubled me was the conditions which were set for people, who were being put into public service because of this bill, to transfer eventually into normal public and private employment. Again, I think we wrestled through the situation, and now have a technique by which there will be a real impetus toward the movement of people who were on public service jobs from those jobs to normal public and private employment, through reevaluation of their talents and through maximum efforts to place them.

The third aspect that concerned me was the fixed allocation of equal thirds to public service employment, manpower training, and certain special categories of employment like the Neighborhood Youth Corps, and Mainstream. The administration had wanted no categorization. But when we got a provision that 25 percent could be deducted from any one of these one-third items and put on another appropriation, I felt we had given some reasonable flexibility. Again, it was not exactly what we wanted, but I felt that we had compromised decently the problem which concerned me.

Those are the three points, and the three ways in which they were compromised.

Mr. HOLLAND. Mr. President, I thank the Senator for his candor and for his explanation, and I ask that the RECORD show now what are the amounts authorized, and for what period of time.

Mr. JAVITS. Mr. President, I will state the figures that worried me.

The Senate bill had $4.5 billion in add-ons for this public service employment. That was for 1972, 1973, 1974, and 1975. That amount was cut to $2 billion. I feel that, under the serious unemployment we now face, that is not a way-out-of-the-ball-park figure.

Mr. HOLLAND. Did the Senator say $2 billion or $2 million?

Mr. JAVITS. Two billion dollars. It was $4.5 billion in the Senate bill, and was cut to $2 billion.

Mr. NELSON. We cut $2.5 billion from the add-on authorization.

Mr. HOLLAND. Were there any other items reduced or cut out of the authorizations in the Senate bill?

Mr. NELSON. No, there was no disagreement before the conferees on the others.

Mr. HOLLAND. And what are the other items, now?

Mr. NELSON. I am not sure I understand the question.

Mr. HOLLAND. What are the items that are authorized for appropriation in this particular year, if any, and in coming years?

Mr. NELSON. We have, in 1972, the authorization at $2 billion. That is the administration request. The authorization for 1972 is $2 billion, for 1973, $2.5 billion, for 1974, $3 billion. Both the House and the Senate bills contained those provisions.

Mr. HOLLAND. And the bill extends over only those 3 years?

Mr. NELSON. Well, for additional public service employment it is 3½ years, because we are halfway through a year.

Mr. HOLLAND. And the bill covers only the 3 years mentioned, plus the half year this year?

Mr. NELSON. That is correct.

Mr. HOLLAND. Three and one-half years?

Mr. NELSON. Correct.

Mr. HOLLAND. I thank the distinguished Senator.

Mr. ALLEN. Mr. President, will the Senator yield for a question?

Mr. NELSON. I yield.

Mr. ALLEN. In this public service employment, at what levels is the public service involved? What levels of public service are referred to?

Mr. NELSON. It was the same as the bill passed by this body, except that we cut back on the authorized add-ons.

Mr. ALLEN. Would that be State, county, municipal, and Federal?

Mr. NELSON. Yes. Under the bill, as the distinguished Senator will recall, we have returned these manpower programs to the local and State levels.

In other words, we created what are called prime sponsors. A prime sponsor may be a city of 75,000 population or more, or a combination of cities or counties totaling 100,000. They will plan a manpower program. If they desire to have public service employment in that manpower program, to hire people in their public safety departments, their hospitals, or their park departments, they will make their request. Their manpower plan is submitted to the Secretary of Labor, and he has to approve it.

All these requests would be made from the local or State level.

Mr. ALLEN. Does not the Senator think the public service employment is escalating or increasing rapidly enough, that we must appropriate billions of dollars to allow additional increases in public employment?

Mr. NELSON. I know there was a dispute about the issue of public service employment, but that is the one we debated on the Senate floor, and on that specific issue, the Senate approved public service employment.

Mr. ALLEN. Does the Senator know of any level of government or public service at which the level of employment is decreasing at present?

Mr. NELSON. Military.

Mr. ALLEN. Well, that is enforced employment in many respects.

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

Mr. ALLEN. I yield.

Mr. JAVITS. Relative to our population, there are great difficulties in certain areas because of shortages of money for police, fire protection, and especially sanitation workers, not in absolute numbers but relative to our population.

To that extent, and this is a de minimis proposition, the highest figure that conceivably could be reached is 360,000 employees. We have various surveys showing that there are many, many more than that vacant slots which cannot be filled because of population increase and the shortage of money in municipalities.

Mr. ALLEN. Would not this bill aid in the mushrooming of bureaucracy at all levels of Government?

Mr. JAVITS. I do not think it will mushroom them any more than they

have been mushroomed, and probably a little less, because, generally speaking, when we get into these manpower training programs, which have an element of both national and State coordination, we are likely to have tighter and more efficient administration.

It might interest both Senators to know that, on Representative PERKINS' initiative, we wrote in a rather important section with respect to rural areas, in which we gave the opportunity for prime sponsorship, in respect of just such programs, to rural areas, designated by the Secretary, which have had substantial outmigration and high unemployment. So I think we were cognizant of what the Senator has in mind.

Mr. ALLEN. How many additional public employees would be enabled to be employed at all levels, under the terms of the bill?

Mr. NELSON. One hundred thousand in the first year. I have a breakdown; 100,000 is a minimum, to 180,000, it is my recollection, in the next fiscal year; and at the end of the fourth year it is 300,000.

Mr. ALLEN. On up as high as 300,000 additional public employees.

Mr. NELSON. If all the money were appropriated.

Mr. ALLEN. And that is only one-third of the bill, I believe. Is that correct?

Mr. JAVITS. Not the add-on.

Mr. ALLEN. One-third of the area of the bill. The other is training for private employment; the other is actual employment in private enterprise.

Mr. NELSON. The categorical programs, the manpower training programs, and the public service employment programs are one-third each, with the Secretary having the authority to transfer 25 percent, the effect of which is that he could reduce the one-third to one-fourth for each title.

Mr. ALLEN. Are jobs available for all these people that we are going to spend billions of dollars to train, when we have almost 6 percent of our work force unemployed at the present time?

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

Mr. NELSON. I yield.

Mr. JAVITS. That is what I was trying to point out before. Perhaps I did not make myself clear.

The slots are available. They cannot be filled because of lack of money. So we do have the paradox of having public service underemployment in terms of unmet needs and individual unemployment. That is what this seeks to try to fill in to some extent. But we are dealing there with hundreds of thousands in terms of unmet public needs, not just the limitations of this bill, which in no way will meet the whole need. We have empty slots in municipalities, counties, and States which cannot be filled because they do not have the money for them.

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

Mr. NELSON. I yield.

Mr. STENNIS. Is that all Federal money that is going to pay the cost of filling these slots?

Mr. JAVITS. No. These are all joint State-Federal programs.

Mr. STENNIS. What percentage?

Mr. NELSON. Eighty-twenty; no more than 80-percent Federal share.

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

Mr. NELSON. I yield.

Mr. STEVENS. As I understand it, there either must be a hundred thousand people or it must be demonstrated that it is a rural area that has had a substantial exodus of population, plus employment. Is that correct?

Mr. JAVITS. There must be a city which is 75,000, or an aggregation of counties or cities which are 100,000. This does not mean one place, but an aggregation of places which total that population. The other areas which do not qualify under either standard are not neglected. They just become a responsibility of the State. This is really a question of who administers the program. If it is a 75,000 area, it can be administered by a mayor in that area. If it is a 100,000 area, it can be administered by a county executive in that 100,000 area. If it is outside either area, it is administered by the State.

Mr. STEVENS. Would the small villages in my State that have 5,000 or 6,000 people, with 85-percent unemployment, be eligible?

Mr. JAVITS. Yes, under the fourth proviso—to wit, "any unit or combination of units, without regard to population, in rural areas designated by the Secretary," and so forth, which have a heavy outmigration and high unemployment, or, if they are not rural areas, they would be a concern of the State of Alaska, which would have its own plan.

Mr. STEVENS. Would the State of Alaska receive assistance under the bill?

Mr. JAVITS. Yes, if it qualifies. It can qualify as a prime sponsor for those areas. So, really, there is not an area that can be out of the bill. It is just a question of who runs it.

Mr. STEVENS. I thank the Senator.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. NELSON. I yield.

Mr. KENNEDY. It is my impression that the Secretary's discretion to divert the 25 percent applies to title I through title IV and does not apply to the categorical grants in title V. We were especially concerned to tie in the formula appropriations for the special program in Indian and migrant and bilingual.

Mr. NELSON. In response to the question of the senior Senator from Massachusetts (Mr. KENNEDY) let me make this statement for purposes of clarifying the legislative history.

The bill provides for reserving funds for programs especially designed to meet the needs of Indians for manpower programs, on the basis of their proportion of low income population. Section 553 of the conference agreement makes clear that so long as the purposes of the title V programs for Indians, migrants, as well as bilingual and older workers programs are met. The Secretary may make adjustments to take into account that persons eligible for this special assistance—for example, Indians—are receiving assistance meeting such purposes under one part of the act, so that the same recipient of services would not have to be counted under more than one provision of the act.

In specific response to the question the Senator from Massachusetts has asked, the general authority in section 4(b) giving the Secretary discretion to reduce any allocation by 25 percent and transfer it to another program under the act, is not intended to allow the reservation of funds for the Indian, migrant, bilingual, and older workers programs to be reduced by such 25 percent. The last sentence of section 553 of the conference agreement makes clear that the calculations with respect to the special reservations of funds are not subject to the 25-percent transferability provision.

Mr. KENNEDY. I thank the Senator for a very complete response on this matter.

Mr. NELSON. Mr. President, I yield the floor.

Mr. ALLEN. Mr. President, I should like to address more questions, if I may, to the chairman of the committee or the manager of the bill.

What is the total over all authorization for the three aspects of the bill?

Mr. NELSON. The bill, as it left the House, had an authorization of $7.5 billion for the 4-year period. The bill, as it left the Senate, had an authorization of $12 billion. The conference committee reduced the Senate authorization from $12 billion to $9.5 billion for the 4-year period.

Mr. ALLEN. How much of that would be allocated to providing these 300,000 jobs in the public service?

Mr. NELSON. The authorized maximum, if the appropriations act appropriated the full authorization plus the add-ons, would be $4.5 billion.

Mr. ALLEN. $4.5 billion for the public service jobs?

Mr. NELSON. That is correct.

Mr. ALLEN. And then how much would be provided for training for possibly nonexistent jobs?

Mr. NELSON. I do not understand the question.

Mr. ALLEN. For the training of service jobs that may not be in being or available.

Mr. NELSON. $5 billion over the period.

Mr. ALLEN. $5 billion. Then, how much for the third aspect of the bill?

Mr. NELSON. That is the total.

Mr. ALLEN. That is the total? I thank the Senator.

Mr. NELSON. There has to be an annual review by the prime sponsor of the employees in a public employee training slot. The language would encourage training for promotion within the public service, and training for movement into the private service. That is the objective sought.

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

Mr. MANSFIELD. Mr. President, will the Senator from Alabama withhold that?

Mr. HOLLAND. Mr. President, will the Senator withhold his request? I have one more question to ask.

Mr. MANSFIELD. Does the Senator from Alabama intend to speak about this at length? I want to find out——

Mr. ALLEN. I would like to ask that it be passed over so we can get to the railroad legislation. That would be my wish, and then we can go back to that again.

Mr. NELSON. After the railroad legislation?

Mr. ALLEN. Yes.

Mr. NELSON. I would be glad to finish this tonight.

Mr. MANSFIELD. I want to withdraw this conference report and get to the other business because if this is going to take too long——

Mr. STENNIS. Mr. President, will the Senator from Alabama yield?

Mr. HOLLAND. Mr. President, I should like to ask one more question. I ask for consideration.

Mr. STENNIS. That would come up again tonight?

Mr. MANSFIELD. Tonight. If not tonight, then tomorrow.

Mr. STENNIS. I would want some time to discuss the conference report.

Mr. MANSFIELD. This is a privileged motion. It could come up at any time, but we should get to the railroad business.

Mr. ALLEN. That is my thought, too, to go on to the railroad legislation and give us a little time to study the conference report.

Mr. NELSON. I should like to point out that maybe there is something unclear about it. The public service aspects of the program are fundamentally the same as when they left the Senate, except $2½ billion was cut out of the authorization. The Senator from Alabama (Mr. ALLEN) voted for the bill as it left the Senate. We took money away from the public service.

Mr. ALLEN. That was a mistake on my part which I want to rectify on this vote.

Mr. NELSON. I thought the Senator might have been under the impression that we changed something.

Mr. ALLEN. I understand that it was cut down.

Mr. HOLLAND. Mr. President, I have one question. My understanding is that the public service training that would be done is for the purpose of training individuals to serve as peace officers or police officers——

Mr. NELSON. In the public safety field, sanitary field, hospital and health services, transportation, in parks, and that sort of thing, depending upon what the needs of the cities, counties, and States are—what they want to do.

Mr. HOLLAND. As I recall it, we provided for the training of police officers under one of the crime bills which was passed earlier this session; is that correct?

Mr. NELSON. We passed something but I do not know the provision.

Mr. HOLLAND. I am sure that we passed something. I can understand the Senator does not have that information with him now at his fingertips, but I hope that he will get it before we resume consideration of the conference report.

Mr. KENNEDY. Mr. President, with the unemployment level nearing the 6 percent mark, all of us are mindful of the importance of the Employment and Training Opportunities Act of 1970. This bill marks the concern and commitment of Congress with the problems of unemployment and underemployment that face a growing segment of our population.

I believe we owe special recognition to the outstanding personal achievement of the Senator from Wisconsin in nurturing this bill to fruition. He has shown a dedication to the principles embodied in S. 3867 and has invested countless hours and endless energies in seeing those principles molded into legislative form. This bill stands as a tribute to the Senator's judgment and commitment, and, not in the least, persistence.

The contributions of the minority in subcommittee, committee and conference deliberations also should be mentioned. The Senator from New York participated vigorously in every stage, and many of the provisions and ideas contained in the final bill were the products of the Senator's and his colleagues of the minority.

Each title of the Manpower bill contains important and groundbreaking provisions. Title I deals comprehensively with delivery of manpower services. Title II provides for employment upgrading and title III represents the beginning of a Federal commitment to public service employment. Title IV clarifies and makes important contributions in the area of Federal responsibilities and special works and training programs. And title V sets up special categories of programs where the Federal Government recognizes the need for and commits itself to specially designed and administered programs for Indian, migrant, bilingual, and older workers.

I would like to take the opportunity here to point out that the special section relating to Indian manpower programs may represent the most far-reaching legislation for Indians of the 91st Congress. Two significant principles are established: First, the Federal Government will continue to deal directly with Indians—it will administer Indian programs directly and will not abandon its special relationship to Indians by going exclusively through States or other general prime sponsors. Second, a specific allocation of funds, based on a proportion of the total appropriation for Federal manpower services and programs, is set aside and earmarked for Indian programs and projects. This is the first such set-aside for Indians to appear in general Federal programing.

Other important aspects of the Indian provision are:

Special Indian manpower programs will be available not only to Federal reservations, but also to non-Federal tribes, Alaska natives, and groups of Indians in urban areas;

Full-time personnel in the Department of Labor, knowledgeable of Indian manpower and employment problems, will be designated responsibility for program development, coordination, information, and evaluation;

A National Indian Manpower Advisory Council, composed of a majority of Indian members, will be established to report to Congress, the President, and the Secretary of Labor concerning problems and policies relating to Indian manpower and employment;

The Secretary of Labor will have no authority to reduce or divert any part of the fixed percentage of funds allocated under the Indian provision to non-Indian programs. Discretionary powers given the Secretary to divert funds from other individual titles of the bill do not extend to title V, containing the Indian provision and other special catagories.

Under the formula for allocating funds under S. 3867, about 4 percent of the total manpower funds—or $80,000,000 per year—should be available for special Indian programs. This will be in addition to the funds expended by the Bureau of Indian Affairs. Congress has at last provided for a meaningful approach to the employment problems of American Indians, and most importantly, it has provided substantial funding and flexibility to back up its good sentiments.

Mr. MANSFIELD. If the Senate would allow me, I would ask unanimous consent, Mr. President, that the conference report be laid aside and that the Senate proceed to the consideration of——

Mr. ALLEN. Before doing so, if I may, may I ask the manager of the bill whether it is contemplated that the conference report, which I understand is some 65 pages long, is going to be printed and made available to Members of the Senate?

Mr. NELSON. It is printed here in proofs, and is available.

Mr. ALLEN. It has not been distributed, so far as I know.

Mr. JAVITS. It will be.

Mr. ALLEN. On the desks of Senators. Would there be any opportunity for us to study the report?

Mr. MANSFIELD. Yes. Mr. President, I renew my unanimous-consent request.

The PRESIDING OFFICER (Mr. MCGEE). Is there objection to the request of the Senator from Montana?

Mr. JAVITS. Mr. President, let me just answer the question of the Senator from Alabama——

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. JAVITS. Mr. President, I ask unanimous consent that two excerpts from section 304 of the conference report be printed in the RECORD in response to the specific question of the Senator from Alabama. That section sets forth the following condition for an application for financial assistance for public service employment programs.

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

SEC. 304. . . .

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills,

but nothing contained in this paragraph shall be construed to preclude persons or applications for whom the foregoing goals are not feasible or appropriate;

(4) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(5) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(6) a description of unmet public service needs and a statement of priorities among such needs;

(12) procedures for an annual review by an appropriate agency of the status of each person employed in a public service job under this title; and procedures pursuant to which, in the event that any such participant and the reviewing agency find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, efforts shall be made to locate employment or training opportunities providing such prospects, and the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

(14) assurances that the applicant shall, where appropriate, maintain or provide linkages with upgrading and other programs under this Act, and other Federal or federally supported manpower programs for the purpose of:

(A) providing those persons employed under the agreement who want to pursue work with the employer, or in the same or similar work as that performed under the agreement with opportunities to do so and to find permanent, upwardly mobile careers in that field; and

(B) providing those persons so employed who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare themselves for, and obtain work in other fields;

Mr. MANSFIELD. Mr. President, I renew my unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana to set aside the conference report? The Chair hears none, and it is so ordered.

SENATE JOINT RESOLUTION 248—ORIGINAL JOINT RESOLUTION REPORTED TO PROVIDE FOR A TEMPORARY PROHIBITION OF STRIKES OR LOCKOUTS WITH RESPECT TO THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE (S. REPT. NO. 91–1426)

Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, reported an original joint resolution (S.J. Res. 248) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, and submitted a report thereon, which report was ordered to be printed.

EMERGENCY RAILROAD STRIKE LEGISLATION

Mr. YARBOROUGH. Mr. President, I send to the desk an original resolution which I have reported from the Committee on Labor and Public Welfare, and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated.

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

S.J. RES. 248

Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and certain of their employees represented by the United Transportation Union, the Brotherhood of Railway Airline and Steamship Clerks, Freight Handlers, Express and Station Employees (BRAC), the Brotherhood of Maintenance of Way Employees; Hotel and Restaurant Employees and Bartenders International Union threatens essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute; and

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the objectives in a manner which preserves and prefers solutions reached through collective bargaining; and

Whereas the recommendations of Presidential Emergency Board Numbered 178 for settlement of this dispute did not result in a settlement: Now, therefore, in order to encourage these parties to reach their own agreement, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees or by their employees, in the conditions out of which such dispute arose prior to 12:01 antemeridian of February 6, 1971.

SEC. 2. Not later than 15 days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees;

(2) such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate, if the dispute has not been settled; and

(3) A detailed proposal for the partial operation of railroads affected by the dispute described in this joint resolution including along therewith any proposals by the carriers or employee representatives concerned, so as to assure transportation services necessary to the national defense, health, and safety.

SEC. 3. Notwithstanding the first section of this joint resolution, the rates of pay of all employees who are subject to the first section of this resolution shall be increased by five per centum effective as of January 1, 1970, and by 32 cents per hour effective as of November 1, 1970. Nothing in this section shall prevent any change made by agreement in the increases in rates of pay provided pursuant to this section.

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. YARBOROUGH. Mr. President, the Committee on Labor and Public Welfare began hearings at 10 o'clock this morning on the railroad emergency dispute. We have heard from the Secretary of Labor, who gave us the benefit of the administration's views. We had letters from the Department of Agriculture, the Postmaster General, and the Director of the Office of Emergency Preparedness, indicating that if a strike of the Nation's railroads tonight at 12:01 a.m. were to be called by the railroad unions it would create a national emergency. We have had the benefit of the views of all the parties to the dispute—the four unions involved, represented by their negotiators, the UTU, the Brotherhood of Railway and Airline Clerks, Maintenance of Way Employees, and the Hotel and Restaurant Employees, and Bartenders Union, as well as the views of representatives of the National Railway Labor Conference, which represents the 120-odd class 1 railroads of the United States.

Mr. STENNIS. Mr. President, may we have order in the Senate. I ask the Chair to be helpful in getting the Senate to come to order, particularly so that we may hear what the Senator from Texas is saying.

The PRESIDING OFFICER. The Senate will please be in order, so that Senators may hear the Senator from Texas. Senators and other personnel will please take their seats.

The Senator from Texas may proceed.

Mr. YARBOROUGH. Mr. President, the committee has decided, in agreement with the administration, that in the time limitations which have been imposed upon it it cannot in good conscience study all the implications and effects of a bill on the merits and could not report a bill to the Senate which would permanently resolve this dispute. Accordingly, the committee is recommending to the Senate, and I hope the Senate will adopt, a resolution which will extend the period in which neither party can change the status quo insofar as work stoppage is concerned; that is, there will be neither a strike nor a lockout until February 6, 1971. During that time I hope that a solution to this problem can be arrived at, and I further hope that the administration and perhaps even the President will take an active part in insuring that free collective bargaining can work in the railroad industry.

This resolution would not prohibit the parties from continuing their negotiations in their efforts to reach an equitable settlement. It would prohibit, though, the stoppage of the railroads and the transportation system of this country until February 6, 1961.

I believe in free collective bargaining and the right of labor and management to agree upon the terms and conditions of employment.

Mr. MURPHY. Mr. President, it is very difficult to hear the speaker, there is so much noise in the corner over here. I suggest that those who must hold conversations go into the cloak room, which is provided for that purpose.

The PRESIDING OFFICER. The Senator from Texas will suspend.

The Senate will please come to order. All conversations in the rear of the Senate Chamber will cease so that Senators may hear the dialog concerning the Senate resolution now before the Senate.

The Senator from Texas may proceed.

Mr. YARBOROUGH. Mr. President, congressional compulsion as to the terms and conditions of employment is the first step toward congressional determination of wages, prices, and the profits of our economy. Our country has grown to be the mightiest in the world based upon the free enterprise system. Neither management nor the workers under normal circumstances want congressional intervention. But a general railroad strike has been ordered tonight at 12:01 a.m.

The workers have a right to strike absent legislative intervention by the Congress. Since the wage level under which they had previously worked and since the terms that control the amount of wages they receive expired on January 1 of this year, negotiations have gone on and dragged out through the different boards and finally with the Presidential Emergency Board.

Therefore, it seems to the committee in fairness that if we deny the workers their right to strike, we should provide some recompense so as to compensate them for having robbed them of their only weapon.

In addition, to setting a date of February 6, 1971, the committee has decided that the retroactive pay provisions which were recommended to the parties by Presidential Board No. 178 should go into immediate effect. This resolution and report, therefore, contains a section which provides for an increase of 5 percent for all workers covered by the dispute effective January 1, 1970, and a 32-cent-per-hour increase effective November 1, 1970.

After the second step goes into effect, there would be between a 13 and a 13½-percent overall general increase.

The committee also feels that it is in the best interest of the country that the Congress receive a report from the President no later than 15 days prior to the expiration of the no strike no lock-out provision.

Accordingly, a provision is included in the resolution providing that the President shall report within 15 days after the expiration of this resolution:

First, the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees;

Second, such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate, if the dispute has not been settled; and

Third, a detailed proposal for the partial operation of railroads affected by the dispute described in this joint resolution including along therewith any proposals by the carriers or employee representatives concerned, so as to assure transportation services necessary to the national defense, health, and safety.

It is the committees hope that the report which the President sends to Congress will indicate that the dispute will be settled at that time. However, if it is not, it is the committees belief that the Congress should have the benefit of the information requested of the President so that it may have time to consider legislative alternatives.

Mr. President, the House has passed a resolution that is now at the desk. It differs with the Senate resolution in two particulars only.

The House resolution postpones any change of status insofar as lockouts or strikes or work stoppages are concerned until the first of March.

The resolution requested by the administration, and as introduced, provided for 45 days of freeze of the present conditions until the 23d of January.

The Senate resolution postpones that date of expiration until the 6th of February.

The House resolution which is at the desk postpones it until the first of March.

The wage provisions in the House and Senate resolutions are identical, and provide that these men shall be paid these wages during the period the resolution is in effect.

There are two differences in the Senate resolution. One is the expiration date and the second is the Kennedy-Javits amendment which we have just noted concerning the three points that the President shall report to Congress no later than 15 days before the expiration date of the resolution, the recommendations and reports which I have read here.

Those are the two points of difference between the resolution I have just sent to the desk and the House resolution which is at the desk.

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

Mr. YARBOROUGH. Mr. President, I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, do I understand correctly that the wage provisions are apparently in two stages, a 5-percent increase effective January 1, 1970 and a 32-cent-per-hour increase effective November 1, 1970?

Mr. YARBOROUGH. The Senator is correct. There is added a 13-percent-an-hour increase.

Mr. MILLER. What is that date?

Mr. YARBOROUGH. November 1, 1970.

Mr. MILLER. Are those provisions identical to the findings of the recommendations of the Presidential Board?

Mr. YARBOROUGH. They are identical so far as wages are concerned. The Presidential Emergency Board recommended these wage provisions now. There are other recommendations in the future. We did not cover that. Also, along with the Emergency Board recommendations there were certain very complicated work rules. We did not include any work rules in this.

Mr. MILLER. Mr. President, in other words what the Senator from Texas is saying is that the proposal before the Senate is that we put into effect the wage increases recommended by the Presidential Board up through the present period.

Mr. YARBOROUGH. Up until this resolution expires.

Mr. MILLER. Mr. President, these other recommendations of the Presidential Board regarding certain working conditions are not covered.

Mr. YARBOROUGH. They are not touched. The part that operates in futuro as to what kind of work they will have is not covered.

A Presidential Board is provided for November 1, 1971. We did not try to make it operate in futuro, beyond the expiration date of this resolution. Nor did we try to write these complicated work rules that I do not think the Senate has time to consider.

Mr. MILLER. Mr. President, the Senator has heard testimony of all the interested parties. Can he tell us whether there was any indication that the reason why the parties could not get together and the reason why we are faced with this resolution are mainly centered over the future increases and the work rules or are centered over what is contained in the resolution.

Mr. YARBOROUGH. Mr. President, they are centered in futuro on the work rules. That is the big point.

I do not mean that there is no dispute as to wages. There are four different groups. They are not all identical situations. One group was not satisfied with the wages. Other groups would have accepted the wages except for the work rules, which mean a change in working conditions and a lessened number of employees. Some employees would get more money but there would be fewer workers. It is very complicated.

Mr. MILLER. Mr. President, is it the committee's feeling that if we take this action there will be sufficient incentive on both sides to warrant a real effort to arrive at a conclusion regarding the future wages and the work rules by the time the present resolution expires?

Mr. YARBOROUGH. Mr. President, we did not go into all of the details of the dispute during the hearings. We did not have time to consider the things that this Board has considered for months.

I have no way of knowing. There would be a reasonable hope. We hope they will settle it. But whether that is a reasonable hope, I do not know.

These people have been working on this for some time. The union claimed some time in 1969 that, due to inflation and everyone's wages going up, they were due an increase. They wanted an increase in wages. This has been going on, I believe, for about a year and a half.

I have no way of stating. I have no realistic information as to whether they will accept the conditions. This is a stopgap resolution to keep the Nation's railroads going while we hope they will continue negotiations.

We had word that they were making some progress when the time expired. All the time allowed by law for the Emergency Board has expired. Many steps are provided by law. This has dragged out through the year. These are intermediate steps.

Mr. MILLER. Mr. President, were any indications given by any witnesses that if this resolution were adopted it would impair negotiations?

Mr. YARBOROUGH. We had no indication of that. We would not have recommended it if we had.

Mr. MILLER. Mr. President, were there any indications by any witnesses before

the committee that the adoption of this resolution would help the negotiations?

Mr. YARBOROUGH. Mr. President, I do not know. Those fellows are pretty tough negotiators, the railroads and labor both. One does not find them making any admissions that the lawyers call admissions against interest.

Apparently no member of the staff recalls anyone. I do not recall anyone admitting anything.

Mr. MILLER. In other words, from the standpoint of the committee and the committee report to the Senate, we do not know, by virtue of the testimony the Senator took from the various witnesses, whether adoption of this resolution would help or hinder negotiations.

Mr. YARBOROUGH. This resolution is not a settlement resolution. We did not go into it deep enough to know the nuances of all the parties.

We have a stopgap resolution to keep the railroads rolling with what we think is fairness to both sides, but which is probably not acceptable to either side. I do not think either side wants it. They want to negotiate to their ultimate strength.

But we have come up with something in the brief time we had today. The Secretary of Labor said he went into this matter for the first time and had negotiators working on December 7 when the strike was called, and it was submitted to Congress yesterday.

We worked under tremendous difficulties of time limitations. We did not attempt to act in such a way as to substitute ourselves for the emergency board, the wage board, or the mediation board. We did not attempt to do that. We do have an emergency resolution to keep the railroads rolling. We hope that the provisions of the resolution banning a strike at midnight will be observed. We feel that it would be observed by the union officials, but the working men all over the country saw what happened in connection with the postal workers, who were Government employees, when they struck and got higher wages.

So we hope that with these two matters in there, some measure of relief from low wages and future negotiations open to them so that this is not final, this measure will keep the railroads rolling.

Mr. MILLER. I appreciate what the Senator has said but I do not think the Senator quite responded to my point. I know the Senator was not avoiding what I am seeking to find out.

Mr. YARBOROUGH. I am not avoiding the Senator.

Mr. MILLER. I want to find out whether the Senator can tell us whether it is the judgment of the committee, based on the testimony it received from all the witnesses, that adoption of this resolution will help or hinder further negotiations.

Mr. YARBOROUGH. This is a matter of opinion for every member of the committee. I cannot speak for all members of the committee who heard the witnesses and formed an evaluation. I do not think it will hurt future negotiations, but it is not a settlement. We did not attempt to take the place of an expert board.

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

Mr. YARBOROUGH. I yield.

Mr. PROUTY. It has been pointed out that the only reason the carriers agreed to the recommendations of the Emergency Board is that there were recommendations involving changes in the work rules. That is the only reason the carriers agreed to the recommendation of the Emergency Board.

It is evident that the proposal the committee reported certainly is not in the interest of further negotiations.

Mr. MILLER. I appreciate the Senator's comment. I do appreciate the statement of the Senator from Vermont. Not being a member of the committee most of us have not heard the testimony. We have read statements in the newspapers, but we have not heard the testimony and that is why I asked whether any witnesses, whether they were management or labor, indicated that the adoption of this resolution would hurt or help negotiations.

Mr. YARBOROUGH. In my opinion it helps. But the representatives of management and labor were full negotiators. They were not saying, "If you do this it will do this." But I personally believe it will help. They are real professional negotiators.

Mr. HOLLAND, Mr. MURPHY, and Mr. KENNEDY addressed the Chair.

Mr. YARBOROUGH. I yield to the Senator from Florida.

Mr. HOLLAND. What are the four unions involved? Does the record show what they are?

Mr. YARBOROUGH. Yes. They are the United Transportation Union, the Brotherhood of Railway Airline and Steamship Clerks, Freight Handlers, Express and Station Employees, the Brotherhood of Maintenance of Way Employees; and the Hotel and Restaurant Employees and Bartenders International Union.

Mr. HOLLAND. Do I understand that the rate of increase of wages recommended by the committee was recommended by the Emergency Board and it was not that which was demanded by either the unions or by the railroads?

Mr. YARBOROUGH. No, these wages are not what management or labor wanted. This is not all that was recommended. This is not all that was recommended by the Emergency Board.

Mr. HOLLAND. I understand. Was the recommendation of the able committee headed by the distinguished Senator a unanimous recommendation?

Mr. YARBOROUGH. No, it was not a unanimous recommendation.

Mr. HOLLAND. Would the Senator state for the RECORD what the figures were?

Mr. YARBOROUGH. We voted on each amendment. On each amendment there was a record vote.

Mr. HOLLAND. And on the report of the bill?

Mr. YARBOROUGH. The final vote was 12 to 4.

Mr. HOLLAND. I thank the Senator.

Mr. YARBOROUGH. The Senator knows we do not disclose the vote.

Mr. HOLLAND. I understand.

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

Mr. YARBOROUGH. We debated over three different dates: The Presidential date, the date in the House, and this date. We had several compromise dates. The Kennedy-Javits amendment was changed four times and widely discussed in committee. Changes were recommended in the rate provisions but we finally adopted a provision identical with the House provision on the increases in rates of pay.

Mr. HOLLAND. I thank the Senator. The two points I was particularly interested in have been answered: First, that the rate of wage increase that would be effective if the bill be passed is that recommended by the Emergency Board set up by the President under the Railway Labor Act.

Mr. YARBOROUGH. That is correct.

Mr. HOLLAND. And not rates urged by either the workmen or the railroads.

Mr. YARBOROUGH. No, the representatives of the working men came to my office complaining how unjust these are.

Mr. HOLLAND. Second, the committee was not unanimous in its report but was divided 12 to 4 for the favorable report which is before the Senate.

Mr. YARBOROUGH. The Senator is correct.

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

Mr. YARBOROUGH. I yield.

Mr. MURPHY. Since I was one of those in disagreement with the report, I would like to explain my reasons to the Senator from Florida.

I have complete sympathy with the problems of the railroad workers. I think their case is a valid one. I think their representatives have been maybe neglectful over the past years. I think these wages and working conditions should have been brought to a head. However, in discussing this resolution, my objection to the injection of the wages and the conditions stems from the fact that I do not believe that it is proper for Congress to enter into labor negotiations in settling wage scales, and that is what this amounts to.

This might be considered compulsory arbitration by some. As an old labor man I would be very apt to call it compulsory arbitration. In other words, Congress is saying, "You must pay x dollars, and you must accept x dollars."

In my judgment, this might very well impede the progress of collective bargaining. I think it sets a very dangerous precedent.

That was the basis of my objection.

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

Mr. YARBOROUGH. I yield.

Mr. HOLLAND. I was not seeking to bring out the name of any Senator who is for or against this bill because it is thoroughly the right of every Senator to vote as his conscience dictates just as it will be when we come to vote on the floor of the Senate. I was relieved, however, to find that the rate of wage increase suggested was not that demanded by either of the contesting parties—that is, the labor organizations or the railroads—but, instead, was the rate recommended by the Emergency Board appointed by the President under the terms of the Railway Labor Act. And I was also relieved to hear that other conditions that

appeared in the report and recommendations of the Emergency Board are not dealt with in this bill, but simply the matter of fixing, for the duration of this measure, the wage that is recommended by the Presidential Board.

Mr. YARBOROUGH. That is correct. The work rules are very complicated. I think it would take a permanent board like the Emergency Board to work them out. Ours is temporary, and the day the resolution expires, everything in it dies with the expiration. That is some appeal for both sides to work and try to reach a settlement.

Mr. HOLLAND. I think the Senator from Texas and the Senator from California have thrown light on the situation.

Mr. SAXBE. Mr. President—

The PRESIDING OFFICER. The Chair had agreed to recognize the Senator from New York.

Mr. JAVITS. Mr. President, I yield to the Senator from Ohio.

Mr. SAXBE. Mr. President, I think it should be pointed out that it is about time that we pierced the veil of free collective bargaining, because we all say that we admire and respect very much the right of unions to deal with employers and thereby reach agreement, or disagreement which results in a strike. That is fine as long as it does not affect anybody, but as soon as we have a national emergency which emerges from a railroad strike, immediately the Congress is brought in to terminate it.

In the resolution which is before us we have pretty much agreed to accept what the Presidential fact finding board proposed. In other words, we give them what they are willing to settle for if the work rules are not changed. The work rules are the nub of the entire negotiations, because if the work rules are left alone, the dollar amounts are acceptable to the unions.

I understand an amendment will be offered which provides that we shall also insist on the work rules. I shall not support that proposal, either. It seems to me that if we are going to have compulsory arbitration, we may as well talk about compulsory arbitration and we may as well pierce this veil about the collective bargaining of unions.

We discussed at some length the fact that essential services will be carried on. The railroads say it is not possible. The unions say they have men who will make it possible. I question it. I think the 45 day or the first of March provision, as the House adopted it, simply means postponing the disaster which is upon us. If we, however, adopt the pay scale and make it part of the law, I do not think there will be any problem in the future. It will continue. The railroads will lose on their work orders and their conditions of work, and the pay scale will remain. We have, in fact, succumbed to almost blackmail and adopted a pay scale which the railroads say they cannot live with unless the work rules are changed.

If we are simply going to extend the time for striking, I think we had best bite the bullet and say, "All right, if there is no agreement, I do not think we should have compulsory arbitration in the Congress of the United States," and let us get rid of the fiction that they do have the right to strike, which is their right to bargain. I think we are going to be involved in every dispute from here on, because it all involves the public interest.

I voted against this measure in committee because of that fact, and also because there is hitched to it a bipartisan amendment which directs the President to submit matters to the committee—which I feel will not only disclose the hand of the Secretary of Labor, but also I question whether we should be directing the President to do anything. In other words, if we are going to ask the President to jump through a bipartisan hoop by disclosing his actions, his intentions, and his assessment of the situation, we are going to be very unfair.

So unless we can extend it by leaving the wages and conditions alone, I think we are doing a great disservice to the country.

I call upon them to enter into genuine negotiations, but I also submit that there will never be genuine negotiations as long as the sure bail-out is just around the corner.

Mr. JAVITS. Mr. President, I have heard with great interest the statement of the Senator from Ohio, which he made with similar eloquence in our committee, and the statement of the Senator from Texas. The difficulty is that we fly in the face of both history and reality.

In respect of the remarks of my colleague from Ohio, whom I regard highly, the fact is that we have ended previous disputes in the railroad field by precisely this means. In 1963 we ended the firemen's dispute by what was in effect, although we dressed it up in other words, compulsory arbitration. In 1967 we required mediation of the shopcraft dispute with the railroads to finality. We really gave it to a board and made that board's decision final.

Then we actually, in 1970, which is only this year, put into effect an agreement which four unions made, and made it binding on all six unions, notwithstanding the fact that two of the unions were strongly against it.

The courts, generally speaking, have sustained this authority in the Congress and the President in the totality of the law because this is an industry heavily impressed with the public interest, because we have a right, under the commerce clause, or in the interest of national health and safety under the welfare clause, to deal with this industry directly.

The fact is that the Constitution permits us, rather than prevents us, from dealing with an emergency which could bring the country to a halt. The courts have recognized that, and we have to recognize it.

If all we did was to pass the resolution sent to us by the administration, we would be on very, very sound ground, and I doubt that there would be a voice raised here against it, except by those who felt it did not go far enough; but we have in two respects gone somewhat beyond the administration's position. Hence the deep concern expressed on the floor by many Senators.

So the Senate, in the same spirit in which we deal with other matters, is entitled to an explanation as to what we did, as the Senator from Texas (Mr. YARBOROUGH) explained, and why we did it. I would like to deal with the latter subject—why we did it.

First, taking the amendment which calls for a report from the President, we do that all the time. Our statutes are replete with exactly this catechism—that the President shall, within a given number of days, report on this, that, or the other thing. We know very well if the President chose not to honor any such statute, even though it says "shall," there would be nothing we could do about it. But what the President does, as Congress does, is try to honor our commitments, because, like the President, if Congress chose, we could bring the Government to a halt.

Mr. MURPHY. Mr. President, will the Senator yield at that point?

Mr. JAVITS. I yield.

Mr. MURPHY. I had to leave the committee meeting. At the time I left the word "report" was not in the resolution. I believe the word was "recommendation." Is the word now "report" or "recommendation"?

Mr. JAVITS. When the Senator left the meeting, the word was "report," and the word "report" is there now.

Mr. MURPHY. I did not hear it, because I discussed at length with two Senators the matter of the impropriety again of the President of the United States being called upon to make a settlement of this matter, on the same basis as I objected to getting into the matter of wage rates.

Mr. JAVITS. The words are:

> The President shall submit to the Congress a full and comprehensive report containing—

And then we make the specifications. I respectfully submit that any Senator on the floor knows that on legislation which almost any committee has handled, this constantly happens. We have it in foreign aid, we have it in the Finance Committee, we have it in Agriculture, we have it in dozens of things. There is nothing unusual about it; but we all know that if the President does not choose to honor it, there is nothing we can do to make him do so.

Mr. MURPHY. Will the Senator read the rest of the language?

Mr. JAVITS. Yes, I shall go over it. I do not know what point the Senator is trying to make.

Mr. MURPHY. I am talking about the difference between a report and a recommendation.

Mr. JAVITS. This calls for a report which will include also recommendations.

Mr. MURPHY. That is my point. I objected to that, as the Senator knows. I objected to that in the committee, and on the floor. That is what I made reference to when I first rose.

Mr. JAVITS. The Senator did; that is absolutely correct.

Now to continue, Mr. President: The reason we asked for this report 15 days before our resolution is that when the strike expires, which is February 6, according to the Senate version, we feel this is a sterile effort unless we are going to have the hopes of a settlement.

We believe that by bringing about a report on the question, we compel all the parties to come up to a higher plateau than if we just passed the resolution staying the strike, and in 45 days we would be where we are now. They can just sit with their hands folded and do nothing. We do not believe they will, but this puts the compulsion on them, and it gives us 2 weeks in which to look over what has been done.

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

Mr. JAVITS. First, let me finish my thought.

Finally, the final item of this amendment asks that the President report to us a detailed proposal for the partial operation of the railroads, plus any proposals that have been made by the carriers or the union.

The reason for that is that it may be that we would then conclude that this proposal is good enough to take care of the national health, safety, and defense, and we will not need any further resolutions. The administration could easily—and I think that is probably what they will do, because they so testified—report back that it is impracticable to operate the railroads in part. But we cannot take that for granted; so I think we have a right to ask, "Is there any way in which we could avoid 'resoluting' further, in order to stay a strike?"

I yield to the Senator from Ohio.

Mr. SAXBE. Does the Senator believe there is any way in which negotiations can continue with due diligence required, if in fact the unions have achieved the pay raise which they expect to ultimately receive?

Mr. JAVITS. I believe that will have an effect on the collective bargaining, but I shall deal with that in a minute.

That is the second big point in question. I have about finished with the first item, which is, why the request for a report, what will it do, and why is it desirable?

I think it is very desirable. I have joined with the Senator from Massachusetts (Mr. KENNEDY) in respect to it, and I hope the Senate will sustain us.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. JAVITS. On that, or on the waiting period?

Mr. MILLER. No, on the Kennedy-Javits section.

Mr. JAVITS. All right.

Mr. MILLER. The report from the President is supposed to contain such recommendations for a proposed solution of the dispute as he deems appropriate. I would like to find out what the sponsors had in mind, whether they were thinking of wage rates, rules changes, or methodology.

Mr. JAVITS. The Senator took the word out of my mouth. We were thinking of methodology. The Board has already reported what it thinks would be fair; it is inconceivable that the President could now depart from that, so we are thinking of methodology. We are talking about whether he wants a law or what he wants with respect to this matter, to bring it to a resolution.

Mr. MILLER. I asked the question because the Senator from California indicated some concern over it, and I would share that concern if we expected the President to come over here and say, "I recommend that the wages be so much an hour, that there be so much of an increase, and the work rules be changed," and all of that, which I do not think it is proper to have the Chief Executive get into.

Mr. MURPHY. Amen.

Mr. JAVITS. I certainly believe the Chief Executive has more brains than that, Mr. President.

Mr. MILLER. I believe so, too, but I do not believe we ought to pick his brains in that manner, and I am somewhat relieved by the response I have received.

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

Mr. JAVITS. I yield.

Mr. MURPHY. Before the Senator from Iowa is too relieved, may I point out the basis of my discussion and the basis of my disagreement?

First of all, it is suggested that any and all plans be submitted. When it is specified that the President submit a plan, then that becomes the White House plan. If the plan is not adopted, or is adopted, in any case it puts the President of the United States in a position which I think is improper, just as I think it is improper for the Congress of the United States to inject itself into a labor negotiation. I do not think that is our business. I think our business here, as Members of this body, is to protect in every way we can the national welfare, health, and safety, period.

That is why I think the request is perfectly proper as sent up here by the President, which asked would we agree to extend the negotiating period 45 days. That is all they asked for.

Now, in the discussion, some of my distinguished colleagues, hopefully to insure acceptance of this resolution, have added these other fillips. I think it is improper, and I think it is wrong. I think it establishes a dangerous precedent, and I think that with regard to asking the President of the United States to send up his proposal, that puts him in a most embarrassing position, and as I said in the committee, I say to the Senator, were I the President, I would respectfully regret being unable to do that. I do not think it is proper, and I do not think it helps our case. I think it means we would be doing something that, in the future, we might deeply regret.

Mr. JAVITS. I thank the Senator. He has certainly made his views very clear, and I think they are entitled to the utmost respect. He voiced the same sentiments before the committee.

Mr. President, the next issue is this issue of whether to legislate with respect to wages. I think Congress has that power. I stated why when I began. The question is whether we should do it. It is a complex one. The reasons have been advanced by the Senator from Texas (Mr. YARBOROUGH): That we are depriving the unions of the right to strike, and, therefore, we should not make that deprivation without some recognition of the equities in respect to why they did strike.

The question is always one of how far we shall go, for this reason: It is undeniable, and the Senator from Vermont (Mr. PROUTY) and others are absolutely right about it, that while the provision of the resolution we brought in gives them a 13-percent wage increase—in other words, it brings them, with their increase, right up to date, because the Board recommended 5 percent retroactive to January 1, and 32 cents an hour, which, for practical purposes, is 8 percent, retroactive to November 1. It gives them those wage increases, and it does not in any way change the working rules. The deal was a package; it was not just the wage increases, it was the wage increases and the acceptance of the change in the working rules. That is why all this negotiation has taken place, because the management, on the one side, said with great reluctance, "We'll take the package."

Labor, on the other side, said, "We cannot accept the package, but we will negotiate with you on the working rules, in which we want certain reductions and changes. We like the money, but we do not like the changes in the rules."

That is why we are in this jam. Even that is the subject of controversy, because one set of unions, mostly the essential track and operating people, feel that way; they hate the rules changes, but they want the money.

The clerks, on the other hand, think the money is too low, because they are competing with another contract made by the railroads with the teamsters, with higher pay for what they claim is the same work. So we have that complication.

But waving that aside momentarily, the rules are in issue. That is why all the negotiation. If we give them the 13 percent, it is true that they are getting it free of the rules change. That is a big boon to labor.

The reason why we thought about giving them any increase is twofold. One, the House has given them exactly this package, 13 percent. The only difference between the House bill and our bill is the requirement for a report and that they have made the date March 1 instead of February 6. Other than that, they are the same. So that the House has already voted on two rollcalls to give them this 13 percent, and it is fair to assume that if we do not, we are going to be in quite a jam with the House, and this strike may not be stopped at all. I think that has to be said right away. There is no use in fudging that argument.

The other point is this. I think this is a consideration which has to be laid before the Senate. The fact is that the total wage package moving from this year into next year and the year after that is 19 percent plus the 13 percent. There are four, five, and five, and five again in the third year. So there is 19 percent, which is still left up in the air. Senators may feel—they have a right to feel—that even though the workers are getting the 13 percent now, there is still 19 percent to come, so that gives adequate room for negotiation about the work rules. But there is no doubt about the fact that only $\frac{1}{3}\frac{3}{2}$ of negotiation is left, because that is all that is up in the way of money; and the workers want the money but they do not like the rules. So the negotiation is being loaded to that extent.

It is just a question of whether Senators are going to go with Senator PROUTY's idea that the 5-percent in-

crease retroactive to January 1 is enough of a carrot or whether they are going to go the whole way with the 13 percent, on the theory that that much of a carrot has to be given in order to keep the railroads operating.

It is a fact that this bill, if we pass one, conceivably could be defied, and there have been such utterances on the part of the union leadership. I do not believe it. I deeply believe that the railroad workers are highly patriotic and highly motivated Americans and that if we pass a law, they will obey it. But I cannot guarantee that, and I am sure that was in the minds of the Members of the House, as it was in the minds of the members of the committee who voted this particular provision.

That is the case and the reasons why we did what we did, which I now lay before the Senate.

Mr. SCOTT. Mr. President (Mr. WILLIAMS of New Jersey), will the Senator yield?

Mr. JAVITS. I yield.

Mr. SCOTT. Mr. President, I am bound to point out, inasmuch as the Senator has made some reference to it, that the House has written it in, and, of course, the Senate proposes not to differ. But all the wage increases do nothing to balance off the inflationary effects without work rules. Congress continually has been urging restraint on the President, it has been urging wage and price freezes and standby controls on the President, it has issued its own inflationary warnings, and it has reached a considerable decibel rate in doing so. Yet, Congress now proposes to enforce a more inflationary situation than any it condemns. Congress here would seem to be picking out a portion of the administration's recommendations and then doing an unbalanced job.

Perhaps they ought to be dealing with the wage increases and the work rules both. It would seem to me that they would be wise at this point to do neither and to support a simple extender, if a sufficient sentiment could be developed for that. I have to point out, also, that neither House of Congress has provided even 1 day's consideration to the President's proposals for long-term settlements of these problems.

So that, instead of the extender which the President requested in order to insure a fair and balanced consideration of the collective bargaining position of both sides, we are going to end up with an unbalanced situation and an inflationary situation. I do not see how next year, for example, Members of this body or the other body can get up and warn about what is not being done to control inflation, if Congress is going to fuel the fires of inflation by approving a settlement which itself is bound to be or to end up as a basis for future settlements and future inflationary helical spirals, like the standard definition of a spiral staircase: A series of ascending helical planes.

I would hope that, before we wreak this damage, we would carefully consider either the possibility of a simple extender or the possibilities which the Senator from Vermont may have in mind with regard to some change in this formula, or, if not, at least a more balancing effect than has yet been achieved.

I know that the committees of both bodies have worked very diligently and accepted the onus and pressure of emergency procedures here. They certainly are doing the best they can. But in the labors which have emerged, they have produced not a tamable mouse but an inflationary tiger, in my opinion.

Mr. JAVITS. Mr. President, I gave the Senate the arguments pro and con, and I would like to give my own judgment.

I believe that the 5 percent can be justified, retroactive to January 1, first, on practical grounds, that, having stayed the unions' strike, they should be given something; and, second, because there is no question about the cost of living running away to that extent, and the fact that these unions and these workers have not had any increases for a long time. They have a very equitable case on it. I think the 8-percent question is a very, very questionable item, and the majority of our committee thought they had to go to that extent. The Senate may disagree with them. I think that can be justified—and I say this in fairness to Senator PROUTY's amendment, which he offered in the committee—on the very elementary basis that something should be done and that it does have a direct relationship to the increase in the cost of living and that these workers really have not had the benefit of any increase.

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

Mr. JAVITS. I yield.

Mr. SCOTT. I certainly am not contending that there has not been an increase in the cost of living. On the contrary, there has. The 5 percent is perhaps more readily justifiable than the 8 percent or 8.5 percent, at this time.

What I am pleading for is that we do a more balanced job and that we either extend and leave the collective bargaining process to labor and management or that we balance the scales between labor and management as well as we can, and that we should be extremely careful to realize that the first time Congress puts its hand to the levers of the inflationary steam engine, it proceeds to do an infinitely worse job than it accuses the administration of doing. I do not think that next year those people who will call to high heaven in their concern about inflationary pressures could plead non mea culpa to a situation of that kind, if they have been the engineers who stoked the fire.

That is my concern. I agree that the cost of living is there and that something should be done about it. The question is how it should be done.

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

Mr. JAVITS. I yield to the Senator from Ohio.

Mr. SAXBE. Mr. President, I think it would be well to point out, not only with respect to what the minority leader has stated but also with respect to what the Senator from New York has stated, that what we have here today is a culmination of many extensions of a situation arising from antiquated work rules which result in some alleged featherbedding and a situation that has resulted in the rest of the labor force getting regular and substantial increases while the railroad worker has been passed over. He has been passed over for a number of reasons: First, because of the size and magnitude of the railroad empire and the diversity of ownership of the numerous railroads, and second, because the railroad has always been considered a separate and somewhat elevated calling to a great many people, so that they did not have to indulge in the rough and tumble of, say, the UAW or some of the others. He does need relief because of inflationary pressures. No one wants to point the finger at who is to be the victim of inflationary pressures.

Mr. SCOTT. No, indeed. He does need relief.

Mr. SAXBE. He does need relief. On the other hand, railroads say, "We are between a rock and a hard place, because many of us are losing money and some of us are bankrupt. We cannot give the wage increases if we have work rules that require too many men or too much of a payroll so that we cannot use modern equipment and so that we cannot completely overhaul our methods of running the trains."

I have seen some places where they have taken advantage of this, to some degree, that imposes even on safety.

I am a veteran in this field, as most of us are, of the full crew fight, which has gone on in all of our States. There has never been a meeting of the minds which is necessary, if we are going to settle the basic dispute which is: Will the railroads give the unions the money they need, and will the unions give the railroads the privilege of operating at a level of efficiency so that they can proceed to make money and develop?

We are now bailing out of another opportunity to have this settled. If we grant this 13.5-percent wage increase, it seems to me we will have avoided the opportunity to settle this dispute once and for all.

If we are going compulsorily to arbitrate this situation—and that is what we are doing—by giving 13.5 percent, we will never get it back, I do not care what we write into the law. And we will never change the work rules, so that the whole fight will be continued 60 days, 6 months, 6 years—we will never work it out.

I maintain that collective bargaining in regard to railroads does not exist. It is a fiction. We might as well recognize that. If we are going compulsorily to arbitrate wages, then let us arbitrate the work rules. If the Government is going to run the railroads, as we will be doing indirectly if we set wages and work rules, then let us nationalize the railroads and be done with it; because we are making an impossible situation for the unions and their leaders to obtain a fair return for their members, and we are also making it impossible for the railroads either to provide the jobs or to make money.

Mr. SCOTT. Mr. President, a few years ago, the Commerce Committee of the Senate attempted to mediate a rail strike. Frankly, I do not believe we did a very good job of it. We were so thoroughly sick and tired and fed up, we became convinced that was a very bad way to

run a railroad and that we would never want to assume that responsibility again.

Now we are moving from the Commerce Committee to the full Senate. Now the Senate is trying to run the railroads. In my opinion, the Senate will make as much of a mess of it as the Commerce Committee, in thinking it was in danger of achieving.

I hope we stop this nonsense. We should have an extender and give the collective bargaining system a chance to work.

I have been supported by every railroad brotherhood in my Commonwealth. I am for them. I helped them to write a lot of their legislation and their pension and retirement plans. I do not want them to bargain themselves not only out of a job but also out of an industry. I do not want them to end up as bus drivers.

I do not believe that we should enter a situation that happens in some towns, where the fireman gets a little bored because there have been no fires recently, so he starts one, so that the fireman becomes the arsonist. I do not think we want to envision ourselves in the role of that fireman and go out and set fires because we think that is the most powerful, exciting, and dramatic thing that we can do.

We are in danger of doing that. I am again making a plea for what I hope and believe to be a commonsensical approach, to continue the collective-bargaining system and make a simple extender.

If we will not do that, in the urge to run a railroad and play with our toys before Christmas, why then I would say balance the books, be equal, be fair, be just; but if we will not do that, do not create a situation where we have wage increases legislated by Congress without any of the other protective provisions against inflation and we watch the railroads go full speed ahead to the wall, and up the wall, and out—out of our existence and out of our economy.

We are in danger of running rampant here in our desire to show the railroad labor of this country that we love them.

If that is the case, then let us pass a resolution—to wit, "We love you, signed the United States Senate." Then let us get on with the commonsense business of being just and fair.

Mr. President, I yield the floor.

Mr. COTTON. Mr. President, I just want to add, in view of what the minority leader has just said, that we on the Commerce Committee went through something like 6 weeks of trying to be a super-National Labor Relations Board. That was under President Kennedy and we gave him what he wanted, which was a brief extension. We did not try to do anything else.

Once Congress—either the Senate or the House—proceeds to legislate wages, we might as well put a sign right outside that door labeled "The Super National Labor Relations Board," because there are other industries in this country besides the railroads which can bring our economy to a halt, and once we have set a precedent letting them appeal from their collective bargaining, and appeal from the various boards of arbitration, and the machinery we have set up, and then have them come to Congress to get dollars and cents, and work rules, or anything else, we will have started a precedent that every Member of this body will live to regret.

Mr. President, I could not possibly vote for this resolution in its present form.

Mr. ALLOTT. Mr. President, my remarks will be brief. I want to say that I agree basically with what the Senator from Ohio (Mr. SAXBE) and the Senator from Pennsylvania (Mr. SCOTT) have had to say.

In the past few weeks, we had a strike in an industry, while not a public utility, of such great dimensions that it vitally affects the whole country.

What this country has not recognized so far is that it is not only quasi-public utility corporations or quasi-municipal organizations that are involved. Many other organizations which are just as vital are affected, such as, for example, the steel industry. We have been over this particular racecourse three times, as I recall, since I came to the Senate. Each time we have granted an extension. That is what the President has asked for. That is what I seriously urge. But one thing I seriously urge that we not do is to in any degree get in the way of setting any of the terms of the labor contract between railroad management and railroad labor.

I can think of many things I could say about what I believe are wrong with the railroads. I think I have done as much as any other Senator to try to bring the various aspects of railroad operation, particularly passenger service and high-speed corridors, into the foreground, so that we can have a viable industry, particularly as to passenger service. But as the Senator from New Hampshire (Mr. COTTON), said a moment ago, we are not doing ourselves or anyone else any favor by dealing with only the wage aspects, which are just one part of the question. Even if it were the whole question, I would have to oppose the joint resolution as it came from the House.

I am concerned, of course, as I have always been, about aspects of the situation which may or may not be inflationary. I do not know how long the committee has dealt with the problem, but it certainly has been imminent, in the foreground, for many months. Here we are presented, on the last night, now, 4 hours and 15 minutes before a strike deadline, with a proposition to raise wages 13 percent, and to leave the working conditions as they are, which may constitute, I do not know how much more opposition to a settlement.

Mr. President, make no bones about it, if we do this tonight, we are going to be settling wage disputes in every industry in this country which is of sufficient size to have an influence on the national economy. If, for example, we get up to a steel situation or a United Mineworkers situation where coal and power and electricity are concerned, in this year or next year or the year after, the Senate cannot avoid the precedent that is set tonight in dealing with wages. We have never set wages in private industry.

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

Mr. ALLOTT. I yield.

Mr. MURPHY. Mr. President, I have been a member of a labor union for over 40 years. I would object to having the Congress of the United States inject itself into collective bargaining. It would destroy what has worked very well over the years. I would feel it was taking away and infringing on my rights as a member of a labor union.

Mr. ALLOTT. Mr. President, I thank the Senator from California for his contribution. Mr. President, I have just one other remark to make about this matter.

I am concerned about the problem of compulsory arbitration, as is every union member. Strangely enough, I find that management is just as concerned about compulsory arbitrations as unions are.

In the years that I have been a Member of the Senate, I have never found the Commitee on Labor and Public Welfare addressing itself in a hard way to finding another solution to the crisis situation in which we find ourselves as against compulsory arbitration.

Mr. MURPHY. Mr. President, will the Senator yield at that point?

Mr. JAVITS. Mr. President, I have the floor. I yield to the Senator from California.

Mr. MURPHY. Mr. President, in the hearings I asked the very question. This has been something that has been in my mind for many years. Has the time come when we should establish a series of labor courts in order to finally settle these things in the general interest and let the interest of the two disagreeing parties take a second position while letting the general welfare of the country take the primary position for a change?

I was told that it was considered. They have courts of this type in Australia that are not working well.

I am hopeful that could work well and that this could be an answer.

Mr. ALLOTT. Mr. President, I feel very strongly that this is a precedent which we should not take.

Mr. President, the Senator from Vermont has been very kind in permitting me to take the floor before he offers his amendment.

I must say that I could not vote for the resolution as amended here. I could not vote for any tampering with the wage scale. I think that it would become a precedent in this country.

I sincerely hope that we do what the President has requested and then, by public pressure and by senatorial and congressional pressure, force these people to the bargaining table in a sincere effort to bargain.

Mr. President, I thank the Senator from New York for yielding. I am particularly grateful to my friend, the Senator from Vermont, for yielding his place to me.

Mr. JAVITS. Mr. President, I shall yield the floor in a moment. I know that the Senator from Vermont (Mr. PROUTY) and the Senator from Wyoming (Mr. HANSEN) wish to be recognized. However, I would like to reply to what the Senator has said.

I point out that for a long time I have had a bill in to deal with precisely this question. I do not like compulsory arbitration or our being up

against the gun as we are periodically, especially in the railroad field.

I have a measure which seeks to deal intelligently with the matter. Though I am the ranking minority member of the committee, I have never been able to get a hearing. The President has made a proposal. That proposal has not had a hearing.

Mr. President, I hope that this emergency will at least wake us up and that next year we will have permanent legislation.

Mr. PROUTY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

In section 3 insert a period after "January 1, 1970" and strike the rest of the sentence.

Mr. PROUTY. Mr. President, first I should like to make a brief resume of what has taken place over the weeks and months which have led to the present legislation.

The joint resolution reported by our full Committee on Labor and Public Welfare prohibits strikes and lockouts in the railroad industry until February 6, 1971. As we all know, a nationwide railroad strike will commence at 1 minute after midnight this evening if this joint resolution is not enacted prior to that time.

This dispute involves three nonoperating brotherhoods, The Brotherhood of Railway, Airline, and Steamship Clerks, Freight Handlers, Express and Station Employees, the Brotherhood of Maintenance of Way Employees, and the Hotel and Restaurant Employees' and Bartenders' International Union, and one operating union, the United Transportation Union. These unions together represent approximately 400,000 railroad employees, or more than 75 percent of workers in the railroad industry.

The last contract between the parties expired December 31, 1969. During 1969, timely notices under section 6 of the Railway Labor Act were served by each party on the other requesting changes in the existing contracts.

Negotiations were conducted on both the local and national levels and when no agreements were reached, the services of the National Mediation Board were invoked. The Board's attempts to arbitrate this dispute were fruitless and it terminated its services on August 10, 1970. At this time the unions announced their intention of striking the railroads on September 10, 1970.

On September 8, 1970, the Chairman of the National Mediation Board reconvened negotiations but no progress was made; and on September 15, 1970, the unions struck the Baltimore & Ohio, the Chesapeake & Ohio, and the Southern Pacific.

Because of the selective nature of these strikes, they were enjoined by the U.S. District Court for the District of Columbia.

The President then created Emergency Board No. 178 by the issuance of Executive orders under section 10 of the Railway Labor Act on September 18, 1970.

During the course of hearings held by the Emergency Board, the parties jointly requested the President to extend the time for the Board's report to November 10, 1970, and this request was granted. The Railway Labor Act's prohibition against strikes and lockouts invoked by the President by the appointment of the Emergency Board expires 30 days after the Board reports to the President. Thus, absent voluntary agreement or congressional action, the unions are legally free to strike the railroads at 12:01 a.m. tomorrow morning.

Emergency Board No. 178 submitted its report to President Nixon on November 9, 1970. It recommended a 3-year contract with total wage increases of approximately 37 percent. The wage increases recommended for the first year were 5 percent effective January 1, 1970, and 32 cents per hour effective November 1, 1970.

The Emergency Board in its 87-page report made recommendations on many, many other matters including a substantial number involving changes in work rules requested by the carriers.

Contrary to many statements I heard today at our hearings and in our committee meeting, however, the Emergency Board recommended that most of the issues regarding work rules be referred to panels or special committees for further consideration rather than deciding these issues in favor of the carriers' position.

Subsequently, the railroad carriers accepted all the recommendations made by the Emergency Board but the brotherhoods rejected them. Acceptance of the recommended wage increases by the carriers was specifically based on acceptance of all the recommendations made by the Emergency Board by both parties. Rejection of the recommendations by the unions leaves the carriers free to make any changes they desire in the wage increases to be offered the unions in collective bargaining if the carriers are forced to take different provisions pertaining to the work rules.

In our committee meeting, Chairman YARBOROUGH offered an amendment to legislate into law the 5-percent increase effective January 1, 1970, and the 32-cent increase effective November 1, 1970. This amendment was adopted by our committee and is contained in the bill we have reported.

Prior to adoption of this amendment, I offered an amendment in committee identical to the one that I have now offered on the floor of the Senate. My amendment deletes the 32 cents per hour increase effective November 1, 1970, but does provide for the 5-percent increase retroactive to January 1, 1970.

There is no question that even my amendment constitutes substantial interference with the processes of free collective bargaining. The Nation is faced with a catastrophic railroad strike, however, and all reliable sources indicate that there will be substantial wildcat strikes all over the country if this legislation is passed without granting some immediate increase to railroad workers.

The last increase railroad workers received, Mr. President, was 3 percent effective July 1, 1969. The Emergency Board states that the cost of living is increasing at a rate of around 6 percent a year. The 5-percent retroactive increase, therefore, will not in my opinion materially affect the carriers' bargaining position with respect to wage rates, and it will grant the railroad workers of this country some immediate relief.

This 5-percent increase, however, is not a large enough increase to permit the unions to sit back and not negotiate to the best of their ability to reach a new voluntary agreement. It can be superseded at any time by voluntary agreement between the parties, although the carriers will not be legally required to continue this increase beyond the expiration date of the present resolution. I believe that the inclusion of this provision will motivate both labor and management to voluntarily resolve their differences without coming back to the Congress.

Adding the 32 cents effective November 1, 1970, to this 5-percent increase, however, presents an entirely different picture. The wage increases recommended by the Emergency Board total 13½ percent in 1970 and approximately 9 percent each in 1971 and 1972. In my judgment, legislating the 13½-percent increase in its entirety strongly undermines the bargaining position of the carriers. It could also result in the brotherhoods not trying too strenuously to settle this dispute without coming back to Congress having already attained through legislation the largest portion of the recommended wage settlement.

The railroad carriers, Mr. President, strongly oppose any legislated wage increases in principal. I am also deeply opposed to this sort of action.

Almost 2 years ago, the President sent up proposals to provide permanent legislation for the handling of emergency strike situations. Despite numerous requests by Senators, no hearings have ever been held on this subject.

I do not believe that the U.S. Congress should be turned into a national mediation board for the settlement of every labor-management dispute that could possibly disrupt the economy of this country.

I feel we must enact permanent legislation in the next session of Congress to take care of these situations, and we are going to be confronted with them as we are now and as we have been in the past.

The fact remains, however, that there is no such machinery at the present time, and that the Nation simply cannot bear the effects of a nationwide railroad strike. I think that my amendment provides the only sensible and logical proposition to keep the railroads running, while at the same time strongly motivating both parties to this dispute to resolve their differences through collective bargaining before February 6, 1971.

Mr. President, if all Senators had attended meetings of the Committee on Commerce in which the financial plights of the railroads in this country were brought out in great detail, they would realize that we are faced with a problem of tremendous magnitude and seriousness.

As I recall, the former Secretary of Labor, Mr. Wirtz, who is a trustee of the Penn Central Railroad, stated that unless Congress enacts some kind of loan guarantee legislation the Penn Central could not pay the wage increases recommended by the Emergency Board.

That is true of the Penn Central and it is true of many other railroads. I heard only a short time ago of one railroad which may not be able to meet its payroll beyond December 15. We must recognize we are faced with a tremendously serious problem just to keep the railroads going.

I believe firmly and sincerely that my approach is fair to the workers and the unions and that it enables free collective bargaining to proceed in the future with the result that a settlement of some sort may be reached that is fair and reasonable to the parties involved.

That is why I feel so strongly that Congress cannot any longer try to serve as a national mediation board. We have neither the expertise nor the time to go into the various facets of the problem. So I hope very much my amendment, as a compromise, will be agreed to.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HANSEN. Mr. President, first, I wish to point out to the Senate that I am not a member of the committee that has had the responsibility of considering this resolution proposed by the administration. I do want to say I am deeply concerned in seeing that in this controversy, every opportunity, adequate time, and the climate are afforded so that the forces that properly should and will be brought to bear can operate in such a fashion as to result in true bargaining.

With that thought in mind it is my intention, should the amendment proposed by the distinguished Senator from Vermont be rejected, as I hope it will be rejected by this body, to offer an amendment which would strike sections 2 and 3.

My purpose in stating this position is to point out to Members of the Senate that I would hope we can offer to the Senate the resolution as proposed by the administration. The only change would be a different effective date rather than the one that came from the White House; but other than that there would be no difference.

I think if we are going to give the two sides to this controversy an opportunity to work things out, as we hope and as I believe they can be worked out, we should wipe the slate clean and we should not burden one side with the responsibility which would be the case if we were to accept the Prouty amendment.

I am in sympathy with the Senator from Vermont and his amendment, which would strike the 32-cent an hour wage increase, but I do not think it goes far enough. I submit we should strike all of that section, and then I think we should strike, as well, all of section 2, in order that the proposition as recommended to this body and to the other body by the White House can be acted upon. If we did that, then I submit we would have given the Congress of the United States the opportunity which I think it deserves in trying to offer an extension of time to the disputants so that they can work their will, and yet not give any unfair advantage to either side.

Mr. MURPHY. Mr. President, will the Senator yield at that point?

Mr. HANSEN. I yield.

Mr. MURPHY. I have heard it mentioned several times by my colleagues that these other conditions are already in the House-passed resolution. In the first tally, that resolution passed by three votes. That is not decisive or conclusive. Then later, when there was a rollcall, a few of the Members joined. The Senator from Wyoming and I know that they did not want to be labeled as being unfriendly to labor, and if they voted against it, that would be the case. I probably will be labeled as being unfriendly to labor. I will put my record against anybody's in the last 40 years.

I am sure that if this measure went to the House in the condition suggested by my distinguished colleagues, those Members in the House who so voted would be relieved and they would be happy and pleased that we had only provided for an extension of 45 days, or whatever the length of time was, in order to give both sides in contention an opportunity to get down to real bargaining. I have heard it said today that there has not been real bargaining, that there has been foot-dragging. There is always that. We should do that and make sure that the parties in contention get on with it and get to a solution.

As I have said several times on the floor and in committee, this is not our business. If we inject ourselves into this particular area, we will regret it for years to come, and we will be helping and doing a favor to nobody.

Mr. HANSEN. I could not agree more with the distinguished Senator from California. I think what he says is right. I would suggest to our many friends in the ranks of labor that the precedent we are setting tonight could come back to haunt labor, just as at this time it puts an unfair obstacle before management. Therefore, I say, with great sincerity, let us not as legislative body inject ourselves into this labor dispute by taking a position that does not reflect complete impartiality.

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

Mr. HANSEN. I am happy to yield to the Senator from Alabama.

Mr. ALLEN. The Senator stated, I believe, that if the Prouty amendment is voted down he plans to offer an amendment striking out sections 2 and 3. Does the Senator intend to offer his amendment if the Prouty amendment is adopted?

Mr. HANSEN. It would be my intention.

Mr. ALLEN. Section 3 applies to the wage increase, whereas section 2 applies to the report by the President during the enforced period of negotiation.

What would the Senator's objection be to the President's making a report of the progress, if any, of the negotiation and the recommendations that he might care to make as to the settlement to be made?

Mr. HANSEN. In response to my distinguished colleague from Alabama, I have the feeling that there is no reason to call upon the President to inquire of the disputants where they are in their negotiations. I think the public, and certainly the Members of Congress, have not been denied an opportunity to know how the negotiations are progressing.

It seems to me that if we saddle the President with the responsibility of reporting back to the Congress, then we certainly are doing further detriment to his already onerous responsibilities, for which there is no good reason. If there were any reason to think that his getting a report from the disputants and bringing that to us would convey some information that we would not otherwise have, I think it could be argued that it certainly would be of great interest to this body, but I still believe it should be the right and the exclusive right, subject to the broad national interest—and it is at that point that we are injecting ourselves into the dispute this afternoon—simply to say that the strike shall be held in abeyance until some time is given to the disputants to see if they can work out their problems.

The difficulty, it seems to me, is that it would not help one bit in trying to bring about a resolution of the problem. I think if we could let labor on the one hand and management on the other go ahead and enter into their negotiations, without having to report to anyone, the chances for their arriving at a settlement that would be a good settlement would be enhanced.

Mr. ALLEN. The Senator's amendment, then, would not take the position that the 5 percent retroactive increase is or is not justified, or that the 32-cent increase is or is not justified. It would leave that to the negotiating parties to decide?

Mr. HANSEN. It would, indeed.

Mr. ALLEN. And there would be nothing to prevent them from arriving at the 5 percent, retroactive to January 1, pay increase, and also the additional 32 cents, if they in their collective bargaining came to that agreement?

Mr. HANSEN. The Senator is entirely correct. That is exactly what my amendment would hope to achieve, and I think it would if it were adopted, as I hope it will be.

It would seem to me that we should not prejudge any of these conditions. I am well aware of the fact, as is the Senator from Alabama, that a board has already examined into some of the controversies and made certain recommendtroversies and made certain recommendations. What disturbs me about the Prouty amendment is that it seeks to dilute some of those recommendations and to embody other recommendations and make them a part of the law. It does not make good sense to me. I do not think it will result in the kind of settlement that will best serve labor in the long run. I think it is a two-edged sword. If we were to do something today that favored labor, nothing could prevent that precedent from being used again tomorrow by using the other side of the sword to give an unfair advantage to management. It is not the purpose of this body to do that, as we all know.

I hope we will leave the slate clean and allow both management and labor to work out their will.

Mr. ALLEN. In other words, it is the opinion of the distinguished Senator from Wyoming that it would be setting a bad precedent to have the Senate impose a dollars-and-cents settlement on the parties to the bargaining.

Mr. HANSEN. It would be setting a bad precedent and it would be imposing an unfair disadvantage on one of the disputants to the controversy.

Mr. ALLEN. I thank the distinguished Senator for that information.

Mr. HANSEN. I thank my distinguished colleague.

Mr. President, just let me say in conclusion that I am reluctant to oppose my good and distinguished friend from Vermont. I appreciate the great contribution he has made as a member of the Committee on Labor and Public Welfare, and I salute him for that great effort. I hope that in this instance his amendment may be rejected, in order that mine can then be considered, as I propose to offer it if his amendment is rejected.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROUTY. 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. PROUTY. I ask unanimous consent that my amendment be temporarily laid aside.

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

Mr. HANSEN. Mr. President, I send to the desk an amendment to strike sections 2 and 3 of the bill.

The language proposed to be stricken is as follows:

SEC. 2. Not later than 15 days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees;

(2) such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate, if the dispute has not been settled; and

(3) a detailed proposal for the partial operation of railroads affected by the dispute described in this joint resolution including along therewith any proposals by the carriers or employee representatives concerned, so as to assure transportation services necessary to the national defense, health, and safety.

SEC. 3. Notwithstanding the first section of this joint resolution, the rates of pay of all employees who are subject to the first section of this resolution shall be increased by five percent effective as of January 1, 1970, and by 32 cents per hour effective as of November 1, 1970. Nothing in this section shall prevent any change made by agreement in the increases in rates of pay provided pursuant to this section.

Mr. HANSEN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HANSEN. Mr. President, the purpose of my amendment is to give both labor and management an opportunity to continue their negotiations without any duress, without the position of either side having been compromised or jeopardized in any way. I think the amendment has great merit. I hope that Senators will support it.

Mr. YARBOROUGH. Mr. President, I point out that the amendment to strike out section 2 would destroy labor's free collective bargaining, the free collective bargaining of both sides. It says to labor, "We are putting the shackles on you. You won't have a penny more. You can negotiate 18 months, and you have nothing, and you have to work without any raise, when almost everybody else in industry has had wage increases."

There is no question about the constitutional power to enact the resolution. The Supreme Court held that in 1917. When dealing with railroad labor, Congress can fix wages.

All we do is say that there shall be carried forward, until this temporary resolution expires, the wage increases already recommended in the Emergency Board's order.

There has been word—I have been advised by people knowledgeable in the matter—that a strike is to be called at 9 o'clock. If we want the Nation to have a railroad strike at 12:01, with what is going to happen to the economy, this is the kind of business that will do it.

I do not believe in compulsory arbitration. This is a species of compulsory arbitration. I do not want a railroad strike in this country, with the problems we already have, with the slowdown in the economy and people out of jobs. I have never been in here before speaking for compulsory arbitration.

The Postmaster General has already embargoed mail that moves on trains, at noon today. I doubt that the labor leaders can stop all the strikes in the country this soon.

If Senators want a railroad strike, strip anything out of this and say to the railroad workers, "We are going to treat you like a chain gang and give everything to railroad management." It would be the most unfair resolution I have every seen.

Mr. HANSEN. Mr. President, I point out that my amendment does not do any such thing. If I may say to my good friend, the Senator from Texas, it does not say to labor that they are going to continue working with conditions that are arbitrarily imposed on them. It leaves everything open.

I have full confidence that some of the recommendations of the Negotiation Board would be adpoted, including a retroactive provision in the settlement that is going to pay those workers whatever can be agreed upon. I think that is the important thing to keep in mind. It simply leaves those decisions up to labor and management. We have before us the recommendation of the Negotiation Board, and it seems to me that we ought to give it a chance to work.

So I hope the Senate will support this amendment. It will do precisely what I say—that is, to wipe the slate clean and leave both sides able to negotiate from a position of equal fairness, having in mind the best interests of this country. This is the recommendation that came from the White House, and I think it has merit, and I urge its adoption.

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

Mr. HANSEN. I yield.

Mr. MURPHY. Mr. President, I enthusiastically concur with what the distinguished Senator from Wyoming has said.

There is no question about the need for a raise in these wages. They certainly have been neglected. But it is not the duty of this body to inject itself into wage negotiations. I think this is a matter that should be taken up properly by the heads of the unions.

I said earlier in this Chamber that, so far as I am concerned, they were asleep at the switch. These people should have been given a raise a year ago. They have been 18 months without a raise. At least a year ago they should have had it.

I say again that this is not a matter to be decided by this body. Our job is to look out for the general welfare and the health of the country, to see that there is no emergency, and, therefore, merely to ask that they extend the negotiating period, and do whatever we can—and I mean everything—to make certain that proper wage negotiations take place.

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

Mr. MURPHY. I yield.

Mr. PASTORE. If this amendment is adopted, the Senator is saying that what we should do is inject ourselves in the process of collective bargaining. Is that right?

Mr. MURPHY. That is correct.

Mr. PASTORE. But is it not true that if we do not give some emolument at this time to these people who have waited 18 months without any satisfaction, as the Senator has said, if this amendment is adopted, then are we not injecting ourselves into destroying the right of the American free worker to strike?

Mr. MURPHY. No, I do not believe so.

Mr. PASTORE. Why not?

Mr. MURPHY. I think the Senator is asking——

Mr. PASTORE. That is exactly what we are doing.

Mr. MURPHY. If the Senator will permit me to answer his question, I would say that a request would come to Congress from the White House that the worker not be denied his right to strike; that he not be denied his right in collective bargaining; that, with regard to the general welfare, he merely continue for the stated period of time, whether it is 45 days or whatever it is; that we use every influence we can to guarantee him that negotiations will be meaningful; that there will be no foot-dragging; and that a resolution by the proper parties be arrived at—not to be arrived at in this Chamber. It is not our business.

Mr. PASTORE. How does the Senator guarantee all these things he is mentioning?

Mr. MURPHY. I did not say I would guarantee it.

Mr. PASTORE. That is the word the Senator used.

Mr. MURPHY. I am quite certain I did not say "guarantee."

Mr. PASTORE. The Senator said he would assure the worker of all these things he is talking about.

Mr. MURPHY. No. I said we would do whatever we could to guarantee that proper negotiations would take place. There were statements today that there had been foot-dragging and that one party or the other had not negotiated properly. That can be ascertained. There is no great mystery about that.

Mr. PASTORE. I think, Mr. President, that we would not have reached this very tragic moment had the President exercised the influence and the power of his Office, by bringing the parties together in the Oval Room of the White House. After all, this is not an unexpected or a surprise development. As a matter of fact, today history is repeating itself. We went this route several years ago, under another President.

It strikes me that the President of the United States should have exerted his power and his influence to see whether the parties could be brought together.

But now we are at the sorrowful moment when the workers are saying, "We are ready to strike," and we say, "You shall not strike for a certain number of days."

All this committee is trying to do is to soften the blow in the meantime. I realize that we are injecting ourselves into the process of collective bargaining, but we are doing it nonetheless when we adopt this amendment or defeat the amendment. We are intervening, in the public interest. and we have a right to intervene. The only question is, How do we do it with propriety? How do we do it with equity and justice?

All the Senator from California is saying to these family men who work on the railroad is, "Go to work without any increase, without any adjudication, and all we are telling you is that you are forced to go back to work and wait another certain number of days to see if you can work it out."

Mr. MURPHY. Actually, that is not the case. We are not saying to anybody, "Go back to work." We are saying, "In the general interest of the welfare of the Nation, you have our complete sympathy"—they have my own——

Mr. PASTORE. But a man cannot eat on sympathy.

Mr. MURPHY. May I finish, please?

They have every right in the world to a raise in salary. But my point is that this body has no right whatsoever to set the wages and working conditions of labor unions.

Why does not the Senator bring the Ford problem in here? Why does he not bring General Motors in, and the rest? They are all the same.

Mr. PASTORE. This is something that was adjudicated by an impartial board. We did not reach this determination, am I right, I ask the Senator from Texas?

Mr. YARBOROUGH. Yes.

Mr. PASTORE. Is it not something that was reached by a Presidential board?

Mr. YARBOROUGH. Yes.

Mr. HANSEN. Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). The Senator from California (Mr. MURPHY).

Mr. PASTORE. We did not do this. The board appointed by the President did this. We are adopting that recommendation.

Mr. GRIFFIN. Mr. President, will the Senator from California yield?

Mr. MURPHY. I yield.

Mr. GRIFFIN. Mr. President, I wish to respond to the distinguished Senator from Rhode Island, for whom I have the greatest affection and respect. He was pointing his finger down the avenue to the White House, pointing the finger of blame for not taking certain action.

I should like to know what the Congress of the United States has been doing to try to deal with the need for reform in the basic legislation that applies to the railroad industry. What has Congress done since February 28 when President Nixon sent up to the Hill a legislative proposal which, if it had been enacted, would have prevented the strike that is threatened now?

Perhaps President Nixon's proposal does not meet with the approval of all Members of Congress. But what is the excuse, what is the explanation, for Congress not even considering or holding any hearings on it?

Mr. PASTORE. If the Senator will yield at that point——

Mr. MURPHY. Mr. President, I have the floor.

Mr. PASTORE. All right, but the Senator is making an accusation that I am pointing the finger. Let me ask the Senator: "You are a Member of this Congress. What did you do?"

[Applause in the galleries.]

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). The Senate will please come to order. The Senator will suspend. The Chair would inform the occupants of the galleries that there will be no more demonstrations or the galleries will be cleared.

Mr. MURPHY. Mr. President, the Senator from California has the floor; does he not?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRIFFIN. Mr. President, will the Senator from California yield further?

Mr. MURPHY. I yield to the Senator from Michigan, without losing my right to the floor.

Mr. GRIFFIN. The point has been made several times in this discussion that the pay raise included in the resolution has been recommended by an impartial board. That is true. But so have changes in the work rules been recommended by an impartial board.

Should the Senator put work rule change No. 1 into effect, but not the rest; or Nos. 1 and 2—and not the rest of them? If the Senate is not going to put the work rules into effect which would make it possible to obtain increases in productivity to offset the wage increases, how can we justify putting the wage rates into effect, or part of them? We should either go all the way—or none of the way. The amendment of the Senator from Wyoming makes good sense. The administration has proposed that we do not put either the wage increase or the work rules changes into effect legislatively at this time but, rather that we extend the time for collective bargaining.

So, I support the amendment of the distinguished Senator from Wyoming. I think that the Senate, acting responsibly, should adopt the amendment.

Mr. MURPHY. Mr. President, I thank my distinguished colleague from Michigan. May I say to my good friend from Rhode Island that I do not think we should adopt either segment of the package, or all of the package, any of it, or none of it. I think none of it is our business. I am very much disturbed that if we ever set this precedent, we will regret it and regret it for years to come. We have no right to do it in the defense of collective bargaining. As I have said earlier, as an old labor man, I do not want the Government injecting itself into my negotiations. I want to be able to negotiate. I think it is unfair to take any part or all.

Mr. KENNEDY. Mr. President, I shall delay the Senate only for a few minutes, but I want to mention one of the impacts of the amendment of the distinguished Senator from Wyoming. Not only does the amendment as proposed strike out the increase in wages, it strikes out as well a very important provision that was included in section 2, that is, to require the administration to come back to Congress, not in the final hours of whatever date we finally settle on—at the end of January, or February 6, or eventually the House provision of the first of March if we accept it—but 15 days prior to that date. They would have to tell us where they are in terms of negotiations, and inform this body as to what kind of legislative or other proposal they are prepared to make so that we on the Committee on Labor and Public Welfare and in the Senate, hopefully, can have an opportunity to talk about this with full deliberation, and not be talking about it 4 hours before there is a strike. And so with all these other implications, this section is extremely important—to request the administration to come on up in 15 days prior to the time of the termination and come back to Congress and say, "Give us this information. Get the information to the American public. Where are we in terms of negotiations?"

Where was the administration in terms of future proposals, or where will it be after 45 or 60 or 90 days, whatever we extend?

We should know what the proposals are from the administration.

The third subsection included in the Kennedy-Javits amendment requires the administration to use its best judgment in getting recommendations on the question of partial operation. That is one of the most basic and fundamental ways to preserve the right to strike for the individual transportation workers of this country not only in the railroads, but in

the airline industry, and a whole host of other industries, and still protect the national interest.

We heard testimony today from the workers who pointed out that they are prepared to continue commuter service, that they are prepared to continue any kind of emergency service such as the transport of any goods that the Secretary of Defense, the Secretary of Transportation, or the Secretary of Labor says are essential in the national interest, and that they are prepared to go ahead on all this. But when we asked the Secretary of Labor, "What have you done about partial operation?" there was no response, in spite of the fact that the labor groups have requested the President of the United States, not yesterday, not the day before, but 2 weeks ago, to come on up with a proposal on partial operation.

What did the Secretary or President do? Absolutely nothing. The head of the labor group said that the President did not even answer his letter.

Labor got an answer from the various railroad management groups, but not the administration.

We have a responsibility here; but it is interesting that when the Secretary of Labor was asked whether the administration had requested the Committee on Labor and Public Welfare to go ahead and meet on its bill on the question of national emergency disputes, mentioned by our good friend, the Senator from Michigan, the Secretary of Labor said "no." When we reviewed the agenda of the minority in working out this vital business, this legislation was not on it.

So what we are doing here is trying to assure that next time around we will not have to act in the last few hours of this dispute.

The Committee on Labor and Public Welfare, under the chairmanship of the Senator from Texas (Mr. YARBOROUGH), has suggested a proposal which had bipartisan support. If we are going to act responsibly and come back here in the Senate, we should expect to have from the administration, in due time, what the progress is in terms of the dispute, and what recommendations they make, and the Committee on Labor and Public Welfare should have full opportunity for such expansive deliberation as we have on the floor of the Senate.

My friends, the effect of the amendment of the Senator from Wyoming will be effectively to strike out what I and the bipartisan supporters think, and what the workers believe strongly in; namely, a reasoned kind of consideration for any future action. We owe that to the workers. We owe that to management. We owe that to the Senate.

The effect of the amendment will be to strike out this inclusion.

Mr. MILLER. Mr. President, I hope that the vote on the Hansen amendment will not proceed on the basis of a consideration of the validity of section 3, the section the Senator from Massachusetts was referring to.

Mr. KENNEDY. Section 2.

Mr. MILLER. There are two bad defects in that section. I understand they are put in with the utmost of good faith, but the first defect is this matter of coming over 15 days before the time runs out with a proposal on how to manage the railroads on a limited basis.

I cannot imagine anything that would undercut collective bargaining more than that.

Mr. KENNEDY. Mr. President, will the Senator from Iowa yield right there?

Mr. MILLER. The Senator from Iowa is pleased to yield to the Senator from Massachusetts.

Mr. KENNEDY. I beg the Senator's pardon?

Mr. MILLER. The Senator from Iowa will yield to the Senator for a question.

Mr. KENNEDY. Mr. President, section 2 reads in part:

SEC. 2. Not later than 15 days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees;

Mr. President, we are asking for just the progress, what the negotiations have been. Are we not entitled to any information? On the last of the 45 days are we going to say, "Well, we are going to have the Committee on Labor and Public Welfare meet" and then having met on that day say, "We have not made any progress," and extend it 45 more days?

Mr. MILLER. Mr. President, I am very sorry. I misled the Senator from Massachusetts. I am talking about section 2.

Mr. KENNEDY. So am I.

Mr. MILLER. More particularly I am talking about subsection 3 to which he was referring, in which he said would be a great thing to have the administration make a detailed proposal to provide for partial operation of the railroads. He was very critical of the President and the administration for not coming over and making a suggestion at this time.

My answer is—and I think anyone familiar with collective bargaining would tell the Senator so—this would completely undercut the collective bargaining process. Just let the word get out on how to manage the railroads on an emergency partial basis, and we can imagine what that would do to collective bargaining.

That is why the administration did not come over with a proposal.

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

Mr. MILLER. In a moment I will yield.

The second point is section 2, subsection 2, wants some recommendation for a proposed solution of the dispute. What does that mean?

I already asked the Senator from New York what that meant. He said that it meant a methodology, and the methodology was sent over here, as the Senator from Michigan pointed out, a long time ago. Unfortunately those in control of the committees did not see fit to have even a hearing on it. This proposal has already been made months ago. I do not say that will help anything.

My point is that if we want to preserve collective bargaining and do not want to undercut it, and if we want to act, the methodology has already been sent here with a recommendation from the White House. We do not need section 2.

I hope that the consideration of the Hansen amendment will not proceed on the floor to the proposition of knocking out section 2 of the resolution.

Mr. KENNEDY. Mr. President, the language is as clear as one could possibly imagine. I will read what we are requesting. It reads:

SEC. 2. Not later than 15 days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees;

That means that we should get information as to whether there has been any progress.

I continue to read:

(2) such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate, if the dispute has not been settled;

I think we ought to be able to know within 15 days whether we would act on the administration proposal for compulsory arbitration or whether there would be another extension. I think all we want is information. I think that is a very legitimate inquiry.

And then subsection 3 reads:

(3) a detailed proposal for the partial operation of railroads affected by the dispute described in this joint resolution, including along therewith any proposals by the carriers or employee representatives concerned, so as to assure transportation services necessary to the national defense, health, and safety.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. I yield.

Mr. MURPHY. Mr. President, I think the Senator's suggestion that all information be sent to the Senate 15 days before is an excellent suggestion.

Would the Senator be satisfied if section 2 stopped with that and did not include the part that my friend, the Senator from Iowa, was opposed to that says the administration must go beyond that and send over a definite proposal which, as my friend, the Senator from Iowa, pointed out, would without question impose itself one way or the other in collective bargaining.

Mr. KENNEDY. The Senator knows the answer. We talked about this in the committee. I would be glad to discuss very briefly my response. The Senator knows very well the position on this matter.

What we are asking for in subsection 3 is for the administration to submit the best proposal it possibly can in terms of a partial operation of the railroads affected. We are not asking the administration to commit itself to this proposal. However, the members of the committee felt that the administration has resources available to it in the Department of Transportation, the Department of Defense, the Department of Commerce, and all the various agencies of the Government to make a proposal. It would in no way commit the administration to accepting the proposal.

All it would do is provide Congress with the best proposal that could be developed, with the language of the Senator from New York, "including along therewith any proposals by the carriers or employee representatives concerned," so as to assure transportation services necessary to the national defense, health, and safety.

We are asking for additional kinds of information. There is nothing that mandates that the administration come up with another proposal and stick with it. All we are asking from them is that they let Congress make the determination whether we ought to move forward. And this subsection would assure that partial operation is a possible option at the end of 45 days—is, but only if, Congress decides that this is desirable at that time.

There are those, including Secretary Schultz, who has expressed view on this subject for years, who believe that one good way to preserve the rights in the whole transportation industry is to develop means to permit strikes in these respective industries while preserving the national interest.

All we are asking for is that we get information in this respect and not be told in the last hour that it will take an additional 2 weeks to work out a program and that they have not done it.

Mr. MURPHY. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. MURPHY. Mr. President, I believe I have the floor. I had the floor and yielded to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor in his own right and yielded to the Senator from California.

Mr. MURPHY. Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. MURPHY. Mr. President, I thank the distinguished Senator from Massachusetts for making his point very clear. The reason I asked the question is for exactly that purpose. I think it is proper that the Senators who are here but who did not have the privilege of being at the committee meeting to have a full understanding of this because it is an extremely important point.

I agree with the Senator from Iowa when he says that the information is fine and proper and that we should have it all.

I would be hopeful that the disagreeing parties would bring back the information if they so choose on the partial operation of the railroads and do the things that need to be done.

I object to the administration's sending up a proposal that immediately takes on important meaning because it is the administration's proposal. It would, in my humble opinion, be an invasion of the collective bargaining rights of the two parties in disagreement.

Mr. President, I yield to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, is the Senator from California willing to yield the floor? I would like to have the floor in my own right.

Mr. MURPHY. Mr. President, I yield the floor.

Mr. ALLEN. Mr. President, it occurs to the junior Senator from Alabama that there is some merit in the proposal of the distinguished Senator from Wyoming. There is also merit in the contention made by the distinguished Senator from Massachusetts that there is value in section 2—referring to section 2 and not subsection (2).

If all we do is pass an extension, then, as the distinguished Senator from New York (Mr. JAVITS) said earlier this evening, the chances are that the parties might sit on their hands for the full time of the extension and reach no agreement through collective bargaining, whereas if we have section 2 in the resolution, there is then some incentive for the reaching of an agreement and at least Congress would be apprised of the developments.

So, the junior Senator from Alabama would suggest that section 2 has merit and that section 3 possibly should be stricken out.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. Mr. President, since the amendment offered by the distinguished Senator from Wyoming is divisible, may not the junior Senator from Alabama request a division of the question?

The PRESIDING OFFICER (Mr. CURTIS). The Chair would state to the Senator from Alabama that inasmuch as the matter to be stricken by the amendment offered by the Senator from Wyoming contains two separate propositions, under the rule the Senator could demand a division.

Mr. ALLEN. Mr. President, I ask for a division of the question.

The PRESIDING OFFICER. A division is demanded. The question is on the first half of the amendment to strike section 2.

Mr. HANSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. HANSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HANSEN. Mr. President, if I were to ask unanimous consent that only section 3 be stricken, according to my amendment, would that achieve the purpose of the distinguished Senator?

Mr. President, I believe the Senator from Alabama has the floor. May I ask unanimous consent that my amendment be modified so as to read that only section 3 be stricken from the bill?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. There is a parliamentary inquiry pending.

Mr. JAVITS. The Senator is asking unanimous consent.

Mr. HANSEN. I am making a parliamentary inquiry.

The PRESIDING OFFICER. It would have the same effect.

Mr. HANSEN. Mr. President, I ask unanimous consent that my amendment be modified so as to strike only section 3.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, let us understand the numbering. What is section 3?

Mr. HANSEN. In response to the Senator from New York, my amendment, as I have sought to amend it, would propose to strike section 3, and not sections (1), (2) and (3) of section 2, but only section 3 which states:

SEC. 3. Notwithstanding the first section of this joint resolution, the rates of pay of all employees who are subject to the first section of this resolution shall be increased by five percent effective as of January 1, 1970, and by 32 cents per hour effective as of November 1, 1970. Nothing in this section shall prevent any change made by agreement in the increases in rates of pay provided pursuant to this section.

Mr. ALLEN. Mr. President, reserving the right to object, it occurs to me that what the distinguished Senator from Wyoming is requesting by unanimous consent is that the order of consideration of the two sections be reversed.

Unless the distinguished Senator from Wyoming will state that he intends no attack on section 2, then the junior Senator from Alabama will object to the unanimous-consent request; otherwise, it would merely reverse the order of consideration, considering section 3 rather than section 2.

Mr. HANSEN. Perhaps I misspoke. What I intended to ask by requesting unanimous consent to modify my amendment would be to leave section 2 with subsections (1), (2), and (3) attached to the bill, and to strike from the bill section 3.

Mr. ALLEN. Does the Senator plan to seek to knock out section 2?

Mr. HANSEN. No.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, because we do not know yet if it is precisely a divisible question——

Mr. ALLEN. That has been ruled upon.

The PRESIDING OFFICER. The Chair has ruled.

Mr. JAVITS. I know that. I will get to the point in a moment. The Senator from Wyoming said he wants a vote on that part of section 2—that is, my amendment with the Senator from Massachusetts which has section (3).

Mr. HANSEN. The unanimous-consent request I asked for would amend my amendment.

Mr. JAVITS. To strike only section 3?

Mr. HANSEN. To strike only section 3.

Mr. JAVITS. I have no objection.

Mr. ALLEN. Mr. President, reserving the right to object, I wish to ask the distinguished Senator from Wyoming if he would then ask to strike section 2, or if this would end his amendment. If so, I would have no objection to his request. But if he is going to attack section 3 and then section 2, objection would be interposed.

Mr. HANSEN. In response to the inquiry of the Senator, I will not offer further amendment to this bill, so far as I know.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered. The question is on agreeing to the amendment as modified.

Mr. YARBOROUGH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. YARBOROUGH. Mr. President, this is a motion to strike section 3, which provides for a 5-percent pay increase retroactive to January 1, 1970.

The PRESIDING OFFICER. The Senator is correct.

Mr. YARBOROUGH. And a vote of "yea" is a vote to strike out the pay increase, and a vote of "nay" is to preserve it.

The PRESIDING OFFICER. The Senator is correct. The question is on agreeing to the amendment of the Senator from Wyoming (Mr. HANSEN) as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Minnesota (Mr. MONDALE), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Georgia (Mr. TALMADGE), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK) and the Senator from New York (Mr. GOODELL) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. ALLOTT) and the Senator from Arizona (Mr. GOLDWATER) are detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT) and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The result was announced—yeas 32, nays 52, as follows:

[No. 420 Leg.]

YEAS—32

Allen	Ellender	Murphy
Baker	Ervin	Packwood
Bellmon	Fannin	Pearson
Bennett	Griffin	Saxbe
Byrd, Va.	Gurney	Scott
Cook	Hansen	Stennis
Cooper	Holland	Thurmond
Cotton	Hollings	Tower
Curtis	Hruska	Williams, Del.
Dole	Jordan, N.C.	Young, N. Dak.
Eastland	Jordan, Idaho	

NAYS—52

Aiken	Hughes	Nelson
Anderson	Inouye	Pastore
Bayh	Jackson	Pell
Bible	Javits	Prouty
Boggs	Kennedy	Proxmire
Brooke	Long	Randolph
Burdick	Magnuson	Ribicoff
Byrd, W. Va.	Mansfield	Schweiker
Cannon	Mathias	Smith
Case	McClellan	Spong
Church	McGee	Stevens
Cranston	McGovern	Stevenson
Eagleton	McIntyre	Symington
Fong	Metcalf	Tydings
Gravel	Miller	Williams, N.J.
Harris	Montoya	Yarborough
Hart	Moss	
Hartke	Muskie	

NOT VOTING—16

Allott	Gore	Russell
Dodd	Hatfield	Sparkman
Dominick	McCarthy	Talmadge
Fulbright	Mondale	Young, Ohio
Goldwater	Mundt	
Goodell	Percy	

So Mr. HANSEN's amendment was rejected.

Mr. PROUTY. Mr. President, I call up my amendment which was temporarily laid aside.

The PRESIDING OFFICER (Mr. CURTIS). The question recurs on the amendment offered by the Senator from Vermont (Mr. PROUTY).

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats. The Senator is entitled to be heard.

Mr. PROUTY. Mr. President, this amendment deletes the 32 cents per hour increase effective November 1, 1970, but does provide for the 5-percent increase retroactive to January 1, 1970. It does not provide for the legislative imposition of the entire wave increases recommended by the Emergency Board, but I believe it will lessen the prospects of substantial wildcat strikes while at the same time motivating both parties to reach a voluntary settlement of their dispute through free collective bargaining.

I was rather hesitant to offer this amendment because it seems to me that the Congress of the United States should not be involved in disputes of this nature. By the same token, however, I do feel that the railroad workers represented by the railroad brotherhoods are entitled to some temporary or interim increase in wages which will at least face up to the increase in the cost of living but which will not be large enough to undermine the collective-bargaining processes.

I believe also, Mr. President, that if the members of the union are reassured that they will get some money immediately, which, as I said before, will be wage increases retroactive to January 1, 1970, they are going to understand and recognize that we are not indifferent to the problems resulting from extended bargaining which, in the present situation, have already forced them to wait almost an entire year for a wage increase.

It seems to me that this is a fair approach. It will mean, in substance, Mr. President, that Congress is not, in effect, becoming a mediation board to impose the final substantive terms of a contract. That will make it possible for the union representatives and the representatives of the carriers, to sit down and negotiate fairly, as equals, to arrive at an agreement which is fair and reasonable.

As I mentioned earlier, Mr. President, those of us who are members of the Committee on Commerce have heard a great deal of testimony indicating the serious financial plight of many American railroads. I think I quoted the former Secretary of Labor, Mr. Willard Wirtz, who, in response to a question from me, said that if all wage increases recommended by the Emergency Board were put into effect, the Penn Central could not meet its payroll unless there was some form of guaranteed loan legislation approved by Congress.

Many of our railroads are faced with bankruptcy. Many of the officers of those railroads are terribly concerned about what is going to happen if wage increases are forced upon them without corresponding revisions in antiquated work rules. I am also sympathetic to the plight of the members of the brotherhoods. If we look around at the situation of employees in other forms of transportation, we find that their salary increases have been far more than have been recommended by this Emergency Board. But I think the Emergency Board had to take into consideration the fact that many of our railroads may go under unless the parties take a realistic overall approach to this question which grants the carriers some relief from outmoded work rules as well as providing railroad workers with decent and justifiable wage increases.

Beyond that, it seems to me that if Congress is going to try to be a mediation board—if we are going to make the decisions in collective bargaining disputes—then we are going to involve ourselves in activities for which we are not qualified. We do not have the time to consider and ascertain the true facts. The Committee on Labor and Public Welfare has considered this matter only today since 10 o'clock this morning. The report of the Emergency Board runs some 87 pages and is the result of about 2 months' of specialized work. It is highly complex and highly involved. Above all, if we are to maintain free collective bargaining in this Nation, I think we had better leave it up to the parties and the proper mediation agencies to bring it about. I think it would be a blow to free collective bargaining in this country if we proceed with the proposal as reported to the Senate by the Committee on Labor and Public Welfare and as passed this afternoon by the House of Representatives.

I hope my amendment will receive the consideration which I think it deserves, and which I believe is in the interest of preserving free collective bargaining in this country.

Mr. MANSFIELD. Mr. President, would the acting minority leader—I have already discussed this with the Senator from Vermont—consider the possibility of a 10-minute limitation on this amendment?

Mr. MCCLELLAN. Mr. President, I would like to have about 4 or 5 minutes, although I do not intend to engage in extended discussion.

Mr. MANSFIELD. Twenty minutes, then, the time to be equally divided?

Mr. GRIFFIN. Considering the fact that there was considerable debate on this amendment earlier in the evening, unless there are a number who wish to speak, it is agreeable.

Mr. JAVITS. Mr. President, would the Senator preserve us the right to add amendments to the amendment, with a 2-minute limitation?

Mr. MANSFIELD. Oh, yes, anything is satisfactory.

The PRESIDING OFFICER. Will the Senator restate his request?

Mr. MANSFIELD. I have made a unanimous-consent request for 20 minutes altogether on the pending amendment, 10 minutes to a side, under the control of the Senator from Vermont and the manager of the bill, and a limitation of 2 minutes on all amendments thereto. Five minutes of the time on the amendment goes to the Senator from Arkansas (Mr. McCLELLAN).

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. McCLELLAN. Mr. President, I shall try to be brief—I have to be, in view of the limitation of time.

I commend the Senator from Vermont for offering this amendment. I voted against the previous amendment to strike out all of section 3, because I do believe that if we undertake by legislative action to settle this strike, or postpone it for further bargaining, we should take into account that these railroad workers have been deprived of an increase for some long period of time, since the first of the year—and an increase has been recommended by the proper board having jurisdiction of the controversy.

I am concerned, however, for I do not believe we should undertake, to go the full limit of the money recommendation of that Board, unless we also accept its recommendations with respect to the revision in rules. If we adopt this proposal, we give them an increase in pay somewhat comparable to the increase in the cost of living during that period of time. Then we would leave the matter open for them to continue negotiations on the rest of it. But I submit if we are going to legislate—and unfortunately, I guess we have to—this is the action to take. This is certainly not a happy or likable situation. It is a deplorable situation, one for which some will put the blame on labor, some will put the blame on the railroads, others will try to put all the blame on the administration or on the President, and some of course on the Congress. I say it is a situation where we are all to blame. Congress has to accept its share of the blame.

This situation has not arisen overnight. We have known about it. We have had some experience before. We knew it was coming. We know what we face now. The test in the future is: Do we have the courage to legislate to prevent a recurrence of the dilemma? If we have not, we are going to be faced with this kind of problem again and again. We are going to be in the business of settling labor disputes in this fashion—by legislation time and time again.

I think we should proceed with legislation to establish some kind of tribunal where these labor controversies can be adjudicated outside the Congress. In the meantime, I shall vote for the amendment of the Senator from Vermont, because I do not think it is inflationary under the circumstances. But if we vote this whole package, I do not see how we can go back to the President and say, "You would not put in price controls," when we ourselves are voting such increases.

We have got to be fair in this deal. That is the way I feel about it. Give them this increase, let them continue bargaining, and extend the time. That is fair to everybody. But if we are going to put all the wages in, then we should also put in the rules, because they are a part of the recommendations of the Board.

This solution would be temporary, but it would give them some of the wages, certainly, that they are entitled to. This is a fair compromise, and should be adopted. I hope it will be.

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

Mr. McCLELLAN. I am glad to yield whatever time I have remaining to the distinguished Senator from West Virginia. How much time do I have left?

The PRESIDING OFFICER. The Senator from Arkansas has 2 minutes remaining.

SENATOR RANDOLPH SUPPORTS RAISE FOR RAIL WORKERS—CITES ADVERSE RESULTS IF STRIKE OCCURS

Mr. RANDOLPH. Mr. President, the argument presented by the Senator from Arkansas was made, in different language, during the executive session of the Committee on Labor and Public Welfare this afternoon. There were those of us who spoke in somewhat the same vein, and there was a rollcall in reference to the Prouty amendment. Very frankly, it did not prevail. I would not say how any other member of the committee voted, but I voted for the amendment. I shall vote for it again. I feel that there should be an increase, and although the 5 percent is not adequate, I believe it is as far as the Congress should go in legislating a pay increase at this time. I emphasize that the railroad workers, due to higher costs of living, do merit a raise in their wages. They are a fine, loyal group of Americans, who are doing an important job in operating the railroads of the United States.

I feel that we can approve the 5 percent without increasing the inflationary spiral to any greater extent than that which exists now.

Mr. President, I believe in collective bargaining. Congress reluctantly should be legislating an arbitrary figure. We are to blame, in some degree, for our failure to have laws on the statute books to cope with such emergencies, rather than to have to act in the final hours before a possible strike.

But, Mr. President, I cannot overemphasize the adverse impact on our economy which would result from a rail movement stoppage. West Virginia coal hauling railroads carry approximately 150 to 160 million tons of coal annually from the mines to the markets. This volume, the largest produced in any State, is mined by approximately 40,000 men. Not only would rail shipments come to a stop, with rail workers unemployed, but soon there would be thousands of coal miners unemployed. A severe blow would be dealt our economy through the drastic curtailment of supplies to fuel and energize our vast industrial operations.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. YARBOROUGH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. YARBOROUGH. How much time do we have on each side?

The PRESIDING OFFICER. The Senator from Texas has 5 minutes and the Senator from Vermont has 10 minutes.

Mr. YARBOROUGH. How much time was allocated to the proponents of the amendment and how much time to the opponents?

The PRESIDING OFFICER. Ten minutes to each side.

Mr. YARBOROUGH. The 5 minutes just used has been 5 minutes in favor of the amendment.

The PRESIDING OFFICER. Under the unanimous-consent agreement, it was reserved for the Senator from Arkansas.

Mr. YARBOROUGH. Does the Chair mean that the proponents of the amendments were given 15 minutes and the opponents 5 minutes? I think that is an uneven division, when one considers the merits.

The PRESIDING OFFICER. That was the unanimous consent request.

Does the Senator from Vermont yield; and, if so, how much time does he yield?

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

Mr. PROUTY. I yield 2 minutes to the Senator from Ohio.

Mr. SAXBE. Mr. President, I associate myself with the remarks of the Senator from Arkansas. If we want to give collective bargaining a chance to operate, we cannot give the whole package before they start. It seems to me that we have to keep an incentive or we are going to have a situation in which there is no collective bargaining with the railroads.

If we bail out this time, we remove all incentive. I think it is extremely important that we continue to regard collective bargaining between management and labor as the way we settle our labor disputes. If we want to throw that over, the best and surest way to do it is to indicate by our vote today that when the heat is on, rather than directing them to continue and to come up with an answer, we say, "All right, your case is just. Therefore, we give you the increases that you desire, and we only hope that you will negotiate."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOK. Mr. President——

The PRESIDING OFFICER. Who yields time? Time is running.

Mr. YARBOROUGH. I yield myself 3 minutes.

Mr. President, there has been talk that the resolution is for the purpose of bailing out labor. This, however, is not the case. We are really bailing out management. Labor did not want this resolution. On the contrary, labor has opposed it from the start. They do not want anything. They have their constitutional right to strike.

If this amendment were adopted, it would deny labor their right to strike. The Emergency Board has recommended that these wages be increased by 32.5 percent, spread over 3 years, 13.5 percent retroactive. All the committee's resolution does is to grant the 13.5 percent retroactively and leave open for future

negotiations the 19 percent, plus any other wage changes. We only put in this resolution what already has been done retroactively.

The present amendment says to labor, "We will let you have 5 percent," even though the Board has found that the cost of living is justification for a 13½-percent increase. How can any man face railroad workers of this country and say that this amendment is fair and reasonable? Of course, it is not. It is denying these workers their rights in the marketplace to say what their labor is worth in terms of wages. It would be saying to them, "For a measly 5 percent, we have robbed you of your constitutional right to strike."

True, it is suggestive of compulsory arbitration, and I do not believe in that type of forced settlements, but we have an emergency, and I want to keep the trains rolling in the morning. The strike announcements are going out for 9 o'clock tonight. This strike has been called for 12:01. Every minute we debate means that another train will not roll in the morning.

To prevent an economic disaster, we will stop fiddling around and pass this resolution. The House has announced that if we cut the pay features, they are not going to agree with us, and we will have a nationwide strike. If we cut the money down, we cannot shift it to management, we cannot shift it to the President and we cannot shift it to labor. The blood is going to be on our hands if we do not give the workers this pittance which they so justly deserve. For a year and a half they have been pleading for a wage increase, but they have received nothing.

Some have complained that this committee did not meet until this morning. The Secretary of Labor testified that he never met with the parties until 5:30 on Monday, December 7. He met with them then for the first time this Monday. We have had Secretaries in the past who met with them for months. President Johnson met with them for 14 days in the White House. As the Senator from Rhode Island has said, nobody met with them until the Secretary of Labor met with them at 5:30 on Monday and called on Congress to submit a resolution to deny the workers their right to strike.

Giving the workers 13.5 percent is the least we can do. I recommend that the amendment be rejected. If we want to keep the economy from sinking into worse shape, we will keep the trains running.

Mr. PROUTY. Mr. President, I think the issue is very clear. I suppose Congress might well have become involved in the General Motors strike, because that affected the national economy. If we have a steel strike, perhaps we should become involved in that.

It seems to me that if we are going to preserve true collective bargaining, we should leave it up to the parties involved to work out their differences. The administration's request was merely for more time to accomplish this goal while protecting the public interest against the disastrous results of a nationwide rail strike.

I think it is most unfortunate—yes, and dangerous—to bring controversies of this nature before Congress. But this one is here and, absent permanent legislation to deal with this type of situation, we have no alternative to again act on an ad hoc basis.

I certainly played a rather prominent role in the Committee on Commerce in bringing about the Railroad Safety Act and in bringing about the so-called Rail Pac, the National Railroad Passenger Corp. I am concerned about the future of the railroads. I am also concerned about the future jobs of railroad employees. But if we permit a nationwide rail stoppage, the employees of the railroads are going to be without jobs, and certainly the operations of many industrial corporations in this country are going to be brought to a halt and their employees are going to become unemployed.

Mr. President, I think this is a precedent which is extremely dangerous, if anyone believes sincerely and honestly in the concept of free collective bargaining. The 5-percent increase I propose is merely a carrot, and should motivate rather than discourage the parties in seeking to negotiate a voluntary settlement.

If the Senator from Texas is willing to yield back the remainder of his time and no other Senator on this side wishes to speak, I am willing to yield back the remainder of my time.

Mr. YARBOROUGH. I yield back the remainder of my time.

Mr. PROUTY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Vermont. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Georgia (Mr. TALMADGE), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK) and the Senator from New York (Mr. GOODELL) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The result was announced—yeas 37, nays 46, as follows:

[No. 421 Leg.]

YEAS—37

Allen	Ellender	Miller
Allott	Fannin	Pearson
Baker	Fong	Prouty
Bellmon	Griffin	Randolph
Bennett	Gurney	Saxbe
Boggs	Hansen	Scott
Byrd, W. Va.	Holland	Stennis
Cook	Hruska	Thurmond
Cooper	Hughes	Tower
Cotton	Javits	Williams, Del.
Curtis	Jordan, N.C.	Young, N. Dak.
Dole	Jordan, Idaho	
Eastland	McClellan	

NAYS—46

Aiken	Hart	Packwood
Anderson	Hartke	Pastore
Bayh	Hollings	Pell
Bible	Inouye	Proxmire
Brooke	Jackson	Ribicoff
Burdick	Kennedy	Schweiker
Byrd, Va.	Long	Smith
Cannon	Magnuson	Spong
Case	Mansfield	Stevens
Church	Mathias	Stevenson
Cranston	McIntyre	Symington
Eagleton	Metcalf	Tydings
Ervin	Montoya	Williams, N.J.
Fulbright	Murphy	Yarborough
Gravel	Muskie	
Harris	Nelson	

NOT VOTING—17

Dodd	McCarthy	Percy
Dominick	McGee	Russell
Goldwater	McGovern	Sparkman
Goodell	Mondale	Talmadge
Gore	Moss	Young, Ohio
Hatfield	Mundt	

So Mr. PROUTY's amendment was rejected.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I have discussed with the distinguished minority leader, the chairman of the committee, the ranking minority member, and the distinguished Senator from Iowa (Mr. MILLER), the possibility of a unanimous-consent agreement. I would like at this time, therefore, to ask unanimous consent that on all amendments from now on there be a time limitation of 20 minutes, with 10 minutes to a side to be equally divided between the sponsor of the amendment and the manager of the bill; that there be 2 minutes for amendments or motions thereto; and one-half hour on the resolution itself.

The PRESIDING OFFICER (Mr. CURTIS). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MILLER. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

1. Following Section 2 of the Resolution add the following new section:

"3. There is hereby established a Presidential National Emergency Arbitration Board which shall consist of three members: one appointed by the Eastern, Western, and Southeastern Carriers Conference Committees representing the employees; one appointed by the National Railway Labor Conference representing the employers; and one appointed by the President.

"The Presidential National Emergency Arbitration Board shall, after hearing from representatives of both the employers and employees, make a determination of all issues in dispute, proceeding from a basis of the last best offer of the parties to the dispute immediately preceding appointment of the Presidential Emergency Board.

"The determination of the Presidential National Emergency Arbitration Board shall be made, published, and become effective at

12:01 antemeridian of February 7, 1971 unless the parties to the dispute have reached agreement prior thereto."

2. Insert "or arbitration" following the word "agreement" in the last sentence of Section 3 and renumber the section.

Mr. MILLER. Mr. President, may I say to the Senate that I will speak briefly about the amendment and I then propose to withdraw it.

I think it is important to bring this to the attention of the Senate at this time.

As I pointed out earlier in a colloquy with the Senator from Texas, there is no apparent incentive for the parties to settle this dispute. In fact, it is so uncertain that section 2 of the bill measure provides for the notification of Congress 15 days before the expiration of this time period of what the President thinks ought to be done.

As has been said many times on the floor, this will have a repeat performance in another 45 days.

The way to stop this is to give the parties to the dispute a real incentive. The incentive I propose would be the appointment of a Presidential board, an ad hoc board for this one labor dispute, which would proceed to determine the issues on the basis of the last best offer of the two parties. That is a novel idea.

The Arbitration Board would proceed on the basis of the last best offer of the two parties.

The failure of the Arbitration Board to proceed is one reason why the railway arbitration has not got very far in this country.

The carrot to this is that the Arbitration Board would have until February 7. On February 7 it would determine the results of its findings. And these would not become effective, if granted, until February 6 for the extension of time for these parties to get together and agree. If these parties do not know what the Arbitration Board would be coming out with 1 day after their deadline, I suggest that they would have a real incentive to get together and bargain collectively and reach a settlement.

Additionally, of course, my amendment would leave in what is already in the bill. The Senate has worked its will and has decided that it wants to have sections 3 and 4.

I suggest that the way we are going, some 15 days before the expiration of the time we are granting in this resolution when the President sends us a report indicating that the parties have not got together, at that time I will offer this amendment again.

I hope the Senate will adopt it at that time because then we will have an incentive for them to conclude an agreement.

I hope I am wrong. We all hope they will reach an agreement very soon. However, if they do not we are going to have to establish some kind of an incentive. I do not see any better incentive than this. The key to it is that the Arbitration Board proceeds on the basis of the last best offer of both parties.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn. The bill is open to further amendment.

Mr. PEARSON. Mr. President, despite almost a year of negotiation, the flow of our rail transportation system may abruptly stop in several hours. Intense bargaining, recommendations of an Emergency Board, and a request by the Secretary of Labor for a voluntary extension of negotiations have failed to resolve this hardened dispute. Yesterday the President asked Congress to extend, for 45 days, the period during which no strike or lockout may occur, in the hope that a voluntary settlement may be reached during such period.

Mr. President, the Members of this body, of necessity, have limited knowledge of the complexity of the issues involved in these negotiations. For the most part, these are matters between men in the private sector.

I wish to emphasize, however, that in a time when our national economy is severely troubled, when inflation and unemployment are at critical levels, a nationwide stoppage of rail service could have a devastating impact on the financial health of this country.

Mr. President, the cost of transportation is reflected in everything we buy. As consumers, we would have to absorb the increased price of those commodities which are in ample supply today but might be rare tomorrow if the flow of goods is reduced to a trickle. Whether housewife, workingman, student, or executive, we all suffer if our Nation's railroads do not operate.

Many have urged the need for stronger controls, for a steadying hand on our deteriorating economy. Though mindful of proper limits, I believe such action is warranted in this instance.

For these reasons, I think it in the national interest to extend the negotiations period, as the President has requested.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum. It will take just a short time, but I do suggest it.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. 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. YARBOROUGH. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to lay aside Senate Joint Resolution 248 and proceed to the consideration of House Joint Resolution 1413.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Presiding Officer laid before the Senate House Joint Resolution 1413, to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, which was read twice by title.

The Senate proceeded to consider the joint resolution.

Mr. YARBOROUGH. Mr. President, I move to strike out all after the resolving clause and substitute the language of Senate Joint Resolution 248 for the language of the House joint resolution.

The PRESIDING OFFICER. The clerk will read the language of the Senate joint resolution.

The legislative clerk read the substitute amendment, as follows:

That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees or by their employees, in the conditions out of which such dispute arose prior to 12:01 antemeridian of February 6, 1971.

SEC. 2. Not later than 15 days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees;

(2) such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate, if the dispute has not been settled; and

(3) A detailed proposal for the partial operation of railroads affected by the dispute described in this joint resolution including along therewith any proposals by the carriers or employee representatives concerned so as to assure transportation services necessary to the national defense, health, and safety.

SEC. 3. Notwithstanding the first section of this joint resolution, the rates of pay of all employees who are subject to the first section of this resolution shall be increased by five percent effective as of January 1, 1970, and by 32 cents per hour effective as of November 1, 1970. Nothing in this section shall prevent any change made by agreement in the increases in rates of pay provided pursuant to this section.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to substitute the Senate language.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, who controls the time?

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. YARBOROUGH. Mr. President, the proponents have 15 minutes. I yield time to the Senator from Florida.

Mr. HOLLAND. I thank the Senator for yielding.

Mr. President, I dislike very much to vote for this action, which I think is in many respects, exceedingly unwise, and yet I intend to do so, for just one reason.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Florida is entitled to be heard.

Mr. HOLLAND. Mr. President, as I say, I dislike very much to vote for this resolution, which I think is decidedly unwise, but I intend to do so, for just one reason: It is unthinkable to me that we should allow the railroads to cease to operate at midnight.

That would mean not only that many people in many areas who are dependent upon rail transportation for their movement from place to place would be deprived of that privilege, no matter how great the emergency. It would mean that those who have perishable products in many places will be unable to move them. It would mean that those industries which depend on the movement of great volumes of bulky products would be unable to continue. It would strike at the livelihood of literally millions of our people. For those reasons, I shall vote for the joint resolution.

I must say, however, that it seems to me that it would have been a much wiser course for us simply to extend the time of bargaining. We have done that on two or three occasions heretofore. The courts have held that we have ample authority to extend the time, and that, if we have that under the basic act, we may extend the time as we have done in the past, two or three times since I have been here for the railroads, and about the same number of times for the airlines.

I think we are very unwise to make of this body an arbitration board, which affords ready access to those who have these labor-industry troubles. I shall not be here after January 3, but I predict now that if legislation such as this is continued, Congress will find itself subject to increasingly great numbers of these matters, and required to serve as the arbitrator. I think that is unwise. I think it is a great departure from collective bargaining, and I wish I were in a position to vote against the measure. But I cannot do so, for the reasons I have stated.

Mr. President, we, ourselves, cannot evade responsibility in this matter. We, as the Senate and the House of Representatives, through our committees, have been unwilling to come to grips with this and similar problems.

The Senator from Florida has had legislation pending for about 15 years to try to correct the harmful effects of the Wisconsin case. The Senator from Nebraska, now presiding (Mr. CURTIS), and I appeared in 1959 on that matter in the effort to protect States and localities against shutdowns of vital local utilities, and were promised action in early 1960. By that time, however, the chairman of that particular subcommittee was running for President, and I have never felt that he was to be blamed in any way for putting aside his assurance to us that there would be a report made in early 1960.

Mr. President, I have repeatedly, in every Congress since that time, reoffered that legislation, and pleaded on this floor and by letter to the present chairman of the committee and to earlier chairmen of the committee and the subcommittee for hearings, but without result.

I have offered repeatedly legislation of the same sort dealing with the airlines. They also come under the Railway Labor Act. Though I proposed compulsory arbitration, those who did not like that course could suggest other remedies if they saw fit to do so. But we were never permitted even to have hearings on that proposal.

So there is no way for us to escape a part of the responsibility for this dilemma in which we find ourselves tonight, and in which the whole Nation is caught. It is because the whole Nation is caught in it that I shall vote for this measure, which in many respects, to me, is distasteful and unpalatable, and which I think sets an unwise precedent, which Congress will repent itself of over and over.

Perhaps the only silver lining in the cloud is that the result of this legislation will soon become apparent as being so hopelessly unwise that Congress itself may adopt a more courageous course, and come to grips with this type of problem and enact permanent legislation. I hope that that will be the case.

But, Mr. President, because the continued operation of the railroads is of such a vital and imperative nature to the lives and livelihood of the people, and to the continuation of great industries, and because I think it is unthinkable for us to permit the railroads to cease to operate, I shall reluctantly, but not feeling that I am doing the wrong thing, vote for this legislation, which I consider as completely unwise and as unnecessary if this body had done its own duty heretofore.

Mr. President, I yield the floor.

Mr. YARBOROUGH. Mr. President, I yield 2 minutes to the distinguished Senator from Ohio.

Mr. SAXBE. Mr. President, the only thing that a labor union has to negotiate with is the right to withhold its services. If they lose that, they lose all rights to negotiate.

What we are doing here tonight is effectively depriving them of that right, and those who think their vote tonight will be a service to the unions are sadly mistaken. It will be a disservice. If we cannot have a strike now, we can never have a strike; and if nothing else, this will bring it forcibly to our attention.

I have questioned closely those people who have had the most active part in this matter. The Senator from Florida has just stated we cannot have a railroad strike. If that is the situation, then we are espousing that, and we should proceed from that point on in making plans to handle, in this Chamber and the House of Representatives, future labor negotiations for the railroads and such other industries as will have a national effect, and we are depriving the unions of their right to strike. We are not doing any service to the railroads, although the immediate effect would seem to be that we are pulling the laborers' irons out of the fire, and that we are keeping the railroads operating.

I say that we are only postponing the time when we must actively come to grips with the overall solution of negotiating labor settlements in these Chambers.

Mr. YARBOROUGH. Mr. President, I yield 1 minute to the majority leader.

Mr. MANSFIELD. Mr. President, this is just to inform the Senate that if the pending resolution passes, it will go to conference, and hopefully a quorum of Senators will be on hand or close by.

The PRESIDING OFFICER. All time has expired.

Mr. YARBOROUGH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the joint resolution. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senators from Minnesota (Mr. MCCARTHY and Mr. MONDALE), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Georgia (Mr. TALMADGE), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from New York (Mr. GOODELL), and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), and the Senator from South Dakota (Mr. MUNDT) would each vote "nay."

The result was announced—yeas 54, nays 31, as follows:

[No. 422 Leg.]

YEAS—54

Aiken	Fong	Muskie
Anderson	Gravel	Pastore
Baker	Gurney	Pearson
Bible	Harris	Pell
Boggs	Hart	Prouty
Brooke	Holland	Proxmire
Burdick	Jackson	Randolph
Byrd, W. Va.	Javits	Ribicoff
Cannon	Jordan, N.C.	Schweiker
Case	Kennedy	Smith
Church	Long	Spong
Cook	Magnuson	Stennis
Cooper	Mathias	Stevens
Cranston	McClellan	Stevenson
Curtis	McGee	Symington
Eagleton	McIntyre	Tydings
Eastland	Montoya	Williams, N.J.
Ellender	Moss	Yarborough

NAYS—31

Allen	Griffin	Miller
Allott	Hansen	Nelson
Bellmon	Hartke	Packwood
Bennett	Hollings	Saxbe
Byrd, Va.	Hruska	Scott
Cotton	Hughes	Thurmond
Dole	Inouye	Tower
Ervin	Jordan, Idaho	Williams, Del.
Fannin	Mansfield	Young, N. Dak.
Fulbright	McGovern	
Gore	Metcalf	

NOT VOTING—15

Bayh	Hatfield	Percy
Dodd	McCarthy	Russell
Dominick	Mondale	Sparkman
Goldwater	Mundt	Talmadge
Goodell	Murphy	Young, Ohio

So the joint resolution (H.J. Res. 1413) was passed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

Without objection, the preamble was agreed to, as follows:

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and certain of their employees represented by the United Transportation Union, the Brotherhood of Railway Airline and Steamship Clerks, Freight Handlers, Express and Station Employees (BRAC), the Brotherhood of Maintenance of Way Employees, Hotel and Restaurant Employees and Bartenders International Union threatens essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute; and

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the objectives in a manner which preserves and prefers solutions reached through collective bargaining; and

Whereas the recommendations of Presidential Emergency Board Numbered 178 for settlement of this dispute did not result in a settlement: Now, therefore, in order to encourage these parties to reach their own agreement, be it—

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that consideration of Senate Joint Resolution 248 be indefinitely postponed.

The PRESIDING OFFICER (Mr. CURTIS). Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I move that the Senate insist on its amendment and request a conference with the House thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. CURTIS) appointed Mr. YARBOROUGH, Mr. KENNEDY, and Mr. JAVITS conferees on the part of the Senate.

Mr. COTTON. Mr. President, in view of the fact that we are no longer delaying the disposition of this matter, I should like to take 2 or 3 minutes to make a brief statement.

When the motion was made to strike out all after the resolving clause on the House bill and to insert the Senate bill in its place, had it not been for the fact that it would have caused delay, the Senator from New Hampshire would have sought to speak for a moment and to ask for the yeas and nays. For the reasons stated, and because it is highly imperative that this matter be disposed of this evening, he did not do so.

But now that he has the opportunity to make this statement, the Senator from New Hampshire wishes to say that he would have liked to have had the opportunity to vote a rollcall vote to strike out the so-called Kennedy-Javits amendment.

The Senator from New Hampshire was here when his own committee went through this whole performance under President Kennedy. No one on either side of the aisle during that year made the slightest attempt to embarrass, harass, or put the President of the United States on the spot.

The Senator from New Hampshire was here when this matter was again before the Senate at least once, and I think more than once during the administration of President Johnson. No one at that time sought to write into the resolution any attempt to command the President to report or to take any particular action that he did not desire to take, or to bring any message to Congress that he did not desire to bring.

The Senator from New Hampshire is not questioning the sincerity or impugning the motives, of course, of the Senators in question, but the Senator from New Hampshire does regard that amendment as a deliberate attempt to embarrass the President of the United States.

As the Senator from New Hampshire has noted, he did not call for a rollcall vote on the so-called Kennedy-Javits amendment for the reasons he has stated, but he wants the record to show that if he had had the opportunity, he would have voted to delete it.

Mr. THURMOND. Mr. President, I should like to be associated with the remarks of the distinguished Senator from New Hampshire.

Mr. COTTON. I thank the Senator from South Carolina.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 19830) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, and it was signed by the Acting President pro tempore (Mr. METCALF).

ADDITIONAL STATEMENTS OF SENATORS

THE CAMPUS AS A MANAGEMENT PROBLEM

Mr. MILLER. Mr. President, the Wall Street Journal for Wednesday, December 9, contains a timely and perceptive article entitled "The Campus as a Management Problem," written by Leo L. Kornfeld, an educational management consultant.

Much has been written and said about campus unrest, but when it comes to college administration, the usual comment is that the president or board of trustees must enforce stronger discipline. While there is merit to such comment in certain cases, it tends to oversimplify the matter. Mr. Kornfeld discusses the real nature of the management problems of college campuses and, in my judgment, places their importance in the proper perspective by stating that, by itself, mastering these problems may not bring peace to the campus; but without this, peace will never be assured.

I ask unanimous consent that the article be printed in the RECORD.

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

THE CAMPUS AS A MANAGEMENT PROBLEM

(By Leo L. Kornfeld)

When the war nobody wants finally comes to an end, we shall still have unrest on college campuses unless glaring inadequacies in university administration are faced realistically and effective solutions found. New management concepts are urgently needed to meet problems of bigness, administrative complexity (and impersonality along with it) and rising educational standards, student expectations and social demands—all within the framework of relentlessly increasing costs.

Unprecedented growth in enrollment, programs and physical plant account for many of these problems. Higher education has become one of the nation's largest and most rapidly expanding "industries." Many universities are more complex and have bigger budgets than the largest corporations. They are also, in many respects, more difficult to manage.

Students are understandably appalled at the sluggishness, irrelevance and bureaucracy of the university system. Their frustration will continue unless university administration is modernized and brought into line with the needs of the 1970s.

There are four areas in which major improvements can be made: Planning governance, executive leadership and management decision-making.

Colleges and universities generally have not yet learned how to plan their futures. Most of them do not realize the importance of the planning function, so they fail to make organizational provision for it. Many of them have a so-called "planner" on their staff, but he is usually concerned only with planning physical space. Rarely do we find an individual with designated responsibility for marshaling programs, people, physical facilities and dollars into a coordinated long-range plan.

Before they can staff a rational planning operation, colleges and universities must clearly define their basic roles and missions and put down in writing what they are and where they are going. Unfortunately, these fundamental questions are rarely resolved, although they are often debated endlessly.

A UNIQUE ROLE

Universities must recognize the urgency of deciding what their unique role in society is. They must determine how they are going to perform that role, and then convey their identity and mission to key constituencies inside and outside the institution. If they fail to act, they may eventually find that others are deciding their futures for them.

Planning is a basic function of university governance, and governance begins with the board of trustees, which possesses the ultimate power for change. Here, too, we find ample opportunity for improvement.

Traditionally, university trusteeship has been considered an honor to be bestowed upon an individual for some major accomplishment (which sometimes consists of making a major financial donation). This is not enough. Boards of trustees must include persons of such caliber that they can significantly assist the president in setting policy and in determining the overall direction and thrust of the university. They must be persons who have wisdom and judgment, who are deeply interested in helping the institu-

tion chart its direction and who have the time to do so. Most boards would benefit by having additional qualified members from ranks of government, education and labor.

Trustees must constantly question what their institution is doing. They must keep informed about the quality of life on campus by visiting campuses frequently and by listening to what students and faculty are saying. Few trustees do this, and then they wonder what the shouting is about.

Another neglected task of trustees is to evaluate critically the effectiveness of managerial performance. At one extreme, many trustees believe that since they selected the institution's chief executive officer, they must support him in all circumstances. At the other extreme, they often interfere unnecessarily with administrative details, while overlooking broad policy issues. A balance of the two extremes contributes most to the good of the institution.

The position of chief executive at a college or university is extraordinarily complex and difficult to fill and keep filled. The fact that there are hundreds of vacancies in this job today speaks for itself. Trustees need to do some fresh thinking about the qualifications the chief executive should have in the 1970s. A blend of management skill with experience in the academic world is ideal but rarely found in one person. In the absence of a candidate with both attributes, preference should be given to the candidate with managerial strengths. The academic background can then be supplied by adding specialists to the president's staff.

The fourth problem area, management decision-making, is particularly troublesome for colleges and universities for two reasons: There is much uncertainty about who makes what decisions, and there are often insufficient data on which decisions can be soundly based.

The question of who makes decisions has arisen partially from the traditional academic orientation toward professional discipline. I believe it is time to examine realistically the collegial form of governance and to decide whether it fits present-day needs. No one questions the professional integrity of the faculty member. He must teach without interference from anyone, and he should be supported in this right. However, should a participative philosophy of governance be applied to university administration? Must everyone deliberate and vote on every decision? It simply does not work. We must have a system that clearly provides for adequate deliberation, with clear understanding of who is responsible for making what decisions.

THE DECISION-MAKING PROCESS

The multiplicity of university constituencies—trustees, administration, faculty, students, alumni and the community—results in gaps and overlaps in the decision-making process. The solution lies in having the trustees or the president, or both, determine who shall be responsible for decision-making at each level and for each segment of the institution, and at the same time providing the necessary participation and balance among constituencies.

A word should be said about the current practice of putting students on various committees, councils and even on boards of trustees. Students should be given a larger voice in university affairs, but it is a mistake to put them on committees or governing bodies unless they have real qualifications for being there. On matters that concern them and in which they have experience, they should be listened to and they should have some authority. For example, I think students could perform a useful service by evaluating the classroom performance of their teachers. But they are hardly equipped to award faculty tenure or make a decision on the investment of university funds.

Universities must also give more attention to gathering the information that is essential to soundly based decisions, making sure it is assembled in a useful form. Not enough progress has been made by higher educational institutions in developing management information systems, program budgets, cost-benefit analyses and statistical projections. Closer attention to data collection and analysis is one direct way colleges and universities can stem the rapidly increasing costs of education and ensure that they are getting the best value for their money.

If colleges and universities can master their exceedingly difficult management problems, they will go a long way toward relieving the frustration and dissatisfaction among students today. By itself, this may not bring peace to the campus; but without this, peace will never be assured.

THE SIGNIFICANCE OF FAITH AND PATRIOTISM

Mr. BYRD of Virginia. Mr. President, in these difficult years, it is important for all Americans to be reminded of the significance of faith and patriotism.

One of the most eloquent statements in recent years on this subject was written by Judge Luther W. Youngdahl, of the U.S. District Court for the District of Columbia, who served three terms as Governor of Minnesota before his appointment to the bench. As Governor of Minnesota, he was widely known for his vigorous law-enforcement program, his championship of youth, and leadership in the field of mental health.

Several years ago, Judge Youngdahl wrote an excellent essay entitled, "The Hearth, The Flag, and The Prayer." It was included in his book, "The Ramparts We Watch," a collection of essays on a wide range of subjects.

I ask unanimous consent that Judge Youngdahl's essay be included at this point in the RECORD.

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

THE HEARTH, THE FLAG AND THE PRAYER

Many years ago, Ambassador Harvey to the Court of St. James said, "The real strength of a nation is not in its armies and navies. A schoolhouse at the crossroads is worth more than a dreadnaught by the sea. A church at the hilltop is worth more than a score of regiments. And some day the world will come to realize that there is more power and glory in 'Lead Kindly Light' than in all the fighting anthems of the world." That statement has even greater relevance today than when it was uttered, as we are involved in a great ideological struggle to determine whether we shall remain free.

A contemporary statesman, a member of the U.N., writes: "The world is out of balance. There is too much material power and not enough moral power. That is why men look ahead with fear and a sense of insecurity. No political formula, no atomic development authority, no U.N. charter, can make good the spiritual deficit. Citizens who do not attend to that in their own community, fail in their duty to themselves, their country and their God."

The great issue facing Americans in this space age is how to be strong so we can continue to be free—strong not only economically, politically and militarily, but more especially, morally and spiritually. True, we need to maintain our military strength, an effective political front, and a strong productive capacity, but it is in another area that we have our real opportunity for victory: the moral and spiritual strength of our people.

"I know three things must ever be
To keep a nation strong and free;
One is a hearthstone bright and dear,
With busy, happy loved ones near;
One is a ready heart and hand
To love and serve and keep the land;
One is a worn and beaten way
To where the people go to pray;
As long as these are kept alive,
Nation and people will survive.
God keep them always everywhere—
The hearth, the flag, the place of prayer."

Looking frankly at the record, there is cause for real concern as we realize we are not meeting these prerequisites for a strong and free nation.

How about the integrity of the home? In St. Augustine's book, "The City of God," the significance of the family is emphasized thus: "The human family constitutes the beginning and the essential element of society. Every beginning points to some end of the same nature, and every element to the perfection of the whole of which the element is a part. Thus it becomes evident that peace in society must depend upon peace in the family and the order and harmony of rulers and ruled must directly be actualized from the order and harmony arising out of creative guidance and commensurate response in the family."

It is now axiomatic in American life that the family is a sacred institution. This most sacred human relationship, ordained by God himself, is a vital part of Judaeo-Christian tradition.

It is in the home that the lessons of mutual responsibility and of self-sacrifice are learned.

In the home each individual must be accorded the opportunity to achieve physical and spiritual maturity.

The family is intrinsic to human life and society; it is an institution sanctioned by law, blessed by religion and extolled in its highest achievements by literature and art. It is impossible to exaggerate the calamities that befall a society when the home disintegrates. The cost in terms of heartbreak and human wretchedness cannot be described; the economic cost defies calculation.

Repercussions are felt in added relief loads, increased aid to dependent children and additional costs of law enforcement, including the maintenance of penal institutions. Complications are felt in recreational programs, housing facilities, mental health work—in every area of social welfare. Every other social institution, including our churches and schools, is endangered.

And where the family degenerates, thereby leading to the serious weakening of our social and moral structure, the ground is fertile for communist infiltration from within and communist attack from without.

In my opinion three factors have caused the deterioration in the home:

1. Lack of wholesome discipline.
2. Apathy and indifference on the part of parents in the important job of parenthood.
3. Lack of Christian example.

(1) Wholesome discipline and respect for authority seem to be passé. Many parents fail to realize every child craves the authority of adults. We are denying our children something very valuable when we fail to teach them that there are certain rules which, if violated, bring quick and certain punishment. Too many of our children are sophisticated and spoiled. I believe there is a necessity for the return to some of the old-fashioned discipline to teach our youth the difference between right and wrong.

(2) There is too much apathy and indifference in the discharge of parental responsibility. The job of parenthood is forced to a secondary position by many other activities. I think of Mac, the mechanic, playing ball with his young son after a hard day's work. A neighbor said, "Mac, aren't you all tired out?" "Well, certainly I'm all tired out," said Mac. "Then what on earth are you doing that for?" Mac said, "I would rather have a backache today than a heartache tomorrow!"

Then there was a little fellow who came to his dad one day and said, "Dad, let's build a playhouse out of sticks today, shall we, Dad?" The father replied, "Shucks, sonny, let's wait until we get enough money to build a real playhouse." The next day the little fellow was run over by an automobile on his way to school. In his last dying, gasping breath, he got up in a half-crouched position on the hospital cot and whispered to his dad, "We didn't get that playhouse built, did we, Dad?"

(3) There is an appalling lack of decent example. Christian example is the best guarantee for good citizenship. Greater religious emphasis is needed in the home. A place should be found in every home for the family altar. Someone has said "Be most prayerful of your way with your children; when you are dealing with the children you are dealing with God."

"A careful man I want to be,
A little fellow follows me—
I do not dare to go astray
For fear he'll go the self-same way.

I cannot once escape his eyes,
Whate'er he sees me do he tries—
Like me he say he's going to be—
That little chap who follows me.

He thinks that I am big and fine,
Believes in every word of mine—
The base in me he must not see,
That little chap who follows me.

I must remember as I go
Thru summer's sun and winter's snow
I'm building for the years to be
That little chap who follows me."

Every child craves friendship, recognition and adventure. An essay contest was conducted in one of the schools when the students were asked to write about the greatest American. Some wrote about the Presidents—Washington, Lincoln and others; others wrote about prominent business men, religious leaders, educational leaders, labor leaders; but the boy who won first prize wrote about the man who lived next door.

The man was a new acquaintance, having just moved there two months before, but he was very kind and thoughtful to the boy—called him by his first name, permitted him to assist in washing his car, and indicated a real interest in him. There must have been a vacuum in the home life of that boy, as apparently the friendship accorded him by this new neighbor caused him to consider him the greatest American.

Then, too, every child craves recognition. I recall an incident in the Big Brother Camp which is conducted by Big Brothers on the shores of Lake Mille Lacs each summer to provide a period of free camping for underprivileged boys. A freckle-faced boy at first did not seem to be able to adapt himself to the camp life. He complained about the food, clothing, housing and recreation—nothing suited him. One day, however, one of the counsellors conceived the idea of a freckle-face contest. The boy won first prize; he had more freckles than any boy in camp. From that time on he became the best camper! Apparently for the first time in his life he had received recognition—even the humble recognition of having more freckles than any other boy in camp.

Further, every child craves wholesome adventure. Another incident occurred when I was presiding in the Criminal Division of the Municipal Court in Minneapolis many years ago:

The Gun Squad car was called to the Northeast section of the city. It was during prohibition days. When the detectives arrived upon the scene, they found a half barrel of moonshine whisky in the basement of the home. The father was raving drunk; the mother was in an institution for the mentally ill. Upon further search of the premises they found a 5-year-old boy and a 6-year-old girl huddled together under a piece of burlap gunny sack in a dog house at the rear of the premises. Another boy, eight years of age, his life threatened by his drunken father, had run away, but returned to his home before the detectives left. I had sent the father to the workhouse on several occasions for drunkenness, for liquor in his possession, and other similar offenses. He was past fifty and almost beyond rehabilitation. The mother, as indicated, was in a mental institution.

Assuming this 8-year-old boy would have remained in that environment until he was 18 years of age and then went out on the street to rob someone—the cry would be to put him away for a long period of time, despite the fact the boy never would have had a chance for a normal home life and the opportunity to learn the difference between right and wrong. Society is in "particeps criminis" when it fails to take up the slack in a situation like this when a home breaks down and to provide a substitute type of wholesome activity for these underprivileged youngsters.

Out of the ancient Talmud comes a story of the king who had a dream. He dreamt that he saw Justice standing with a large pair of scales in her hand. On one side of the scales was located silver and gold, land, lumber and buildings. That weighed to the earth. On the other side of the scales was a nest of straw, and that side tipped to the heavens. In his dream the king saw a guardian angel approach the nest of straw and place therein a little child. Gradually that side of the scales weighed to the earth, which proved to the king that the child was the most important thing on earth. Yes, even more important than silver and gold and land and lumber and buildings. How right he was!

The second prerequisite of a strong nation is a more alert and dedicated citizenry. Many complain about the conditions of our society and yet the indifference of these people helps bring about the conditions. They are like the girl who was invited on her first date. She called her pastor to get some advice about it. He said, "If your boy friend places his hand on one shoulder, I'll not worry. If he places his hand on your other shoulder, I'll not worry, but if he places his head on your shoulder, I'll do some conscientious worrying." She had her date and came back to her pastor a couple of weeks later and he asked, "How did you get along?" "Well, Pastor, my boy friend placed his hand on one shoulder and then on the other shoulder and then, Pastor, I decided to place my head on his shoulder and let his own preacher do the worrying about the situation!"

Too often we think of the enforceable obligations of citizenship—serving on the jury, paying taxes, obeying the laws—these are of highest importance. But back of them stand the non-enforceable obligations—life itself, the art of living so that life shall be good and beautiful, and there shall be dignity and reverence for every human personality.

Now, as always, the essential ingredient in effective, vital democracy is but one thing alone—individual willingness to shoulder responsibility for conduct of government. Lose that and we are doomed to crumble and deteriorate from within.

The saving of our way of life from destruction is not a job delegated solely to a group of young men fighting and dying on the field of battle—it is a job for every citizen.

Too many citizens afflicted with the disease of spectatoritis—sitting in the grandstand and knowing just what play ought to be called—finding fault, making scapegoats.

A working man was opening up his sandwiches one day. He came to a peanut butter sandwich and tossed it aside. "Don't they know I don't like peanut butter sandwiches?" said he. The next sandwich was a ham sandwich. He liked ham, so he ate it. The third sandwich was another peanut butter sandwich—he tossed it aside. "Don't they know I don't like peanut butter sandwiches?" An associate workman said, "Are you married, brother?" "Now look here, don't bring my wife into this. I made those sandwiches myself!" This is the situation with many of our citizens who are always finding fault but who haven't accepted their citizenship responsibilities.

People have come to associate odious motives and practices with politics. Politics is the art of making government work. It is the machinery by which society makes its moral decisions. The story is told of the sage and the cynic: the cynic came to the wise old man with his fists closed and asked, "What have I got in my hands?" The wise man responded, "A bird." The cynic then asked, "Is it dead or alive?" thinking surely he would trap the old man, for if the sage responded, "Alive," the cynic would crush the bird to death in his hands, and if he responded, "Dead," the cynic would open his hands and allow the bird to fly away, proving in any event that the wise man was wrong; but the sage responded "Just as you will, my son, just as you will." And so we get just as bad government as we are willing to stand for and just as good government as we are willing to fight for.

The Christian in government must dedicate himself to a program that places human values first. As Christ was most concerned with children and unfortunates, so must the Christian politician see that government invests generously in education, health and general welfare of youth. He must fight for humane care of the mentally ill and other fellow human beings in need of a helping hand. He must set an example of self-discipline and wholesome respect for law and order. He must work to put Christianity into practice by striving to foster and protect the heritage of citizenship for all of every race, creed, color of skin and national origin.

During my first administration as Governor of Minnesota in 1947, I came to appreciate what Christian people can do for good government when they are alerted to their responsibilities. I was fighting for the adoption of the Anti-Slot Machine Act to eliminate eight thousand slot machines and an eight million dollar racket that had existed in Minnesota. It was a rugged battle and we took a lot of abuse. At first the outcome was in doubt, but when the church people finally became aroused, they became real fighting crusaders and we were successful in securing the passage of the Act and the eight thousand slot machines left Minnesota overnight. It indicates that good government can be had if Christian people are willing to fight hard enough for it.

During the days when considerable abuse came my way because I was trying to enforce the laws on the statute books, when there was a discussion at a certain meeting I used to quote an incident concerning prenatal influence: A young man made the statement that he did not believe in prenatal influence. "Why," he said, "when my mother was carrying me, she rushed across the floor with a bunch of phonograph records in her arms and tripped over something, and smash went the records in hundreds of pieces! But," he continued, "it didn't affect me—affect me—affect me!"

The most important prerequisite, however, for a strong and free nation is that there should be a worn and beaten way to where the people go to pray. Congress has passed many important laws in the past few years, but one of the most significant acts, in my opinion, was the unanimous passage of a resolution establishing a meditation room in the Capitol. Without ostentation or blare of trumpet, a room was provided, with no emphasis, of course, upon any creed or faith, where the distinguished legislative leaders of our nation might go to receive guidance and strength from above. This act

demonstrated that our legislative leaders recognized their inability in and of their own strength to resolve the difficult problems which face us. This should give us real comfort in our hour of trial.

Our nation was founded by men of faith. Thomas Jefferson, who wrote in the Declaration of Independence the immortal principles with which we are all so familiar, warned us, "Our liberties are the gift of God. If we do not nourish them, we may lose them." George Washington, who unsheathed his sword and led the Colonial Armies to victory to put these principles into practice, warned from his deathbed, "Beware of the man who attempts to inculcate morality without religion." Benjamin Franklin, who signed the treaty of peace in behalf of the American colonies that guaranteed to them these rights forever, stressed the necessity of prayer and emphasized if this nation did not place its trust in God, it could not endure.

At a very perilous time in our nation's history, Abraham Lincoln, the Great Emancipator, just before Thanksgiving Day in 1863, urged the people to get down on their knees in penitence, asking forgiveness as he said, "We have been the recipients of the choicest bounties of heaven. We have been preserved these many years in peace and prosperity. We have grown in numbers, wealth and power as no other nation has ever grown, but we have forgotten God. We have forgotten the gracious hand which preserved us in peace and multitude and enriched and strengthened us and we have vainly claimed in the deceitfulness of our hearts that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated by unbroken success, we have become too self-sufficient to feel the necessity of religion and preserving grace, too proud to pray to the God that made us. It behooves us then to humble ourselves before the offended power, to confess our national sins and to pray for forgiveness."

Our freedom comes from God and it will be under God that we will continue to be free.

Our free way of life was developed by men and women of deep religious faith. America has always been conscious of the need for religion. The founders of our republic were sincerely and profoundly men who looked to God for guidance.

The western world must do more than build up armament and stockpile raw materials. As necessary as is military defense in this period of history, we delude ourselves if we think our many-billion dollars a year military budget will save us. We must act with every spiritual resource at our command if we are to win this struggle. Millions of people who are now indifferent to God are unconsciously giving aid, comfort and help to the communists. A moral breakdown is fast undermining America. We are being seriously threatened from a collapse from inner decay.

Headlines tell only a part of the story of increase in murders and crimes of violence, juvenile delinquency, sex promiscuity, narcotics, graft, corruption and apathy on the part of most, except evil-doers. Despite encouragement from increased church attendance in recent years, approximately fifty per cent of our people still remain unchurched. Although United States Sunday School enrollments are at an all-time high (well above the 32,000,000 mark) yet 27,000,000 other American children and youth receive little or no church training and of the 1,000,000 children who, each year, get into trouble with the law, the vast majority have no record of regular religious instruction.

As in the public schools, Sunday church schools, in many cases, are overcrowded and handicapped by a lack of teachers. As a Christian nation, we cannot afford to let a single child go without his spiritual heritage. Although our stewardship programs and parish work activities have been stepped up in many of our churches, we are still lagging far behind in the amount we appropriate for such work. We spend a far larger sum for horse race betting and for liquor today than we spend for our church Sunday schools and humanitarian causes.

Our religion and democracy are so strong they can never be conquered by open attack. They can only succumb to indifference and neglect. Arnold Toynbee said, "All civilizations which have been destroyed, have destroyed themselves and that even where a civilization's downfall has apparently come from outside forces, external pressures merely reveal the internal weaknesses which antedated the crisis. The fall of the Roman Empire was due largely to internal corruption and in more modern history we note the corruption and lack of respect for law in the French nation was even more dangerous to the French than the German troops on the other side of the Maginot Line."

A short time ago in Washington, a prominent businessman stated at a public meeting, "Our American way of life—that splendid, tough, permanent revolution inaugurated by our founding fathers—is a dead, flat thing without God for a basis." He further emphasized that the current defense program is not enough. "And up the efforts expended in economic and military aid, and is this the totality that is America?" he asked. He asserted it was not, and that America was something finer, deeper and nobler than economics and the military. "The real America is a religious nation; let's go back to it."

And so,

"I know three things must ever be
To keep a nation strong and free;
One is a hearthstone bright and dear,
With busy, happy loved ones near;
One is a ready heart and hand
To love and serve and keep the land;
One is a worn and beaten way
To where the people go to pray.
As long as these are kept alive,
Nation and people will survive.
God keep them always everywhere—
The hearth, the flag, the place of prayer."

ACCOMPLISHMENTS OF DR. JEROME H. HOLLAND, AMBASSADOR TO SWEDEN

Mr. BYRD of Virginia. Mr. President, I invite the attention of the Senate to the outstanding job being done by Dr. Jerome H. Holland, U.S. Ambassador to Sweden.

When Dr. Holland's nomination came before the Committee on Foreign Relations early this year, it was my privilege to introduce him to the committee. At the time, I said he was likely to bring high achievement to the Office of Ambassador.

Shortly thereafter, Dr. Holland was confirmed by the Senate without opposition. His actions since taking up his duties in Sweden has confirmed my judgment and the judgment of the Senate. From the very outset of his assignment, Ambassador Holland has faced extreme difficulties. Anti-American mobs in Stockholm have protested his presence there and have, on occasion, pelted him with fruit and eggs.

Before becoming our Ambassador to Sweden, Dr. Holland was president of Hampton Institute in Virginia. During his career there, he earned the respect of the academic community and was regarded as one of our outstanding Negro educators.

The demonstrators in Sweden have gone so far as to use racial epithets in their attacks on Dr. Holland. But he has maintained his composure and dignity, and has worked diligently for improvement in relations between the United States and Sweden.

An excellent account of Ambassador Holland's activities appeared in the Washington Post of December 3 in an article by Mr. Don Cook of the Los Angeles Times.

In the Richmond Times-Dispatch of December 7, an editorial tribute to Dr. Holland was published.

I ask unanimous consent that the article by Mr. Cook and the editorial from the Richmond Times-Dispatch be printed in the RECORD.

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

[From the Washington Post, Dec. 3, 1970]

BLACK ENVOY CHANGES U.S. IMAGE IN SWEDEN

(By Don Cook)

STOCKHOLM.—The two most talked-about men in public life in Sweden today, says a top Stockholm political journalist, are Prime Minister Olof Palme and America's black ambassador to Sweden, Jerome H. Holland.

Since plunging into Stockholm's acute anti-American climate last April, Holland has transformed the American embassy from a kind of besieged and lightly defended fort in hostile Indian territory into a lively, energetic and active diplomatic mission which is meeting Swedes and Swedish attitudes head-on. It would be going much too far to say that Holland has succeeded in changing the anti-American problem here, but he has certainly transformed the way in which it was being handled.

He has done so by a direct, meet-the-people approach which has intrigued the Swedes, and won plaudits from Palme on down. The prime minister tells personal visitors that Holland is a great success and speaks enthusiastically of him as being the most active American ambassador in Europe—which is probably true.

In the eight months he has been in Sweden, Holland has made formal official visits to 25 towns, and stopped off at countless other small villages. He has delivered 10 major speeches and addressed more than twice that many informal groups. Receptions at the Ameircan Embassy almost never stop. He has given Swedes something to think about.

He seeks out the young anti-American oppositionists and unfailingly sends word to the groups which continue to demonstrate against him wherever he goes that he will be glad to receive a delegation of their leaders for a personal talk.

Even though the American ambassador still must be closely protected by specially assigned Swedish police, and even though the demonstrations go right on, the number involved in them on each occasion is falling off. They are now heavily outnumbered by Swedes who want to hear Holland.

The fact that Holland is black is a strong asset, but only because he is also an intelligent, open and forceful personality.

When he was driven in a state carriage to present his credentials to King Gustav, the carriage was pelted with fruit and eggs by jeering students shouting "Nigger, nigger," and anti-Vietnam war slogans.

Holland went through the ceremonial with cool dignity, and then told his first meeting with the Swedish press at the U.S. embassy: "You can say what you want about the Vietnam war. That is free speech and I believe in free speech. But when I am called a nigger that is personal insult, and I resent it deeply."

A journalist asked him if he was a pacifist and Holland replied: "Well, I played offensive end on the football team at Cornell University." He was an All-American, also nom-

inated to the National Football Hall of Fame.

The "nigger" attacks against Holland go on in Stockholm, but they are clearly counter-productive for the anti-American hard-core and an embarrassment to thinking Swedes. For example, a book which Holland wrote titled "Black Opportunity," now published in Swedish, was given vicious review in the Stockholm newspaper Dagens Nyheter, in which the white Swedish reviewer wound up denouncing Holland as "a traitor to his race."

So stunned was the editor of the newspaper that he took the unprecedented step of writing a reply to his own reviewer, saying that the review was ill-informed and the comment totally unjustified.

Some Swedes go to great lengths to demonstrate their anti-Americanism. Holland was invited by the rector of the Protestant cathedral in Vasteras, about 60 miles from Stockholm, to speak on "the Negro church as a social force in the United States." About 200 demonstrators turned up, most of them from the nearby University at Uppsala, and there was some trouble with the police. But a crowd of 1,100 packed the church to hear Holland speak.

NOVELIST'S COMPLAINT

Afterward, a Swedish novelist and critic named Lars Gufstanson wrote a letter to the local bishop protesting Holland's appearance on the ground that an ambassador cannot be separated from his official position or the policies of his country. This was, he contended, a politicizing of the church. He asked that the rector of the Vasteras cathedral be dismissed.

This drew an editorial of rebuke from the local newspaper, as well as personal comments of regret and support to Holland.

For almost two years, before Holland arrived, the American embassy was left in the hands of a charge d'affaires as a rebuke to the Swedes for their hostility toward the United States, which went far beyond mere opposition to the Vietnam war. Even official contacts with the Swedish government were reduced to the minimum necessary to handle routine business.

HOLLAND'S CHOICE

When Holland got here he had a choice of conducting business on a strictly official basis, or embarking on a risky public relations operation.

A big, hearty, six-foot-four extrovert who enjoys people, it was natural that Holland would choose the latter course instead of the cautious approach which a career diplomat might have preferred. Although a political appointee, he is in no sense a politician or even a Republican. He is a non-party educator and doctor of sociology (Cornell and the University of Pennsylvania) who resigned as president of Hampton Institute in Virginia to take on the Swedes.

[From the Richmond (Va.) Times-Dispatch, Dec. 7, 1970]

HOLLAND IN SWEDEN

Dr. Jerome H. "Brud" Holland contributed mightily to the development of Hampton Institute during his decade as president of that privately-supported Virginia college. Now, it appears, his many abilities are contributing greatly to improved American-Swedish relations.

Sweden these days is not a milk-and-honey ambassadorial assignment for an American. Its government has been in opposition to U.S. policy in Southeast Asia and the country harbors youthful antiwar dropouts from American society. Upon his arrival in Sweden early this year after being appointed by President Nixon, Ambassador Holland was greeted with shouts of "nigger, nigger" and antiwar slogans, not to mention hurled eggs and fruit, by young lovers of peace and brotherhood.

A lesser man might have been tempted to withdraw into a protective shell because of such asinine treatment, but not Jerome Holland. According to a *Los Angeles Times* dispatch, Dr. Holland in just eight months in Sweden has transformed the American embassy "from a kind of besieged and lightly defended fort in hostile Indian territory into a lively, energetic and active diplomatic mission which is meeting Swedes and Swedish attitudes head-on."

Despite continued demonstrations by boorish brats, Dr. Holland has made formal visits to 25 towns, stopped for people-to-people chats at innumerable villages, delivered 10 major addresses and many talks to informal gatherings, and conducted so many embassy receptions that he seems to be holding one non-stop open house Demonstrators, the reported noted, "are now heavily outnumbered by Swedes who want to hear Holland."

"He has given Swedes something to think about," the dispatch states. Swedish Prime Minister Olof Palme calls Holland "the most active American ambassador in Europe."

But it's not surprising that Dr. Holland, the former Cornell football All-American, has met his problems head-on in Stockholm. For that is exactly the way he met the challenge of improving life for blacks in this country. In his book, *Black Opportunity*, and in his capacity as an educator, Dr. Holland persuasively urged that the problem of unequal opportunity be met head-on with the educational development that would enable the Negro to participate fully in the private economy.

Whether the challenge is building bridges between races, between cultures, or between nations, Dr. Holland's example of hard work and perseverance—as opposed to retreat into paranoia—would seem to be worthy of emulation.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

At 10:03 p.m., the Senate took a recess subject to the call of the Chair.

At 12:36 a.m., December 10, 1970, the Senate reassembled, when called to order by the Acting President pro tempore (Mr. METCALF).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had concurred in the amendments of the Senate to the amendments of the House numbered 4 and 5 to the bill (S. 368) to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes; that the House receded from its amendments numbered 1, 2, and 3 to the bill, and that the House receded from its amendment numbered 6 to the bill and agreed to a further amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the amendment of the House to the bill (S. 3479) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

The message further announced that the House had disagreed to the amendment of the Senate to the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. DINGELL, Mr. ADAMS, Mr. SPRINGER, and Mr. DEVINE were appointed managers on the part of the House at the conference; that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution.

AUTHORIZATION FOR PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS DURING ADJOURNMENT OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions during the adjournment of the Senate until 10 a.m. today, December 10, 1970.

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

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING ADJOURNMENT OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives during the adjournment of the Senate until 10 a.m. today, December 10, 1970.

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

THE TEMPORARY PROHIBITION OF STRIKES OR LOCKOUTS WITH RESPECT TO THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 1413) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings in the CONGRESSIONAL RECORD.)

Mr. YARBOROUGH. Mr. President, I shall report on what the conferees agreed upon. The House adopted the conference report and the papers are expected momentarily.

The conference committee adopted the date of expiration of the joint resolution of March 1, 1971.

The conference committee struck out section 2 of the Senate joint resolution and rewrote it in the following language. There was no section 2 and no comparable language of any kind in the House joint resolution. This is a compromise, so section 2, as rewritten, reads as follows:

SEC. 2. Not later than fifteen days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees; and

(2) any such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate——

That is, if the dispute has not been settled.

That was the language agreed to by the conferees of both Houses, and it has been adopted on a rollcall by the House.

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

Mr. YARBOROUGH. I yield.

Mr. KENNEDY. The provision that was stricken in the conference was the third paragraph of the amendment which was introduced by myself and the distinguished Senator from New York. This was to invite comment by the administration on the consideration of a partial operation. That provision was stricken by the conferees, but the chairman of the House-Senate conferees was asked by the members of the conference to write a letter to the Secretary of Labor and to solicit his views on the possibilities of a partial operation.

Am I correct in that?

Mr. YARBOROUGH. That is correct.

Mr. KENNEDY. Do I understand correctly that the chairman of the House and Senate conferees will do so, so at least we will have the benefit of the thinking of the administration on the question of partial operation?

Mr. YARBOROUGH. That has been received.

Mr. President, I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I hope very much that the Senate will approve this report. It is now some 40 minutes after the workers were supposed to go on strike. I know some statements have been made, which many consider intemperate, about whether or not a law of the United States will be honored, but I know and many of us know a good deal about the railroad workers, and I have deep faith that if this law is signed by the President in the next few minutes, it will be honored, and I hope very much that we will do our part by approving what the conferees have brought back.

Mr. President, the conferees made a very material change in the provision that seemed to be troubling our colleagues in the other body and some of our colleagues, and struck out any reference to the provision which we had written in that the President give us his proposal for partial operation of the railroads; so that is a very substantial change.

Second, Mr. President, I sat and heard and restrained my temper when I heard that what I had done and Senator KENNEDY had done was construed by some as a deliberate effort to embarrass the President. I am very sorry that those words should have been uttered about me or any other Member of this body. I deeply feel that the verdict of history will be that that is not at all the case, because I call the attention of the Senate to the fact that when the President sent to the Senate his proposal for a permanent solution to this problem—and in all seemliness and dignity we should have a permanent solution, and not be caught in this terrible flap so unbefitting the Senate of the United States that keeps us here at this point, when a dispute legal since 12:01 a.m. until now has already probably resulted in a strike—the President himself, as one of the three remedies which he sought, sought the remedy of partial operation in exactly the words that the Senate had adopted.

So, with all respect, I say to my colleagues that I cannot see, if the President—and I know he was—was sincere and convinced about his recommendation, how he could have been embarrassed if we ourselves proposed that he let us know what he thought about it in a given situation.

On the contrary, I should think he would be very gratified that when we were looking for a solution, we turned to the very proposals he had made to us.

But be that as it may, we all understand these things. It is happily over, and I hope very much the Senate will agree to the conference report.

Mr. YARBOROUGH. Mr. President, I think the distinguished Senator from New York and the distinguished Senator from Massachusetts are entitled to this report from me:

We know that in conference this was very bitterly opposed by the House Members. They said it would be turned down in the House, and we would probably have this report turned down tonight, and the Rules Committee called in. We had a very anxious hour and a half or so, Mr. President. However, since then I have been to the House floor, and have talked with various Members of the House. A good many Members of the House of Representatives told me, "We are glad you in the Senate put this provision in the bill, because now that 15 days will give us time to consider what to do, instead of having a 24-hour report such as the original joint resolution would have required."

So I think that is a tribute to the Javits-Kennedy amendment, because some of the very people who were saying, "We cannot agree to it," now think this is a good provision, and the Senate version of that feature has now been approved by the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. COOK. Mr. President, voted in favor of this report on the last vote, but I would like to read into the RECORD a wire service teletype report, which reads as follows:

While the House and Senate were at work on legislation ordering a strike delay, C. L. Dennis, president of the Brotherhood of Railway and Airline Clerks, issued a statement announcing:

"There will be a strike by BRAC."

Dennis said a 13.5 per cent retroactive pay raise proposed for inclusion in the delay legislation was not enough.

"Perhaps it might sound big to a man from Mars, but the men and women who work on the railroads know that such an increase is not enough to give them wage parity with other branches of transportation," Dennis said.

He said later on, as indicated in a wire service report out here, that what he wanted was 38 percent, which means, Mr. President, that he wanted us arbitrarily to determine this entire matter for the railroad industry; and, having voted reluctantly in favor of it last time, I announce that I will not vote in favor of it this time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. YARBOROUGH. Mr. President, before the clerk calls the roll, I do not know what Mr. Dennis says now, or his union. I have been unable to reach them. But I have talked with representatives of the others, and they have assured me that they will—a number of the other unions—get their men back on the job as soon as possible, and they have also pointed out to me that the time now on the Pacific coast would be about 9:46, so that would mean they would not have gone out on the Pacific coast yet.

So lots of those trains are still rolling, and I know some of those unions will respect this order of the Senate, and I predict all of them will by tomorrow night.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report. 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. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode

Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Mississippi (Mr. STENNIS), the Senator from Georgia (Mr. TALMADGE), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), and the Senator from New York (Mr. GOODELL) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

I also announce that the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from North Dakota (Mr. YOUNG) and the Senator from Idaho (Mr. JORDAN) are necessarily absent.

If present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from South Dakota (Mr. MUNDT), and the Senator from California (Mr. MURPHY) would each vote "nay."

The result was announced—yeas 38, nays 23, as follows:

[No. 423 Leg.]

YEAS—38

Baker	Griffin	Prouty
Boggs	Hart	Proxmire
Brooke	Holland	Randolph
Burdick	Hruska	Schweiker
Byrd, W. Va.	Jackson	Scott
Cannon	Javits	Smith
Case	Jordan, N.C.	Spong
Church	Kennedy	Stevens
Cooper	Mathias	Stevenson
Cranston	McGee	Tydings
Curtis	Montoya	Williams, N.J.
Eagleton	Pastore	Yarborough
Fong	Pearson	

NAYS—23

Allen	Hansen	Metcalf
Bellmon	Hartke	Miller
Byrd, Va.	Hollings	Packwood
Cook	Hughes	Saxbe
Cotton	Inouye	Thurmond
Dole	Magnuson	Tower
Fannin	Mansfield	Williams, Del.
Gurney	McClellan	

NOT VOTING—39

Aiken	Goodell	Murphy
Allott	Gore	Muskie
Anderson	Gravel	Nelson
Bayh	Harris	Pell
Bennett	Hatfield	Percy
Bible	Jordan, Idaho	Ribicoff
Dodd	Long	Russell
Dominick	McCarthy	Sparkman
Eastland	McGovern	Stennis
Ellender	McIntyre	Symington
Ervin	Mondale	Talmadge
Fulbright	Moss	Young, N. Dak.
Goldwater	Mundt	Young, Ohio

So the report was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, there will be no further business on the part of the Senate this morning but the Senate will stay in session because it is anticipated that the Speaker's signature will be attached to the legislation, and then it will be here about 10 minutes after 1 o'clock, at which time the distinguished Acting President pro tempore will sign the resolution and it will be immediately dispatched to the President.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I understand that this morning at 10 a.m. there will be two special orders which will consume perhaps an hour and a half——

Mr. MANSFIELD. Three—an hour and a half in total time.

Mr. SCOTT. Three; yes. So that Senators may wish to know that they will have this opportunity to hear their colleagues from 10 a.m. to 11:30 today. [Laughter.]

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

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

(At 1 o'clock a.m., the Senate took a recess subject to the call of the Chair.)

At 1:01 a.m., the Senate reassembled, when called to order by the Acting President pro tempore (Mr. METCALF).

ADJOURNMENT UNTIL 10 A.M. TODAY, DECEMBER 10, 1970

Mr. BYRD of West Virginia. Mr. President——

Mr. KENNEDY. Mr. President, I move that the Senate stand in adjournment, in accordance with the previous order.

The motion was agreed to, and (at 1 o'clock and 2 minutes a.m.) the Senate adjourned until 10 a.m. today.

NOMINATIONS

Executive nominations received by the Senate December 9, 1970:

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Harry Herndon Critz, [redacted], Army of the United States (major general, U.S. Army).

CONFIRMATIONS

Executive nominations confirmed by the Senate December 9, 1970:

DIPLOMATIC AND FOREIGN SERVICE

Ambassadors

Robert O. Blake, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

John A. McKesson III, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabon Republic.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. William Charles Gribble, Jr., [redacted], U.S. Army.

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in grades as follows:

To be general

Lt. Gen. Henry Augustine Miley, Jr., [redacted] Army of the United States (major general, U.S. Army).

To be lieutenant general

Maj. Gen. Woodrow Wilson Vaughan, [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Robert Ray Williams, [redacted] U.S. Army.

IN THE MARINE CORPS

Maj. Gen. Hugh M. Elwood and Maj. Gen. Donn J. Robertson, U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

Lt. Gen. Keith B. McCutcheon, U.S. Marine Corps, for appointment to the grade of general while serving as Assistant Commandant of the Marine Corps.

Gen. Lewis W. Walt, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of general.

Lt. Gen. William J. Van Ryzin, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, United States Code, section 5233.

IN THE ARMY

The nominations beginning Edward A. Fedok, to be first lieutenant, and ending Darrell V. Winkler, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 17, 1970.

HOUSE OF REPRESENTATIVES—*Wednesday, December 9, 1970*

The House met at 12 o'clock noon.

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

Come, let us go up to the mountain of the Lord, that He may teach us His ways and that we may walk in His paths—Isaiah 2: 3.

Our Father, God, who hast called us to take time for prayer, help us so to pray that we may be conscious of Thy presence as we face the tasks of this day and every day. May these daily moments of quiet meditation keep alive within us the higher virtues and the happier values